

Maine Town & City

The magazine of the Maine Municipal Association

October 2019

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Down by the River



People in and around Waldoboro say the effort to clean up the Medomak River clam flat is an example of local collaboration at its best.

MMA President Mary Sabins reflects on 2019 and finds that outreach efforts in Washington, D.C. and Augusta were highlights [Page 5](#)

The Town of Cumberland doesn't just put out the 'welcome sign' for new residents. It really welcomes them. [Page 27](#)

ABOUT THE COVER: This photo was submitted by Tina Radel, Westbrook's marketing and communications manager. It is used with permission.

Ice, Ice Baby

Maybe you read about the spinning ice disk in Westbrook last winter. Guess what? It helped businesses, and locals wouldn't mind a repeat.

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How Secure Are We?

The issue of election security has been so prominent nationally and globally in recent years. How confident are our local election overseers? [Page 7](#)

How Prepared Are We?

A recent federal report found that despite all the coverage of recent hurricanes, floods and fires, most Americans aren't ready for an emergency. [Page 21](#)

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A MESSAGE FROM MMA

BY MARY SABINS / MMA PRESIDENT

As MMA President, here's my year-end report

As the calendar year winds down, so does my time as your President of the Maine Municipal Association. It has been my privilege and honor to have been chosen by the municipalities to represent them during 2019. Together with other Executive Committee Members and MMA staff, we have met milestones and made many accomplishments.

Each year in March, the MMA President is charged with leading a group of 20 to 25 municipal leaders from Maine to Washington, D.C. to the National League of Cities' Congressional City Conference, where we also meet with the four individual members of Maine's Congressional Delegation. Prior to our arrival in D.C., MMA's Director of State & Federal Relations and her staff prepares the Federal Issues Paper, the purpose of which is to highlight federal issues that are of concern to Maine municipal officials and to reflect the policy positions adopted by the MMA Executive Committee.

This year's paper contained commentary on the topics of: federal programs at work in Maine such as transportation funding; the need for broadband expansion; CDBG funding; and, Li-Heap programs. Also discussed were the topics of federal pre-emption, Clean Water mandates, and proposed FCC rules governing cable TV franchise agreements and small cell antenna. During each of the meetings this year, several municipal leaders volunteered and took turns sharing well-prepared testimonials of their municipalities' experience on the topics in the paper. Throughout "Capitol Hill Day," our group traveled from one delegate's office to another. Our Maine representatives welcomed us with open minds and thoughtful attentiveness. We felt good about our visits, and we deemed the day successful. I wish to extend my heartfelt thanks to those Maine municipal leaders in our group who were so willing to prepare their statements and share testimonials to the delegates on behalf of the Mainers back home. Job well done!

In mid-April of this year, the Executive Committee and MMA staff met as a group with Maine's new Governor, Janet Mills, in her office to discuss the reformation of the Governor's Municipal Advisory Council, as well as other pressing issues such as the restoration of Municipal Revenue Sharing. The Advisory Council is proposed to meet with the Governor a few times a year to talk about the needs of municipalities and how we can work together in a partnership to help Maine grow and prosper. Our MMA group was pleased to be warmly received by the Governor and her staff,

and we look forward to future positive planning meetings with her.

This past Legislative session, MMA Executive Director Steve Gove, MMA State & Federal Relations Director Kate Dufour, MMA Vice President Christine Landes, and I all met as a group with Legislative leaders from both political parties, in both the House and Senate, in four separate meetings to exchange information and to present our requests for their support for restoration of Municipal Revenue Sharing, increasing the homestead exemption reimbursement to cover the loss of property taxes, broadband expansion, and jail funding. Our visits were well received. Each legislator was fully engaged in our conversations. As the session progressed, and as needed, MMA staff put the call out to municipal leaders across the state and asked them to speak with their local legislators about these pertinent matters, and issues most important to their communities. Municipal leaders from large cities to small towns stepped up when their voices were needed and made an important difference in the session outcome. MMA staff and I are thankful that the biggest success of the Legislative session for our municipal members came in the form of meaningful and much needed property tax relief, with approved revenue sharing increases for municipalities built into the state's budget this year and next, plus increases in the homestead exemption reimbursement planned for next year.

As my term as President of the Association ends and a new opportunity arises for my successor, Christine Landes, as the incoming President, let me share that I have very much enjoyed my time in office and I am thankful for the chance to serve. It has afforded me the opportunity to grow my leadership skills, and venture outside my comfort zone from time to time. I have also learned a lot about the functions of the state Legislature.

Every town official plays a role to the extent they are willing and able to serve. If you are a town manager or elected official and wonder what you could do to give back to MMA for all the great service you have received over the years, when your town receives the annual request each spring from MMA for submission of names of those interested in serving on the Executive Committee, please consider throwing your hat in the ring! Your ideas and contributions while serving on the committee will enhance the invaluable services that this association offers and maybe you, too, will have the pleasure of serving as MMA president in the future. ■

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Election officials feel confident, calm about voting security

In Maine, paper ballots back up every vote that is cast. That's reassuring in the event of an election hack, or if there is a power outage or a need to recount.

By Betty Adams

Thanks to the work of municipal office staffs and the Secretary of State's office, security around elections in Maine is as good as it can get. That is the consensus of a number of clerks, deputy clerks and registrars of voters around the state.

They are confident that measures put into place by the Secretary of State's office and their individual municipal offices will keep voters, ballots and staff safe and secure.

"We're always working on security," said Secretary of State Matthew Dunlap, during an interview in early August.

Both state and local officials ground much of their faith in security in Maine's paper ballot system because even though machines might count the votes, there's always a paper trail.

"Maine is very different from the rest of the country," said Kathy Montejo, city clerk in Lewiston for the past two decades. Montejo has spent a total of 27 years working with elections – including seven as municipal clerk in Bath and Woolwich.

While Maine uses vote-counting machines identical to those in other states and those machines are capable of transmitting data over the internet, that feature is not used. Maine does not send data from polling places electronically. "We do not do that in Maine," Montejo said. "No town in Maine is authorized to do that."

Other states have more concerns about tampering, and she recognizes that Mainers might worry. "Whatever people hear on the 6 or 6:30 news

about possible interference, it really isn't applicable to Maine," Montejo said. "None of the voting machines are connected to the internet. All voting is done on paper ballots."

Best practices

In October 2018, Dunlap posted an "Election Security Talking Points" video on the Secretary of State's website, saying among other things, "The State of Maine has many best practices in place to secure your vote. First off, we use paper ballots in Maine – old school technology that can't be hacked. We do not use 'voting machines' that have no paper trail."

Dunlap said recently the basic premise contained in that message is still true, and that the balloting process is safe, particularly with way the Maine system is structured. He also said there was no evidence of any attempt to hack into Maine's voter registration systems.

Dunlap was a member of the Presidential Advisory Commission on Election Integrity from May 2017 until its disbanding by President Donald Trump in January 2018. Dunlap successfully sued to obtain commission records and gave his conclusions in an August 2018 letter to Vice President Michael Pence, who served as commission chairman. Dunlap wrote, "(N)either through my work, nor my time on the Commission have I ever seen substantial evidence of voter fraud." The full letter

is available on the Secretary of State's website.

That was confirmed on the federal level in a July 2019, bipartisan report issued by the U.S. Senate Select Committee on Intelligence, regarding Russian attempts to influence the outcome of the 2016 election. A joint press release about that from Maine's U.S. Sens. Susan Collins and Angus King Jr., both of whom serve on that committee, said: "The Committee found the (Russian interference) activity directed at the state and local level began in at least 2014 and carried into at least 2017. The Committee has seen no evidence that any votes

were changed or that any voting machines were manipulated."

Dunlap said Maine's risk – as determined by a Homeland Security assessment – is confined to a possible targeted attack on Maine's central voter system where every municipality keys in data. The central statewide voter registration list was developed under the Help America Vote Act. Dunlap said for Maine, it meant that "503 separate voter lists were

made into one." However, he said the state is working on developing a better firewall for protection there and that in the worst case scenario, everyone could be reregistered on Election Day. He also said municipal clerks back up the voters' list every day.

"There's not much there to hack; that's my point," Dunlap said. "We could still have an election and their



Jayne Farrin

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

votes would still be counted.”

Concerns about vote-recording or results can be resolved through recount procedures.

“At this point, we always have the paper ballot,” Montejo said. “That is

also great backup should the polling site experience a power outage.” She also noted, “Some people love the old-fashioned method.” While Montejo is convinced the ballots are secure from tampering, she and other clerks re-

ferred to various security precautions for polling sites, something advocated by the Secretary of State’s office.

Dunlap recalled a November 2008 incident in Bangor where a fire alarm went off, closing the polls for an hour. “Election clerks wouldn’t leave,” Dunlap said. “They said they wouldn’t leave the stuff unattended.” Dunlap has heard of clerks moving the voting to the parking lot to continue operations in the event of a power outage.

Ready for contingencies

“They’re very innovative, our clerks. We tell them to be prepared. We don’t so much talk about acts of terror or weather emergencies, but say be prepared for any contingency, and they all really do a good job,” he said.

Lewiston’s Montejo said, “We do have police presence for polls at schools while students are present.” That gives extra security and extra protection in the schools which are among the city’s four polling locations. “There are a lot of adults going through there who are not known to the staff,” she said. “Noncustodial par-



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ents might slip in under the guise of being a voter.”

She also pointed out that some petition-gatherers can be seeking voter signatures on what she termed “lightning bolt topics.”

“There can be spirited discussions which can be uncomfortable for adult voters and students,” she said. “The police have had to intervene with regard to petition-gatherers.”

Montejo said the topics can create anger which can create a security concern as well as upset some older voters who expect to cast their ballots in a relatively quiet atmosphere. The candidates themselves have proven to be well-behaved. “Most candidates mind their p’s and q’s,” she said.

Montejo is chair of the legislative policy committee of the Maine Town and City Clerks’ Association, which does advocacy at the Legislature. Also on the Legislative Policy Committee is Susan Skidgell, who serves as deputy clerk for a trio of Aroostook towns, Castle Hill, Chapman and Mapleton, which lay between Ashland and Presque Isle. While each town has a board of selectmen, an interlocal agreement allows a shared staff with offices in Mapleton, which has the largest population (1,915).

Each town has its own polling place: the Castle Hill Grange Hall, the Chapman Ridge Runners Snowmobile Club and the Mapleton Fire Station. (Castle Hill also serves as the polling place for T11-R4.) Skidgell says a warden and ballot clerks are at each of those polling stations. “I stay mostly in

Mapleton but there’s other staff here that can go to the as needed,” she said. Each of the polling places brings the results back to the town office where all ballots, including unused ones, are documented and secured.

Skidgell says she has few security concerns regarding the polls. “We’re pretty fortunate. I go to the polls just like I go to work. I don’t have any extra heartbeats going on.”

She also said sheriff’s deputies and state police who live in the town are among the voters.

“Sometimes I’m here ‘til 2 in the morning, I don’t have any

fears here. Here in our little town I’ve never felt that I’ve had to call 911.”

She said emergency plans for staff include locking themselves in another room at the polling sites. Skidgell, who has worked elections for the past 15 years, said the atmosphere at the polls themselves can mimic a family reunion. She said it’s an opportunity for chats with neighbors and a glimpse of the new babies and sometimes new puppies. “A Democrat and Republican will be standing side by side and they’re chatting about grandbabies,” Skidgell said.

Invaluable training

Skidgell said she and other regis-

trars of voters in Aroostook County are particularly grateful to the Secretary of State’s Offices for sending people up north to provide the biennial training required under the law. Training has been provided by Deputy Secretary of State Julie Flynn and Waterville City Clerk Patti Dubois.

“In the recent past they’ve come up every two years so we can fulfill our training requirements on a minimal budget,” Skidgell said. “Without them, it would be very expensive.” She cited costs of traveling to Augusta and spending a night in a hotel.

Secretary of State Dunlap said that outreach will continue. “Maine’s a big state,” he said. “Aroostook and Washington county clerks sometimes work part-time two days a week out of their kitchen, and there’s no money in the budget to send them to a two-day conference.”

“The core premise of what we work with is that the towns run the election,” Dunlap said. The municipal clerks recognize that as well. “It’s the most important thing I do in my job: running the elections,” said Caribou’s Jayne Farrin in a phone interview in early August.

Voter registration itself was made easier with the Motor Voter Act, which asks people if they want to register to vote when they apply for a driver’s license. Dunlap said that makes registration more secure and more accurate, and said that view is held by

a number of other secretaries of state, whether Democrats or Republicans.

Jayne Farrin, who serves as Caribou’s city clerk, registrar of voters and election warden, said, “I am very comfortable that the Maine Secretary of State’s office is implementing all necessary precautions to secure our voting process including registration and results. Our machines are not connected to the internet and are freestanding. We have paper ballots to back up results.” Caribou also runs Connor Township’s elections (299 registered voters) under a contract with Aroostook County.

She’s been involved with elections



Susan Skidgell



Lisa Gillam

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for over 13 years, and local government for longer than that, having started as town manager in Exeter in the 1980s and also serving as town manager of Van Buren 1991-93. She has not seen any evidence of outside interference in either Caribou or Connor's elections. Farrin was Deputy City

Clerk/Deputy Registrar of Voters/Deputy Warden at the polls from February 2007 to April 2010 and then became City Clerk/Registrar of Voters/Warden at the polls.

She said she discusses poll security during election worker training. In Caribou, for instance, Farrin said

the policy is "See something, Say something," and recalls when an election worker reported an unattended backpack during the November 2016 election. "I remember exactly where it was in the gym," she said. "I investigated – it's not like I was touching it." The owner was later located.

She has no concerns regarding the security and integrity of the election. "I trust the Secretary of State is doing everything possible." Farrin said she always carries her cell phone and the number for the Caribou Police Department is programmed in.

Lisa Gilliam, Winslow's town clerk and registrar of voters, concurred with her fellow clerks.

"Regulations that have been set up by the secretary of state's office keep things very secure and very safe." Gilliam also says the voter check-in process where the individual's name and address are verified and checked off in the list of voters provides additional security. "Chances of any sort of voter fraud are very rare," Gilliam said. "There's a lot of cross-referencing I feel that keeps everything very secure that day.

However, lately she's seen more skepticism of elections themselves.

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“The atmosphere is a little different than it was 10 years ago,” Gilliam said, adding that some people question why clerks don’t ask for photo ID at the incoming table on Election Day.

“One person put her driver’s license in the face of one of our clerks,” Gilliam said, recalling an incident from the 2016 presidential election when she was city clerk in Gardiner. Gilliam said that action startled the clerk, who “kept her cool” and simply handed the voter a ballot. Skidgell, in Mapleton, said occasionally voters present a photo ID to election personnel. “We just say, ‘Thank you’ and give it right back. Sometimes it helps us to make sure we have the name spelled all right. Folks are used to showing ID in other places.”

Up next month

Secretary of State Dunlap anticipates “a pretty simple” statewide election in November. There are just the two statewide questions: authorization for a constitutional amendment allowing people with disabilities to use alternate means to sign petitions and a \$105 million transportation bond

issue. He notes the state also is preparing for a presidential primary in March – a departure from the party caucus system – as well as the June primary.

Lewiston Clerk Montejo expects a busy voting day Nov. 5 in the state’s second-largest city, where all 16 municipal positions are up for election.

“We could easily have 25 candidates on the ballot,” Montejo said. According to May 1, 2019 data available on the Maine Secretary of State’s website, the City of Lewiston has 27,071 registered and enrolled voters.

“We hire 150 citizens for election day who will staff the polling places for their fellow residents,” said Montejo, adding that city personnel work with wardens and ward clerks on “how to defuse” such problems as upset or agitated voters. “It’s basically security for the voters and security and integrity for the process as a whole and security for the cast ballots,” she said.

In the three Aroostook County towns where Skidgell is deputy clerk,

she expects a light turnout in November, when Chapman and part of Mapleton will have a school board election. “But I don’t expect that to make a big difference.”

Winslow’s clerk Gilliam anticipates a “more routine and more low key” election in November. “We like those elections,” she said. Winslow has 5,756 active and enrolled voters.

Farrin, city clerk in Caribou and another plantation, has four local posts on the ballot in November. State statistics show 5,556 active voters in Caribou. While Farrin anticipates a relatively quiet election cycle this time, she knows that 2020 will be much more demanding.

“The most important thing I learned from the November 2018 Election is that I do not want to run the November 2020 election,” Farrin emphasized in an email. She plans to hand over the reins after the June 2020 primary and retire at the end of July 2020. ■



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United front restoring clam flats at Waldoboro's Medomak River

Heavy rains still can trigger closures, but less extensive than before. Clammers, the town, University of Maine and state all work together on the issue.

By Susan Cover

Twenty years ago, Waldoboro clammer Abden Simmons was concerned and frustrated that his livelihood was in jeopardy because of a polluted Medomak River.

He worried about the apparent lack of action by government officials to address the pollution that led to frequent closures of the harvesting areas, so he joined the Waldoboro Shellfish Committee.

"There was no future in it," said Simmons, the Shellfish Committee chairman who now also serves on the Waldoboro Select Board. "There was nothing being done to help preserve it so it could continue on."

A few years later, Simmons convinced fellow clammer Glen Melvin – who had been fighting with state officials over shellfish harvesting area closures – to join the committee and work with town officials, so they could present a united front. At that time, one inch of rain could trigger a 14-day closure of the shellfish harvesting areas.

"He told me if you get on here we can be stronger and smarter," said Melvin, who is vice-chairman of the Shellfish Committee.

The way Melvin remembers it, he and other clam diggers were bantering



Julie Keizer

on the dock one day in the fall of 2012 when someone asked whether in five years, they would even be able to harvest clams out of the river, Melvin recalled during a 2018 presentation at the Maine Fishermen's Forum.

"We were concerned this could be the grand finale of clamming," he said in a video now available on YouTube.

Simmons, Melvin and other members of

the committee set out to work with three state departments, town officials and eventually the University of Maine to address the pollution in their river, protect their livelihoods and maintain a major Maine seafood industry. It's a story of success for the U.S. Route 1 town that has historically been at or near the top of the list of softshell clam harvests in the state.

In the last three years, Waldoboro has hauled in clams worth \$2.1 million in 2016, \$1.6 million in 2017 and an estimated \$815,325 in 2018, according to the Maine Department of Marine Resources. About 150 Waldoboro families rely on income from the industry. Because of the work they've done, the river is the cleanest it's been in 25 years and one inch of rain now triggers a nine-day closure instead of one that lasts 14 days, Simmons said.

Smoke bombs, pollution dogs

In describing how the changes came about, Town Manager Julie Keizer

said the level of cooperation among local and state officials is "one of the most unique partnerships that exist."

Simmons said the town and state formed the Medomak Task Force with the Medomak Valley Land Trust, state Department of Marine Resources, Department of Environmental Protection and Department of Agriculture (now the Department of Agriculture, Conservation and Forestry) to give local officials the power to get help when they needed it. For example, when a farm was found to be contributing to the pollution, the Department of Agriculture wrote up a best management practices plan to improve the situation, he said.

With 40 or so streams leading into the river, he and others collected samples and walked up streams to figure out pollution sources, he said.

ABOUT THIS SERIES

Through December, 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

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

"We smoke bombed the sewer system," Keizer said. "We brought in dogs to figure out what type of fecal matter was coming into the river."

At one spot in the river, Keizer said they kept getting "a hot sample" that would go away in the winter. They wondered about beavers and seagulls. They have a hunch it's the hundreds of pigeons that congregate under a Route 1 bridge in the summer – and they plan to do some testing in the near future to find out for sure.

One other source? Dog waste at the town landings, which led the town to make the controversial decision to ban dog walking there to help keep the river clean.

Once the initial work had been done, the Shellfish Committee spent two years creating a watershed-based plan. Working with the Coastal Rivers Association, Keizer and others have been trained to collect water samples and test them at a lab in Damariscotta.

"Our clambers are amazing people," she said. "Our Shellfish Committee is phenomenal. They take the environment very seriously, that's their livelihood. We have 147 families that depend on the river."

In his presentation at the Fishermen's Forum, Melvin said they found 30-40 small problems with sewer systems that were contributing to the pollution in the river. He expected to find a big "smoking gun" – a large

pipe draining into the river – but they didn't find anything that dramatic.

They teamed up with a DNA testing lab in New Hampshire that could tell them whether the problems continued to come from dogs, birds or humans. With the help of Maine Department of Environmental Protection Environmental Specialist Philip Garwood, they worked nights and weekends to collect samples.

Garwood worked closely with the task force for more than four years, crediting their success to the number of organizations, experts and volunteers who stepped up to help. He described the improvements to date as "hard won," saying they just had to keep working to track down any possible source that was contributing to the bacteria that would lead to closures of the harvesting areas.

In addition to closing the town landings to dogs, the town also stopped dumping snow there, another effort to keep trash out of the river, he said.

"We had success," Garwood said. "We didn't reach our real goal, which was to eliminate rainfall closures but we got half of it open and the rest of it is real close."

Garwood said funding can be a challenge for these types of efforts. The local land trust helped find grant money to cover some of the costs and the town's Shellfish Committee paid for other parts of the testing. He said

in other towns, it would be helpful to find a local business willing to support some of what he called the "advanced techniques" needed to figure out the sources of pollution.

"The biggest thing is if you can get a multi-faceted group put together," he said. "Having the town as an active partner is critical."

Help from science

In late August, Keizer said a local clam harvester took a University of Maine at Orono researcher into the Medomak so she could deploy probes to study the currents in the river. Then in early September, supported by funds from the Maine Shellfish Restoration and Resilience Project, local clambers relocated baby clams from one part of the river to another as part of an overall plan to sustain the fishery, she said.

"Our approach is to move seed from restricted/prohibited areas and/or conditional or flood closure areas to areas open to digging," she wrote in an email following the September seeding effort.

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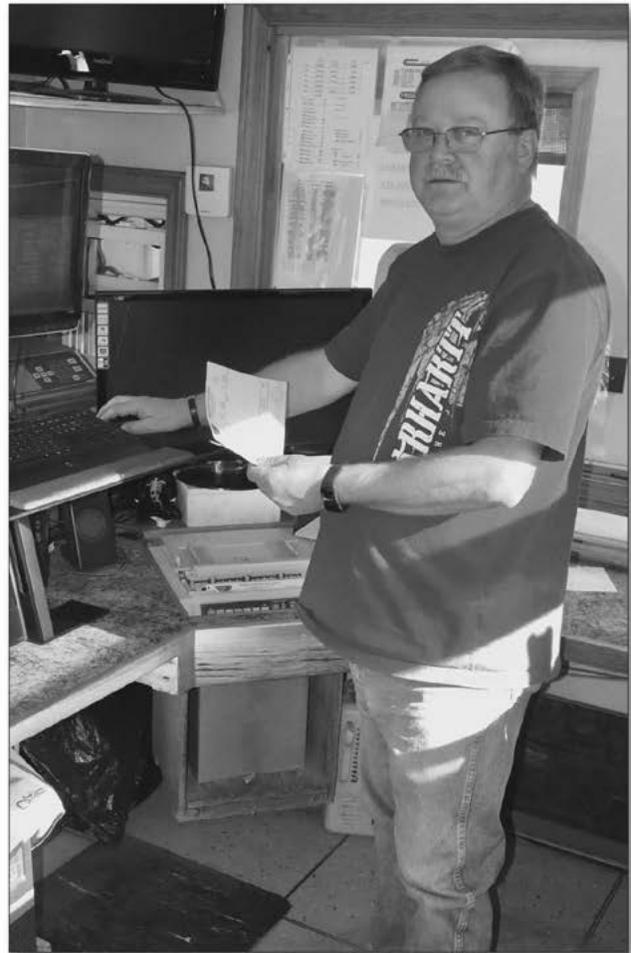
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money will help pay Waldoboro shellfish harvesters to move 40-60 bushels of clam seed per year. A researcher from the University of Maine, Gabrielle Hillyer, will track the growth of the seeds to help gather information that may be used by other coastal communities, according to Keizer.

“We believe that sustainability needs to be our major concern in the coming years,” Keizer wrote. “If we can find a scientifically proven way to better determine where and when to seed clams, all clambers in the state can benefit from this knowledge.”

A related study by the University of Maine is ongoing and will help to

determine how the water flows in the Medomak during wet and dry seasons, according to Lauren Ross, assistant professor of civil and environmental engineering at the University of Maine at Orono.

Underlying processes

“This will allow us to get a better idea of how the transport of polluted material changes with differing river flow conditions,” she wrote via email.

The study, which will continue into next year, should help to explain how what Ross called “physical processes” such as tides, channel shape, wind and salinity, are impacting areas that

continue to face problems with pollution.

“We are hoping to shed light on the physical processes that could be making the pollution problem worse in the prohibited and conditional areas of the Medomak, which could help them in their fight to keep the river clean,” Ross wrote.

The work of the Shellfish Committee is supported by the license fees paid by the clam diggers, Keizer said, noting that taxpayer money has not been used to pay for these projects. But everyone benefits from a clean river, including boaters and kayakers who enjoy the 40-mile long river that begins in Liberty and empties into Muscongus Bay in Bremen. The largest portion of the watershed – about 48 acres – is in Waldoboro.

Keizer, a New Jersey native who’s been town manager in Waldoboro for a little over two years, said her grandfather was a clam digger in New Jersey in the 1970s. Coming to Maine and working in a coastal community – population 5,000 – has been the opportunity of a lifetime, she said.

“I love the diversity of this community,” she said. “I feel like my work here, this will be the most important work of my life.” ■

An advertisement for CES INC. On the left is a stylized map of the state of Maine with several grey arrows pointing in various directions across the state. On the right is the company logo, which consists of the letters 'CES' in a large, bold, serif font, followed by 'INC' in a smaller, bold, sans-serif font. Above 'INC' are three stacked, diamond-shaped symbols. Below the logo is the tagline 'Engineers ♦ Environmental Scientists ♦ Surveyors'. At the bottom right, there is contact information: 'cesincusa.com' and '207.989.4824', along with social media icons for Twitter, LinkedIn, and Facebook, with the text 'Find us on' above them.

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The Municipal RISK MANAGER

FALL 2019

A Publication of the Maine Municipal Association

MMA Risk Management Services Hosts Police Driver Training Program

MMA Risk Management Services was honored to partner with Scot Mattox (presenter) and members of our Law Enforcement community, to organize this course designed to educate participants on vehicle operation liability and legal concerns for law enforcement. Vehicle operations is one of the most dangerous activities that officers routinely perform. MMA claims data has revealed that motor vehicle accidents account for 74% of all Law Enforcement claims and that over the past ten (10) years, motor vehicle accidents in Law Enforcement has resulted in 128 injuries and over \$4,779,000 in damages.

Therefore, in an effort to help our statewide Law Enforcement members, this program was designed to assist them in performing their duties in a manner that keeps them safe while avoiding potential liabilities. The class provided tools to help officers control

exposures and understand potential dangers. The topics covered included:

- Safety, liability awareness, and legal concerns during routine patrol, emergency operation, and pursuits.
- Officer safety, liability awareness and legal concerns for checkpoints and roadblocks.
- National and State statistics on vehicle operation in law enforcement.
- Relevant national and state case law including: Norton v. Hall.
- Ministerial Activities v. Discretionary Functions and the Maine Tort Claims Act M.R.S. 14 Chapter 741.
- Understanding M.R.S. 17-A 203; 29-A 2054; and 25 Sec. 2806 as they relate to vehicle liability.
- Maine Chief's Model Policy on: Routine and Emergency Vehicle Operation, Roadblocks, and Pursuits.



MMA Risk Management Services is committed to providing members of the Workers' Compensation Fund and/or Property & Casualty Pool the highest quality educational experience and we wish to thank those members of the First Responders Community for their dedication and unwavering service. 🏠

New Active Shooter Coverage

In light of recent events, effective July 1, 2019, the Executive Board of the RMS Property & Casualty Pool approved the purchase of Active Shooter and Malicious Attack Property & Liability coverage. The coverage is available exclusively to members of the Property & Casualty Pool at no additional cost.

This policy is separate from the Pool coverage but only available to members of the Property & Casualty Pool. The policy has coverage enhancements that include additional security measures, counseling, public relations, and miscellaneous crisis management expenses. We appreciate that the

board felt strongly that this coverage was an important enhancement to Pool membership.

The coverage has a policy limit of \$5,000,000 Per Occurrence with an Aggregate of \$5,000,000. The program is shared by all members of the MMA Property & Casualty Pool and has an individual deductible of \$50,000 which is the responsibility of the member filing the claim.

MMA Risk Management Services hopes that we will never utilize this coverage, but we feel that we have a duty to help our members and fellow Mainers. 🏠



The Municipal Risk Manager

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

Publisher: Risk Management Services

Editor: Marcus Ballou

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1-800-590-5583 or (207) 626-5583

Don't Slip Up-Prepare for Winter

With the beauty of the winter season we also are rewarded with icy conditions, snow packed roads, and freezing temperatures. During the winter months it sometimes seems that employers can't catch a break. But with some forethought, planning, and by taking some extra precautions we can prevent workers' compensation claims from occurring.

Slips, trips and falls

When your employees walk to and from their cars in icy conditions or are constantly on the go for your entity; slips, trips, and falls are inevitable. For surer footing we recommend that you keep sidewalks clear and coat sidewalks with salt immediately after a storm to reduce unwanted spills, slips, trips, and falls. You may also wish to designate an entrance that will always be first to be maintained so that your employees can rest assured that they

have a safe entrance to and from work.

Next, encourage your employees to walk slowly and take small steps to allow themselves to react quickly to a change in traction. It's also recommended that you remind employees to wear proper footwear to navigate the snow and ice safely.

If your employees are in and out of vehicles all day, be sure they use proper precautions such as stepladders and grips. After a hard day's work, your employees will thank you for saving them a slip on their way out the door.

Accidents on the road

While we cannot control roadway conditions, we can promote safe driving behavior by ensuring that our workers are properly trained for hazardous weather conditions. Remember, simple considerations go a long way, especially in dreadful winter weather.

The last thing your employees need is to be stranded in the middle of a snow storm. Before employees start their routes, ensure each vehicle is in proper working order, including the brakes, engine, electrical system, and tires.

Advise your employees to drive slowly, allow plenty of time to brake (especially in heavy fleet vehicles that build up momentum quickly) and minimize distractions. These safe practices on the road can minimize the chance that they will get into an accident or damage property, which can lead to multiple claims at once.

Working outdoors

Just because the weather isn't ideal, doesn't mean the work stops. For those employees who work outdoors, proper precautions are a must. Working in freezing temperatures requires the body to work harder to maintain warmth, so fatigue is more likely to occur during these harsh conditions.

Ensure your employees dress appropriately. Wearing multiple layers can prevent hypothermia and frostbite while also allowing the body to cool by taking off a layer or two when needed. Require your employees to wear slip-resistant footwear and allow them to take breaks to warm up and rest to prevent fatigue.

Lastly, working outdoors and driving in extreme weather subjects your employees to collisions from other drivers who lose control of their vehicles as well. Remind your employees to stay alert and use the necessary signage to warn drivers of their presence.

For more information on accident prevention please visit our Online University. Our offerings continue to grow, so watch the *Risk Manager* for announcements of new programs and courses or visit the website at: <http://www.memun.org/InsuranceServices/RiskManagementServices.aspx>

A Testimonial from Ray Sisk, Knox County EMA Director and Safety Committee Chair

Driving defensively at work can also save you money at home...

In 2018, I asked the Knox County EMA crew to complete the Defensive Driving training available on the MMA website as part of our ongoing operator safety program for driving the "company truck". The MMA Online University *Defensive Driving* Course, Course Code "DD61", found in the listings for Vehicle and Driver safety and the course takes only about an hour to complete. The course description says the program *offers concrete tips on reducing the likelihood of a collision* among other info on dealing with hazardous driving conditions, vehicle protection systems, etc.

Simply stated, the course aims to help you become a better driver! You will often use its safe driving tips, which

quickly become second nature. Try it! Your municipality has an interest in you becoming a better driver; and as we found out, so do many private automobile insurance companies. While your discount may vary from one company to another, send your insurer a copy of your course certificate and see what they will do for you. My carrier provides a discount which amounts to a few hundred dollars over the course of three years. Safer driver and a few nice dinners out with the family; what's not to like! 🏠

Weblink to MMA online courses:
<https://firstnetcampus.com/MMA2/campus/courses.asp?F=home.asp>

Loss Control Welcomes Two New Consultants

Please join us as we welcome Steve Cummings and Justin Lowe to the Risk Management Services Team. Steve and Justin joined RMS as Loss Control Consultants and are providing consulting services and training to participating members of the MMA worker's Compensation Fund and Property & Casualty Pool.

STEVE CUMMINGS joined MMA in April of 2019, as a Senior Loss Control Consultant providing assistance to our members primarily in Southern and Eastern Maine. Prior to joining MMA, Steve worked as a Loss Control Representative for an insurance company in Southern Maine and worked as a safety consultant providing loss control services as a subcontractor for insurance companies throughout New England.

Before starting his own safety consulting business, Steve was the General Manager and business owner running a manufacturing plant that employed 180 people in Western Maine. While there, he developed and implemented the company's Safety Program receiving recognition from the Commission on Safety and Health in the Maine Workplace for his high level of commitment to a safety and health in the Workplace.

Justin Lowe joined the MMA Risk Management Services Loss Control Department as a Loss Control Consultant. Justin has more than 10 years' experience in workplace safety and management. Justin is a Pro Board certified Firefighter and specializes in high angle, confined space rescue and hazmat. Justin most recently was in management of a structural fabrication and welding shop and is an AWS certified welder. Prior to that he was a law enforcement officer for the Town of Wilton. Before that Justin led a worker safety program and developed trainings and on-site audits for a large mill/manufacturing plant.

In 2006 Justin joined the United States Army through the Split ops program. Justin served 2 tours in Iraq as an In-



(left) Justin Lowe; (right) Steve Cummings

fantrymen, before completing his service. Justin then attended University of Maine Farmington where he studied Geology / Chemistry and transferred to University of Maine Augusta where he studied Criminal Justice.

Did you know that safety help is available?

MMA Loss Control has several resources and publications that are available for FREE to members of the Risk Management Services Property & Casualty Pool and the Workers Compensation Fund. Under the Loss Control section of the MMA web site (www.memun.org) you will find:

The **Loss Control Best Practices** section has information to help members put safety programs and protocols in place. New and updated information added in 2017 includes:

Hazard Communication with Global Harmonization to assist members with developing a program to clearly label and communicate the existence of hazardous chemicals in the workplace, and

Safety Committees. Experience has shown members with effective safety committees have fewer accidents, fewer injuries, fewer claims and lower costs. This publication will help you form an effective safety committee in your organization.

The **Safety Shorts** section contains articles that are helpful with employee discussions on specific safety topics. Two new articles have been added:

Vehicle Backing Safety. Did you know nearly half of backing accidents occur

in a 4 month period out of the year? This article details how to reduce risk of collision and injury when backing vehicles.

Public Works-Taking Steps for Safety details safe use of ladders when working on or around large public works vehicles. Don't be the "fall" guy-learn safe practices!

Salt & Sand Shed Maintenance identifies hazard Identification and inspection recommendations.

Online Safety Training - Online safety training is offered in conjunction with FirstNet Learning. FirstNet is an e-learning company specializing in full service e-learning solutions for industry and government and new courses are added regularly

The training is based on the National Safety Council's Green Cross Safety Suite and is adapted to the State of Maine safety standards. This service is being offered as an enhancement to the live training currently available to members of the Workers Compensation Fund and Property & Casualty Pool.

Online safety training is flexible with courses ranging from 15 minutes to 2 hours. It is possible to begin work on a course, exit at any point with a bookmark, then return when it's convenient and pick up at the same place.

The courses are user friendly, easy to navigate and no additional computer training is required. In addition, employees may print off certificates of completion for each program successfully completed. Training coordinators can also easily track courses completed by their staff.

Courses are regularly reviewed, updated and refreshed.

Our offerings will continue to grow, so watch the *Risk Manager* for announcements of new programs and courses or visit the website at: <http://www.memun.org/InsuranceServices/RiskManagementServices.aspx> 📱

MMA Workers Compensation Fund Rewards Membership

We are pleased to announce that effective January 1, 2020, the MMA Workers' Compensation Fund (the Fund) will be introducing three new contribution credits to reward our membership for their risk management activities. Underwriting Manager Michael Mayette commented that "The new credits were developed to recognize our dedicated membership for their longevity, claim management practices, and exceptional loss experience". The new credits also provide a tool for the MMA Risk Management Services staff to ensure that all members are treated equitably and acknowledged for their individualized efforts.

The credits are to be applied within the following parameters:

- **Dedicated Member Credit.** A member may be eligible for up to 3% contribution credit for continuous participation in the fund prior to September 1st of the upcoming renewal. If there is a break in continuous participation this credit will no longer apply until the member has accumulated the necessary continuous participation.

Number of Continuous Fund Years with MMA	Amount of Credit*
3 - 5 Years	1%
6 - 10 Years	2%
11 Years +	3%

* These factors are not cumulative.

- **Claim Management Credit.** A member may be eligible for up to a 3% contribution credit if they use a preferred provider and/or written return to work policy across all departments prior to September 1st of the upcoming renewal.

Criteria	Credit
Preferred Provider	1%
Written Return to Work Policy	2%

- **Performance Credit.** A member will earn a 3% contribution credit if it is not eligible for experience rating and the current 3 year loss ratio is less than or equal to 25% prior to September 1st of the upcoming renewal. 🏠

Please note that these new credits will not impact minimum contribution requirements of the Fund.

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Question:

What is a roof inspection program?

Answer:

A roof inspection program can assist your entity by protecting your assets and even potentially extending the life expectancy of your roof. Such a program will help you reduce the need for unexpected emergency repairs. A Roof Inspection Program consists of regular inspection and documented maintenance of the roof surfaces, drains and the downspouts which are critical to the overall health of your building.

Elements of a Roof Inspection Program:

1. Perform an initial roof survey (to be performed by competent staff only).
 - Provide proper personal protective equipment.
 - Keep roof clean and free of debris.
 - Ensure that drainage system is working properly.
 - Pay attention to the perimeter areas of the roof and flashings paying particular attention to locations where the roof and the wall meet.
 - Look for overhanging trees which may damage roof and clog drains.
 - In the fall, look for any damage that requires repair prior to winters arrival.
 - In the spring, check for damage that may have occurred from the severe winter weather and repair as needed.
2. Conduct an inspection after any major weather event.
 - Look inside the building for signs of water intrusion, cracking, staining and moisture in lighting fixtures.
 - Examine perimeter of building for foundation issues from clogged roof drains.
 - Look of for ponding of water on the roof.
 - Monitor roof for ice dams and insulate if needed.
 - Examine the roof for damage caused by tree limb loss and clogged drains from leaf debris.
3. Document all inspections and repairs including but not limited to:
 - Coverings
 - Flashing
 - Lightning protection systems
 - Drains
 - Roof penetrations
 - Supporting structures.

Please look for this new Frequently Asked Questions section of the Municipal Risk Manager each quarter. If you have a question you would like to ask please email Marcus Ballou at mballou@memun.org 🏠

Emergency preparedness: Citizens, and leaders, can do more

After a federal study found that only 14 percent of Americans are prepared for a true emergency, the heat is on to put resiliency and readiness on the front burner.

By Glenn Adams

Floods. Ice and wind storms. Extended power outages. Toxic chemical releases. Microbursts. Major fires. Officials have been trying for years to raise the public's awareness of the need to be prepared for those and other disasters, but they feel as if their efforts have largely been ignored. Now, they're trying something new.

Resilience is the new catchword to summarize the push. One expert on resilience has another way to describe it: "Duct tape isn't enough."

"If we're going to get prepared for emergencies, it has to be done at the local level," said Dale Rowley, director of Waldo County's Emergency Management Agency. "The top-down approach isn't working."

In Waldo County, local emergency management directors are looking at setting up preparedness brochures tables at town meetings. Rowley's preparedness message will appear in some town reports, and his preparedness booklet is on the web.

"We've started to plant some seeds and some shoots are starting to poke through," said Rowley. The next step, he said, is to get municipal officials involved.

Aroostook County's Emergency Management Agency is using the strategy of reaching out to young residents through its Student Tools for Emergency Planning (STEP) program in Caribou High School, said Darren Woods, the county EMA director.

The northern county's EMA officials meet with juniors and seniors to discuss how to be prepared, and teach them to pass that information to young-

er students and their families. The older students then go to fourth-grade classrooms to talk about hazards in the area and how to prepare at home. The mentor approach helps to spread the message in and out of school.

"We see it as a long-term program," said Woods. "It's another way for us to get into the communities and into their homes."

Students are given kits with flashlights, Mylar blankets, whistles and other items to reinforce the preparedness effort. The program's been going on for two years.

Be ready to bounce back

Woods and his staff also visit county businesses to encourage them to take the preparedness message to their workers. A key message there is that it's beneficial to have employees prepared so that in the event of a disruption, they will be less likely to miss work, said Woods.

The county EMA is also working with the Aroostook Band of Micmacs to raise their awareness of preparedness, Woods added.

"We are hoping that over time we will be able to create a better awareness in our region and in turn make everyone just a little more resilient," said Woods.

In Scarborough, the Resiliency Project aimed at strengthening community preparedness seeks to teach skills and attitudes of resilience that create mental toughness and the ability to bounce back from adversity.

The town and local school depart-



Dale Rowley



Darren Woods

ment will work with community members to develop a network of trainers who will learn skills and strategies needed to help people cope with and manage hardship and traumatic encounters. Mastering these skills may help individuals and families affected by disasters to recover more quickly.

Many of these approaches in Maine are inspired by a Federal Emergency Management Agency report that came out earlier this year. FEMA has been tracking the culture of preparedness and it tagged a number of lapses.

Preparedness strategies in the past have increased the capabilities of first responders and governments, says FEMA. But individual and community progress toward enhanced levels of preparedness has been limited, FEMA said in its report, "Building Cultures of Preparedness: A report for the emergency management higher education community."

Recognizing the vast diversity of American communities and households, the report said a one-size-fits-all strategy is not suitable, adding that

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

“our culture of preparedness will have to be built one community at a time.” That diversity is readily apparent especially along the Gulf Coast as well as the Pacific and Atlantic coasts, where climate change will continue to destabilize weather patterns.

Scientists from 13 federal agencies conclude that hurricanes will increase in the Atlantic and eastern north Pacific, while wildfires will increase in places like California, says Business In-

sider. The magazine lists Maine among the 17 states including the District of Columbia where preparations for the “new normal” are most lacking.

Of Maine, it says 46 percent of the people are “not at all” prepared for a natural disaster and only 25 percent have emergency kits. All of the New England states, except for New Hampshire, are also on the list of poorly prepared states.

Not improving

How far communities and individuals need to go is also illustrated in a 2014 FEMA report, which found the percentage of individuals taking recommended preparedness actions remained largely unchanged over the previous eight years.

A survey in that “Personal Preparedness in America” report showed 14 percent saw preparedness as a “part of life” and had already started preparing, 21 percent were “working on it” but perceived low levels of risk, and 18 percent said preparedness was “on their mind” but were unlikely to act, despite perceptions of high risk.

Forty-six percent of those surveyed says preparedness was “not on their radar,” the report says.

Dismal as those figures and others were in survey after survey over the last two decades, the truth is probably even worse, said FEMA, because household respondents tend to answer optimistically and steer around shortcomings.

Despite these lessons, campaigns to enhance preparedness have remained unchanged. That has led to the new goal to build a culture of preparedness. Included in the goal is the idea of shared responsibility, which calls for the involvement of everyone — not just the government — in preparedness efforts.

Needed components

“By working together, everyone can help keep the nation safe from harm and help keep it resilient when struck by hazards, such as natural disasters, acts of terrorism, and pandemics,” said FEMA.

Four components are necessary to establish the culture of preparedness: building trust; inclusion of all stakeholders; cross-cultural communication; and, support for local practices and successes. FEMA cites instances in which these strategies have succeeded.

Among the ideas in the report that seem to have taken hold in Maine are FEMA's concept of “culture brokers.”

Brokers for Disaster Preparedness are people “with local knowledge and the trust of community members,” says the report. “Recruiting these individuals can help outside organizations and local communities connect, build trust, and share knowledge.”

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WHEN CELL PHONES FAIL

Don't count on phone or internet service when disaster strikes.

When severe weather hits – think the windstorm that lashed Maine in October 2017 – the cell tower may be of no use for phone and internet service to convey critical emergency information.

In the Knox-Waldo county area, an amateur radio-based network is being introduced to keep communications going when more familiar phone and web systems go down.

Known at the national level as Neighborhood HamWatch, the system envisioned in coastal Maine involves unlicensed Family Radio Service (FRS) communications using inexpensive walkie-talkies, licensed town-to-town General Mobile Radio Service (GMRS), and ham worldwide service.

The idea is to link FRS and GMRS with a worldwide communications system. Critical information this way passes from individuals and families to neighborhoods, on to civic groups and municipalities, to radio clubs and multi-mode networks. Information can also be relayed back from hams to local radio operators.

FRS and GMRS radios, usually sold in pairs, can be found in stores like Walmart and Cabela's.

"Read the fine print on licensing," suggest organizers Steve Hansen, Richard Bates and Eric Greiner of Knox County Neighborhood Ham-Watch, who gave a presentation on the project at the Maine Partners in Emergency Preparedness Conference in 2018.

Beyond local managers

Cumberland County Emergency Management Agency Director Joe Chappell sees his agency as a conduit of information between federal/state EMAs and local organizations, principally municipal agencies.

"We're very fortunate in the county to have 28 great (municipal) emergency managers," said Chappell. "But it doesn't stop there."

The county EMA has held a large training exercise that included a diverse cast of stakeholders and plans a follow-up meeting to get the preparedness message out. Besides municipal leaders, state and federal emergency management officials, stakeholders included fire chiefs, Catholic Charities, Red Cross, United Way and groups focused on communications with immigrant and refugee groups such as the Maine Immigrant Rights Coalition.

"That's what our work is about – building relationships," said Chappell.

The EMA has also identified groups and facilities in Cumberland County that pose special challenges to preparedness for unexpected events, such



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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as large senior housing projects, seasonal tourist populations and asylum seekers. EMA is working with FEMA is developing a recovery plan for those groups.

“What we always say is it starts with the individual,” said Chappell. “You are the emergency manager for your household. The more prepared you are, maybe the more prepared your neighborhood is.”

Deputy EMA Director Emily Kaster uses the analogy of stretching a rubber band to describe the preparedness

mission: “We want communities not only to bounce back after a disaster, but bounce forward before it happens.” In other words, everything that is done on the front end helps with recovery on the back end.

Scarborough is implementing a train-the-trainer program for employees and citizens of the town. It will seek and train individuals and groups “in skills of personal preparedness and resiliency that will enable them to respond to natural or man-made disasters, traumatic events, and other

adversarial situations,” says a summary of the effort posted in the town library’s website.

Scarborough’s program receives support from the federal Department of Homeland Security through the Maine Emergency Management Agency. The website outlines 11 skills needed to increase resilience, such as staying connected to others, being self-confident and managing strong feelings.

It also introduces a how-to workbook titled “Duct Tape Isn’t Enough: Survival Skills for the 21st Century: What You Can Do Now to Spring Back From Hard Times.”

The book by Portland clinical psychologist Ron Breazeale is promoted as an essential resource for first-responders, trainers, therapists and others who understand the critical importance of adaptability in the event of tragedy and crisis.

It references skills and attitudes previous generations used to survive the Great Depression, and stresses why it’s more important now than ever to be optimistic.

The importance of preparedness and resiliency – especially in an era of climate change and mass shootings – has drawn the attention of a variety of interests and researchers.

Researchers at Columbia University’s National Center for Disaster Preparedness are intensely interested in what makes a community resilient in the face of a disaster and why some individuals, households and places recover more quickly than others.

The U.S. Chamber of Commerce Foundation is working toward expanding individual and business preparedness by improving communication, coordination and cooperation between businesses, nonprofits and government in times of disaster. ■

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ABOUT THE BOOK

Duct Tape Isn’t Enough is a resource for first-responders, trainers, educators, journalists, coaches, therapists, and all who realize the critical importance of adaptability in the face of tragedy and crisis. It is available on Amazon and through other websites.

City got positive attention, business bounce, from disk

Westbrook residents and businesses wonder if the spinning Presumpscot River ice disk will return this January. The city basked in 2019's worldwide media coverage.

By Steve Solloway

On a pleasantly warm lunch hour last summer, Westbrook's River Walk was almost deserted. No one sat on the benches that faced the Presumpscot River. Several tables placed here and there were empty.

The sound of water rushing over the Saccarappa Dam about 300 yards upriver and then flowing over large rocks was, in a way, soothing. A breeze fluttered leaves on trees lining the riverbanks. The scent of honeysuckle was in the air.

Turn the calendar back some sixth months earlier when, hundreds, if not a couple of thousand people came daily to the banks of the Presumpscot in the middle of a frosty January to marvel at the sudden appearance of a huge spinning ice disk, some 300 feet across. The magical event became a story that travelled around the world, bringing smiles and wonder.

After about three weeks, the ice disk melted, moved on. Today, no physical evidence remains. No signs explain the natural phenomenon. No markers indicate where, in the Presumpscot, the ice disk formed, stayed, and spun to everyone's fascination.

Was the spinning ice disk of 2019 gone and forgotten?

"No, not at all," said Daniel Stevenson, Westbrook's Economic Development Director. "The ice disk is a great

stimulus. Who knew, in the dead of winter, Westbrook could have a vibrant downtown?"

Note Stevenson's use of the present tense in describing the ice disk's



This bumper sticker was spotted in a Bowdoinham parking lot. (Photo by Eric Conrad)

impact on a community. There's energy in Stevenson's voice. Westbrook is his hometown. He understands its prior image as the gray mill town that existed between Gorham, the college town to the west, and Portland, the glamorous business and social engine of Casco Bay to the east.

Making lemonade

Stevenson came back 18 months ago to work for his hometown, leaving behind a similar position in Biddeford, a former mill town experiencing its own renaissance.

"I make lemonade," he said, referring to the old adage of what you do when life gives you lemons. "The ice disk demonstrated you can bring people downtown in the winter. We need to continue thinking that way."

He knows the ice disk was a totally unexpected gift, which added to the

community's almost child-like joy. That the ice disk attracted visitors from other parts of Maine and New England was welcomed. So was the media, which actually can recognize a

positive story and jump at the opportunity to balance the gloomier world and national news.

Tina Radel, Westbrook's communications and marketing manager, was suddenly very busy. Her skills at piloting a drone equipped with a camera were put to use with her aerial photographs. Once photos and videos of the spinning ice disk were posted on the city's website, attention came from all corners.

"The way she handled all the calls, she was great," said Stevenson. "It was crazy, actually."

Local media contacted Radel first. Then the Weather Channel, National Geographic, The New York Times, Boston Globe, the BBC with its international reach, National Public Radio, Good Morning America – and on and on. The exposure "brought a ton of people downtown," said Radel. "People lined the river. I think we figured we had \$20 million in media exposure when it was over."

"It was like divine intervention. People were fascinated. It was good for Westbrook, it was good for businesses along the river in our downtown."

Over at Westbrook's police department, Capt. Steven Goldberg was suddenly fielding phone calls he'd never expected. Media, local and from away, called. Westbrook citizens called, ask-

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ing what to do about the sudden traffic congestion. And, by the way, where does one park when every available parking space was filled?

There were fewer calls alerting police about safety issues. Mainers are accustomed to going onto winter ice.

"There's no law against being on the ice," said Goldberg, while sitting at his desk. "We tried the sensible approach." Meaning, Westbrook police advised those who wanted a selfie or a ride on nature's impromptu merry-go-round that the ice was never thick enough on the Presumpscot to support a person's weight, especially in that section of the river.

"Maybe 10 out of everyone wanted to get onto the ice," said Goldberg. "There was absolutely nothing we can do. We strongly advised them not to try." Although Goldberg said he saw video from a security camera of someone fishing someone else out of the river. "I'd say 99.99% were sensible."

As an individual, Goldberg said he was caught up in the wonderment of the spinning ice disk. As a captain with responsibilities on the administrative side of the police department he was unexpectedly faced with the phone calls and shuffling personnel, moving them off other duties.

Positive for Westbrook

"The traffic and the parking wasn't a huge issue. Managing it administratively was. But people came to see the ice disk and they saw Westbrook, too. That was good."

In fact, during a random and small survey of Westbrook residents using the River Walk last summer, the most enduring impact of the ice disk was the belief that people from outside the city could see Westbrook in a new and better light.

"I saw a lot of families who came with a purpose to see the ice disk," said Brenda Edmands. She and her companion, Mike Lancaster, have lived in Westbrook for about a dozen years. "People had smiles on their faces. It was all so organic, innocent."

Meaning, no one immediately saw dollar signs attached to the ice disk. Instead, visitors did find their way to downtown businesses that typically see far fewer customers in the weeks after Christmas and New Year's.

"It was crazy," said Tom Minervino, a co-owner of Legends Restaurant and

Taproom, not far from the River Walk. "January is a slow time of the year but we were doing business like it was summer."

His pub added the Ice Disk Cosmo, a concoction of raspberry vodka, raspberry liqueur, and topped with a round slice of lime, to its drink menu. It's still served. Someone ordered the Ice Disk the other day. On a wall by the door there's a large framed photo of the ice disk.

Do people still talk about it?

Not really, said Minervino. But neither has anyone forgotten. There is talk of a spinning ice disk festival in January of 2020. Perhaps an ice disk watch. Will it reappear?

On the other side of Main Street, at Quill Books and Beverage, Lilly Van Der Steenhoven answered questions while filling lunch orders. "There was such a buzz. It was really exciting," she said. "Westbrook is such an up-and-coming town and it was fun to get people down here to feel that."

She looked quickly to see if the bookstore/coffee shop still had a T-shirt designed by a Portland artist, commemorating the ice disk event. Fifty were made. "No, I guess they're all gone."

Strange yet wondrous

Back at the River Walk, Jason Curtis was at the railing, overlooking the Presumpscot. A cook at the nearby Turtle and Frog, he was on a cigarette break. It's his customary spot where he can be alone with his thoughts, absent watching the water flow quickly and swirl as it moves downriver.

Curtis was there in mid-January when something caught his attention. It was an almost perfect circular patch of ice and it was spinning slowly.

"Right there," said Curtis nodding at the water below. He had to get back to work, but was happy to talk when someone asked if this was the spot where a large spinning ice disk caught the world's attention.

"I saw it when it was forming," said Curtis. "It was about six feet across then. I never saw anything like it."

That day in January he returned to the restaurant and described what he saw to the staff. He urged them to look for themselves. They were dubious but walked to the river bank. Soon they were spreading the word of something strange but wondrous right under

their noses in the Presumpscot.

Where nothing like this had ever happened. Science can explain that differences in water temperature and water flow can form a spinning ice disk, but to most this was simply a natural phenomenon to enjoy and imagine.

"I'd like to see it come back," said Curtis. "I don't know that it will."

As busy as she was, fielding media requests and promoting Westbrook, Tina Radel will admit "it was definitely fun for me." She remembers the decisions made to run with the story and let the world know. She also drew from her experiences in 2016 when the skin of a 12-foot-long, green anaconda, a native of South America, was found along the Presumpscot.

The skin, along with an apparent earlier sighting of a very large snake attempting to swallow what appeared to be a beaver, became a sensational story, picked up by media far from Maine. But an anaconda cannot survive a Maine winter. Supposed sightings soon ended.

Still, the snake skin picked up a name – Wessie – and an anonymous Twitter account. A local micro-brew appeared bearing its name and sold out quickly. There was a Wessie Fest. The mystery snake became the mythical snake. Skeptics said it was a hoax.

Radel and Westbrook stepped back from the Wessie story. But when the spinning ice disk appeared, Radel found herself taking a phone call from a Boston Globe reporter. Soon, the city communications and marketing manager and the big-city reporter realized they had crossed paths before during the Wessie saga.

Perhaps unlike Wessie, the spinning ice disk was real. The phenomenon opened Westbrook's front door to the world. This time, there will be no jokes of Maine's version of the Loch Ness Monster. Westbrook played the host that put smiles on the faces of visitors. Stevenson knows he can work with that. He sees a community more comfortable and confident in welcoming visitors and new business.

"As someone whose job it is to market Westbrook, I couldn't believe this was happening," said Radel of the spinning ice disk. "It was so fortuitous."

"It was a gift," said Stevenson. ■

'Welcome home' no cliché for Cumberland residents, officials

An annual, one-night orientation for newcomers helps 'take the veil' off living in town. Local officials establish relationships that otherwise would not exist.

By Liz Chapman Mockler

If you're thinking of moving to Cumberland, you'll be welcomed with open arms.

No, really.

The town's annual "open house" allows kids to run around and play games, meet police officers, share refreshments and leave with gifts.

During Cumberland's annual New Resident Orientation program, both new and existing residents can meet the people who run the town, collect the taxes, fight fires, protect the public, keep the infrastructure strong – and more.

"It's really been very, very successful," said Councilor Peter Bingham, who heard about the idea from a friend attending the University of Massachusetts at Boston.

"I said, 'Gee, that sounds really good,'" Bingham said.

When he brought the idea home to Cumberland, officials wanted to try the meet-and-greet event that gives new residents and families a chance to be introduced to someone from virtually every town department. They also get to meet and question their elected town councilors – a benefit people from outside Maine, even inside, find refreshing.

The event, now in its third year, also provides an occasion for residents to ask questions – queries from garbage disposal to recreation programs to fire response times – to the appropriate employee who can give them information.

Everything is open for discussion, said Eliza Porter, the event coordina-

tor, town communications director and deputy clerk.

Porter said 30 to 35 people attended the first year, when the event was held in the large community room at Town Hall. More than 50 residents have attended in each of the past two years. It took a bit of time to get the word out and interest stoked.

Porter said the orientation was held the second year in the community room at the new fire station, but staff realized the acoustics were not the best so they returned to Town Hall this year, where it will be held in future years.

"Moving out of state or even across town lines can be a very overwhelming experience and we wanted to make this transition as easy as possible," Porter said.

"The orientation became a comfortable place for the new members of our community to connect faces with names, ask questions and to meet other new citizens," she said.

Lots of support

"People really enjoy it," said Councilor Bingham, meaning both attendees, Cumberland municipal staff and elected officials who participate.

"It does zero harm and there isn't anything negative about it, said Bingham, whose son runs the town's Recreation and Parks Department.

Bingham is a different sort of public servant: Since 1984, he has rotated his municipal service by being elected to the council, school board and plan-



Town Councilor
Peter Bingham

ning board, serving six years on each before starting the rotation again.

"If half the population (of Cumberland) could name more than two town councilors and one school board member, they'd be lucky," Bingham said.

Asked whether the orientation program is costly, he responded, "It takes more time than money" and is worth far more than is spent.

Bingham noted that the open house includes

representatives from every organization in town, from the local land trust to the chamber of commerce. He is pleased and proud of how receptive municipal staff have been to the annual open houses and how much pride they take in their departments and the town.

According to Porter, the open house success seems to build on the one just past. Reaction from the public has been special yet unsurprising, she said.

"To be honest, I wasn't too surprised by the public reaction," she said. "Everyone embraced this program like I imagined they would. Cumberland prides itself on being a close-knit, small town that welcomes new neighbors with open arms."

By Maine standards, though, Cumberland is not really "small," with a population of just more than 7,000.

Champions for the cause

Porter singled out Town Manager William "Bill" Shane, who is one of the

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HOMETOWN CAREERS

FIND YOUR FUTURE IN MAINE'S TOWNS AND CITIES

ABOUT OUR CAMPAIGN



Maine Municipal Association's Hometown Careers campaign was born out of necessity. Maine is one of the "oldest" states in the nation, many municipal employees are nearing retirement and the unemployment rate is low. Plus, municipal jobs are so important. The need for municipal services will never go away.

In January 2018, MMA launched a statewide social media and web advertising campaign designed to make people - especially young people - more aware of the exciting career options available within municipal government.

That effort drives people to our interactive website, www.maine-hometowncareers.org. Upon arrival, readers learn what local government does, they see and hear real Mainers talk about the rewards of municipal employment. And, they have searchable access to MMA's municipal Job Bank, the most extensive listing of local government job openings in Maine.

For MMA members, even more tools are available. The Members Area of the MMA website provides handouts that municipal employers can use, logos and instructions about how to promote Hometown Careers on municipal websites and Facebook pages.

The sky is the limit! Municipal careers in Maine offer unparalleled quality of life and they provide deep satisfaction, knowing that you serve a community in meaningful ways.

You really can make a difference, with a Hometown Career.

**COME HOME TO A MAINE MUNICIPAL CAREER,
AND REAP BENEFITS BEYOND YOUR PAYCHECK.**

Contact towns and cities near you about available jobs, today!

MAINEHOMETOWNCAREERS.ORG

NEW RESIDENT RESOURCE

Cumberland makes a “new residents” guide available for people who move there and offers online registration for the orientation. Here’s how to view the resources online:

<https://www.cumberlandmaine.com/new-resident-orientation/webforms/sign>

program’s biggest supporters behind Bingham and “who is always dedicated to making Cumberland the best place to live,” Porter said.

“He is our town’s biggest champion,” she said. “From the beginning planning stages to hosting the event, he is always there helping in any way he can,” she said of Shane. “Our town council has attended the orientations and I believe they immediately saw the value of this, and has continued to support it every year.”

Police Chief Charles Rumsey IV is as enthusiastic and supportive as anyone. He finds the event a perfect chance to meet residents, especially children, show people how approachable and welcoming the department leaders and elected officials are, and provide any written information residents would find helpful.

“To me, the massive value is that I can make a connection,” said Rumsey, Cumberland’s chief since 2016, after working his way through the ranks at the Waterville Police Department.

Both the parents and children benefit from the open house. Parents can meet officials kids don’t care about seeing (think code enforcement officer, town clerk, treasurer...), instead dashing off to see anyone in uniform – police, firefighters, EMTs and paramedics.

Rumsey encourages patrol officers to stop by during the orientation program and give kids a look inside a police car. He also wants them to stop and talk to kids when they see them congregated at a schoolyard, soccer field, Little League game, riding their bikes or selling lemonade from their lawns.

He said young officers sometimes don’t realize the advantage of min-

gling with children and adults. Rumsey said it’s a big part of community policing. Cumberland is working to incorporate various elements of the technique in everyday patrolling.

“A lot of kids attend,” Rumsey said. “We give them stickers and hats and Frisbees and other little gifts. But I always try to engage a youngster with more than a sticker. I swear them in and ask them to take an oath to be good and kind and brave.”

Building trust

Another advantage to the annual one-night event is meeting people who might need help in the future. “It’s very hard to establish trust when someone is in the midst of a crisis,” Rumsey said.

Rumsey said he and his officers know they spend 85 percent of their time on 10 percent of the population, so orientation night gives them a chance to meet people in a relaxing setting.

Councilor Bingham urges other communities to consider adopting similar programs that benefit new residents, help people understand what makes the city or town special, provide details about schools, and boast about what makes their community different or alluring to new residents.

Cumberland, incorporated as a Maine town in 1821, seceded from North Yarmouth the same year. The Portland suburb, about 10 miles southwest of Maine’s largest city, was named in honor of the Duke of Cumberland.

Once a heavily farmed community, the town has hosted an agricultural fair since 1868. Although its history is heavy as a farming town, only a small number of farms remain today.

According to Porter, Cumberland residents have helped get the word out about the annual event.

“The public really helped to spread the news about this event,” Porter said. “They forwarded emails about the

orientation to friends or family who relocated to the area; shared posts on social media, or told a new residents about it in the local coffee shop.”

“Everyone saw the benefit of having a community more connected with one another no matter how long they resided within town lines,” Porter said.

Fun and learning

Rumsey said children enjoy having selfies with officers and never seem in a hurry to get back home.

“Parents love it,” the chief said. “They are surprised and amazed at the good time the kiddoes have,” as well as the attention staff pay them, especially first responders.

Porter said the town has given away different gifts to the adults each year, too. Specialty cups and bags are favorites, she said.

Porter said many new residents praise the open house and lament that other communities do not offer something similar. New residents get to meet other newcomers, as well as existing residents who also enjoy the annual event.

New residents might have been in town only weeks when the open house is held, or perhaps just months. The orientation takes the veil off the town so residents can ask whatever they want and learn about the history of Cumberland.

Bingham said he knows people who have not attended an event but still want to talk to him about it while waiting in line at the grocery store.

“As we began this program, our only goal in mind was holding an event that welcomed and connected the new residents to Cumberland,” Porter said. “The orientation became a comfortable place for the new members of our community to connect faces with names and meet other new residents.”

“It has been a huge success,” she said. ■

CUMBERLAND FAST FACTS

- Located in Cumberland County
- Council-Manager form of government
- Incorporated in 1821
- Students attend Greely High School
- Population: 7,547

PEOPLE

Kennebunkport Selectman **Stuart Barwise** resigned after serving 13 years on the select board to accept a job in Virginia. He served from 2004 to 2007 and from 2009 until August. With 30 years' experience in hotel and resort management, Barwise could not pass up the job of managing an historic inn and resort in Chesapeake Bay, he said. Barwise and his wife plan to remain in Kennebunkport, and Barwise will commute as time allows. His seat will be filled in a special election on Nov. 5.



Rick Fisher

Richard Fisher began his first manager's job in Maine on Sept. 3, having moved from his native Pennsylvania, where he worked in municipal government for 26 years, to accept the job as St. Albans' town manager. Fisher began his career in 1989 as sewerage enforcement officer for Upper Mt. Bethel Township. By the mid-1990s, Fisher had "drifted into" zoning and, in 2005 began working as building code enforcement officer. Fisher and his wife and daughter vacationed here for 14 years and finally asked each other, "Why aren't we living in Maine?" Fisher's last job before his move north was as manager of Upper St. Bethel Township.

Thomaston voters elected **Diane Giese** in a special election on Aug. 27. She replaces **Beverly St. Clair**, who resigned before her term expired in 2021. Giese received 93 votes, while two other candidates collected 86 and 82 votes.

Mary Howe is the new Bath city clerk, replacing **Mary White** who retired on Dec. 31, 2018, after two decades with the city. Howe, a certified clerk, worked one year as deputy clerk under White until



Mary Howe

her retirement. The council appointed her as the permanent city clerk on July 3. She worked as the deputy clerk for the Town of Freeport from 2008 to 2017, and as the town clerk for Woolwich before accepting the Bath deputy clerk's position in January 2018. She has already supervised a special election and the school referendum election in June and is preparing for a major election in November.

Dresden volunteer firefighter **Cpt. Gorham Lilly** was recognized on Aug. 7 for his 57 years of service. A special party was held for Lilly, whose grandsons watched Lilly being presented with a "Hometown Hero" award. Lilly started volunteering while in high school, and has served as a captain for 30 years. Since 1962, three generations of family members have served the fire department. His son, **Steve Lilly**, is currently fire chief, while his wife, Sonia, also works for the department. His brother **Gerald Lilly** and his wife, Susan Bickford-Lilly, also serve the department.



Bill Post

A veteran town manager, Richard "**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.

The Lincoln County Regional Planning Commission welcomed **Elswythe Strassberger** (pronounced 'Ellsworth') as the county's new planner in late August. Strassberger moved to Maine from Philadelphia, where she served as Healthy

Communities coordinator for the Philadelphia planning commission. Prior to that, she worked as a transportation planner specializing in walking, bicycling, and transit for the Baltimore Regional Transportation Board, and consultant to numerous small towns in western North Carolina. Strassberger holds a master's degree in city and regional planning from Rutgers University and is a member of the American Institute of Certified Planners. Between college and grad school, Strassberger spent a summer living and working in downtown Bar Harbor and vowed to return to Maine more permanently at some point later in her career to help develop and preserve sustainable small towns, where residents can meet their daily needs locally and enjoy convenient and equitable access to nature.



Elswythe Strassberger

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

STATEWIDE

As is customary at this time of year, the Maine Municipal Association's Executive Committee reviewed the questions that will appear on the Nov. 5, 2019 referendum election ballot and voted to support the transportation bond. Question 1 on the ballot presents voters with a \$105 million borrowing package – estimated to leverage \$137 million in federal and other source revenues – to be used to make transportation related investments, including:

- \$85 million for the construction, reconstruction and rehabilitation of Priority #1, #2 and #3 state highways, the municipal partnership initiative, and to replace and rehabilitate bridges.
- \$15 million for capital improvements to ports, harbors, marine transportation, aviation, freight and passenger railroads, and bicycle and pedestrian trails.
- \$1 million for the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland.
- \$4 million for a competitive grant program matching local funding for upgrades to municipal culverts at stream crossings necessary to improve fish and wildlife habitats and increase community safety.

Municipal officials are encouraged to support passage of this vital and important transportation infrastructure funding proposal.

BATH

A local transportation advisory committee proposed an innovative way to address the city's daily afternoon traffic jam when thousands of Bath Iron Works staff clutter Washington St. from 3:30 p.m. to 4 p.m. BIW employs nearly 1,600 employees and owns or rents 16 parking lots around the city with a combined 1,604 spaces. BIW also offers a shuttle for employees, but most workers want to drive their vehicles to work. In the final report of the South End Transportation Study group, released last month, the group proposed making a portion of Washington Street one-way during the shift change. The idea would require drivers on a dozen streets that intersect with Washington to find a different route because they would not be able to turn right. Some residents

NEW ON THE WEB www.memun.org

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

Annual Report Winners. The municipalities of Cumberland, Vassalboro, Phippsburg, Carrabassett Valley and Cranberry Isles were recognized for producing the highest-quality Annual Reports, during recent judging held at the Maine Municipal Association. More than 200 municipalities entered reports this year.

Women's Suffrage. The year 2020 marks the 100th anniversary of women's suffrage, and the establishment of voting rights, in the U.S. Municipalities are encouraged to plan daffodil gardens this fall to recognize the historic achievement.

LED Grants for Small Municipalities. The Nature Conservancy and Efficiency Maine are working together to provide grant funding to help with converting to energy-saving LED street lights. The program is open to municipalities with populations below 4,000.

opposed the idea, including a co-owner of Bath Bus Service. She admitted the southern end of the city's traffic trouble is a problem but does not think making the street one-way for a half-hour would be effective, saying it could be confusing. The report was compiled by city, Maine Department of Transportation and BIW officials.

CHESTERVILLE

The Select Board declined to hold a special vote on a moratorium that would delay Central Maine Power's plans to erect an electric transmission line through the town on its way to Canada. Board members took no action last month on a request from former state Sen. Tom Saviello of Wilton to hold a special town meeting on the proposed moratorium. Saviello argued that residents voted 100 to 5 in a straw vote in July to oppose CMP's New England Clean Energy Connect Project. He said a moratorium would give the planning board 180 days to develop rules on the transmission line construction. The town clerk advised the select board to be cautious, saying lawyers for the Maine Municipal Association should be consulted, along with the town attorney, to ensure the moratorium is legally justified.

PORTLAND

Maine Preservation has listed the city's Civil War-era Fort Gorges as one of the most endangered historic sites in the state. The nonprofit group said the granite fort, which consumes most of Hog

Island Ledge in Casco Bay, made the group's 21st most endangered list because of the beating it's taken since being built in 1864. It was listed on the National Register of Historic Places in 1973. The fort is considered a city park, but is accessible only via boat or kayak. A developer recently unveiled a proposal to build a restaurant in the fort, but a September public forum the majority of residents said they support a public/private effort to raise \$250,000 to address immediate improvements to preserve the fort. It sits on two acres of land. The private Friends of Fort Gorges are preparing to launch the fundraising drive. Maine Preservation has identified 165 properties that deserve preservation since its first annual list was compiled, in 1996.

SOUTH PORTLAND

Historic buildings in the city's Ferry Village could be under at least six feet of water by the year 2100, according to a recent survey by Greater Portland Landmarks. The survey was funded in part by a grant from the National Park Services' Historic Preservation program. The survey is the first step of a long-range effort to help the city and others protect historic homes. The ultimate goal of the project is to inform property owners and provide them with resources and assistance on how to mitigate the impacts of the damage a rising sea will cause. Ferry Village is South Portland's oldest neighborhood, includes 175 acres and 280 historic properties built before 1969.

MUNICIPAL BULLETIN BOARD

Oct. 24

Municipal Law for Tax Collectors, Treasurers: Orono

Attorneys from Maine Municipal Association's Legal Services Department will present a basic-level workshop on legal issues for tax collectors on Oct. 24 at the Black Bear Inn in Orono. The workshop is sponsored by the Maine Municipal Tax Collectors' and Treasurers' Association.

The workshop will begin with registration at 8:30 a.m. and it will end at 4 p.m. Cost is \$55 for MMTCTA members and \$85 for non-members. Attendees are encouraged to download the MMA Tax Collectors & Treasurers manual; Municipal Assessment manual; and the Municipal Liens manual and bring them to the class.

Oct. 24

General Assistance Basics: Freeport

The Maine Welfare Directors Association will hold a day-long workshop on GA Basics at the Freeport Community Library, near downtown Freeport. The Oct. 24 workshop begins with registration at 8:30 a.m. and ends at 3 p.m.

The workshop will cover: Basic GA information, applications and rules about confidentiality. Cost is \$45 for MWDA members and \$65 for non-members, including continental breakfast, lunch and the cost of materials.

Oct. 25

Advanced General Assistance: Freeport

The Maine Welfare Directors Association will hold a day-long workshop on GA Basics at the Freeport Community Library, near downtown Freeport. The Oct. 25 workshop begins with registration at 8:30 a.m. and ends at 3 p.m.

The workshop will cover: advanced fact patterns, twists and turns; burials; and, other topics. Cost is \$45 for MWDA members and \$65 for non-members, including continental breakfast, lunch and the cost of materials. Attendees must have completed the GA Basics workshop as a prerequisite.

Oct. 29

Elected Officials Workshop: Belfast

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Oct.

29 at the Hutchinson Center in Belfast. 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.

SPECIAL SESSION!

Nov. 7

Sexual Harassment & Legal Advice: Orono

Incidents of sexual harassment have taken on greater consequences in recent years, toppling leaders in business, entertainment and government. This new MMA workshop is designed to show local leaders and managers how to minimize the chances of this happening in your organization without infringing on employees' rights.

The afternoon workshop will be held on Nov. 7 at the Black Bear Inn in Orono. Instructors are Sarah Newell and Ryan Dumais, attorneys with the law firm Eaton Peabody. Registration begins at 1:30 p.m. and the class will end at 4:30 p.m. Cost is \$70 for MMA members and \$140 for non-members.

Nov. 13

Municipal Law for Tax Collectors, Treasurers: Augusta

Attorneys from Maine Municipal Association's Legal Services Department will present a basic-level workshop on legal issues for tax collectors on Nov. 13 at MMA's Christopher G. Lockwood Conference Center in Augusta. The workshop is sponsored by the Maine Municipal Tax Collectors' and Treasurers' Association.

The workshop will begin with registration at 8:30 a.m. and it will end at 4 p.m. Cost is \$55 for MMTCTA members and \$85 for non-members. Attendees are encouraged to download the MMA Tax Collectors & Treasurers manual; Municipal Assessment manual; and the Municipal Liens manual and bring them to the class.

Nov. 14

Basic Municipal Budgeting: Union

Town Manager John Eldridge of Brunswick will teach a workshop on basic budgeting on Nov. 14 at the Union Town Hall building in Union.

The workshop is designed for municipal officials with primary budgeting responsibility, including preparation and management. Officials who are involved simply with the budgeting process will benefit as well. The workshop begins with registration at 8:30 a.m. and will conclude at 3:30 p.m. A light lunch is provided. Cost is \$75 for MMA members and \$150 for non-members.

Nov. 21

Elected Officials Workshop: Dover-Foxcroft

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Nov. 21 at the Mayo Regional Hospital conference room in Dover-Foxcroft. 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.

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

Use the following link:

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

LEGAL NOTES

Illegal Roadside Signs

Question: What's our recourse if people are attaching signs to traffic signs, utility poles, and such or are otherwise posting illegal roadside signs?

Answer: In the past, the authority to remove illegal roadside signs was strictly limited to the MDOT (Maine Department of Transportation). But with the Legislature's enactment of PL 2019, c. 228 (eff. Sept. 19, 2019), this authority now depends on whether the way is a town way or a state or state aid highway.

The state or local entity with responsibility for maintaining a way may order the sign owner to remove the sign. If the sign is not removed within 14 days, the MDOT must remove it if on a state or state aid highway not in an urban compact municipality (generally, municipalities exceeding 7,500 inhabitants). If the sign is on a town way or a state or state aid highway in an urban compact municipality, the municipality may remove it. Municipalities should be cautious about removing signs unless they are clearly illegal since there could be constitutional issues and potential liability for wrongful removal.

For the record, the Maine Traveler Information Services Act (aka the "Billboard Law") prohibits within any public way, including both state and local roads, the placement of any signs on traffic control signs or devices, public utility poles or fixtures, rotary traffic islands, trees in a public right of way, a control-access area, or a median less than six feet wide (see 23 M.R.S. § 1913-A(5)). The law also prohibits painting or drawing signs on rocks or other natural features.

But temporary signs bearing noncommercial messages (including political signs) are permitted within the public right of way for a maximum of 12 weeks per year without a State license or permit provided they (1) are not placed within 30 feet of any other temporary sign bearing the same or substantially the same message, (2) do not exceed four feet by eight feet in size, and (3) include the name and address of the individual or entity that erected the sign and the date the sign was erected (see 23 M.R.S. § 1913-A(1)(L)). Temporary signs that do not comply with these restrictions are illegal.

The penalty for erecting or maintaining an illegal sign is \$100 per day plus the cost of removal (see 23 M.R.S. § 1920).

MUNICIPAL CALENDAR

BY NOVEMBER 1 — Any governmental subdivision holding tangible or intangible property presumed abandoned under 33 MRSA §1953 must make report to the Administrator of Abandoned Property of the State Treasury Department, pursuant to 33 MRSA §1958.

BY NOVEMBER 1 — Or 30 days after the date of commitment, whichever is later, the municipal assessors and assessors of primary assessing areas shall make return to the State Tax Assessor all information as to the assessment of property and collection of taxes. The forms of such return shall be supplied by the State Tax Assessor (36 MRSA §383)

NOTE: Failure to file this return in a timely manner could result in loss of tree growth reimbursement (36 MRSA §578).

BEFORE NOVEMBER 1 — Provide certification to the Maine Department of Transportation that Local Road Assistance Program (LRAP) funds will be used consistent with the requirements of the law (23 MRSA §1804).

PRIOR TO NOVEMBER 5 — Election Day. Registrars of voters shall accept registration prior to the November 5 election according to the time schedule of their population group (21-A §122[6]).

■ The Registrar shall publish his/her time and hourly schedules in a newspaper having general circulation in the municipality at least 7 days before it becomes effective. In municipalities of 2,500 or less population, this publication is discretionary rather than compulsory (21-A MRSA §125).

■ The hourly schedule for voter registration established by 21-A MRSA §122 may be changed by the municipal officer according to the needs of the municipality (21-A MRSA §122[8]).

NOVEMBER 11 — Veteran's Day Observed. A legal holiday (4 MRSA §1051).

ON OR BEFORE NOVEMBER 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 [22 MRSA §4311].

NOVEMBER 28 — Thanksgiving Day, a legal holiday (4 MRSA §1051; 20-A §4802)

Also, the unauthorized taking, defacement, or disturbance of a temporary sign (including a political sign) is a civil violation punishable by a fine of up to \$250 (see 23 M.R.S. § 1917-B).

Finally, the Billboard Law authorizes local ordinances that are stricter than the statute (see 23 M.R.S. § 1922). But if a municipality intends to restrict roadside signage more than the statute does, any ordinance should be carefully vetted by a competent attorney because sign controls can raise potentially serious constitutional problems (see MMA's "Information Packet" on this subject, available free to members at www.memun.org). (By R.P.F.)

GA & Homelessness

Maine's GA (General Assistance) law has been revised to address homelessness.

PL 2019, c. 515 (eff. Sept. 19, 2019) defines "homelessness" as (a) living in a place that is not fit for human habitation, (b) living in an emergency shelter, (c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite, or rehabilitation facility, (d) exiting a licensed hospital or institution or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the

LEGAL NOTES

hospital, institution, or correctional facility, (e) losing the person's or household's primary nighttime residence and lacking the resources or support network to remain in that residence, or (f) fleeing or attempting to flee violence and having no other residence.

A person experiencing or facing homelessness as defined is eligible for emergency GA if he or she meets all other applicable criteria.

Also, a person provided shelter in an emergency shelter for the homeless is presumed eligible for GA benefits for up to 30 days in the municipality where the shelter is located. After 30 days, the person's eligibility must be redetermined. When eligibility is presumed under this provision, no other municipality may be held responsible during this 30-day period.

MMA's Model GA Ordinance, available free to members at www.memun.org, has been updated to incorporate these changes. (By S.F.P.)

Public Works Projects & Prevailing Wages Rates

Effective Sept. 19, 2019, all contract-ed public works projects of \$50,000 or more and funded either in whole or in part with State funds will be required to pay workers at least the minimum prevailing wage and benefit rates as determined by the Maine Department of Labor.

This expanded definition of "public works" was enacted as PL 2019, c. 473. Previously, only projects contracted and paid for directly by the State were included. The new definition will affect municipal projects funded wholly or partially by the Maine Department of Transportation, including Municipal Partnership Initiatives (MPIs), the Small Harbors Improvement Program (SHIP), Locally Administered Projects (LAPs), and the Local Road Assistance Program (LRAP).

Incidentally, "public works" includes public schools and all buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, demolition, waterworks, airports, and all other structures (see 26 M.R.S. § 1304(8)).

For more information on public works projects and prevailing wage and benefit rates, go here: https://www.maine.gov/labor/labor_stats/publications/wager-atconst/index.html.

Questions? Contact Rick Stephens, Maine Department of Labor, at 623-7906. (By R.P.F.)

Personal Info of Employees

A new law makes confidential a broad range of personal information about municipal employees, the same as for state and county employees.

PL 2019, c. 451 (eff. Sept. 19, 2019), amends 30-A M.R.S. § 2702(1), the municipal personnel records law, to make confidential the following personal information: (a) age; (b) ancestry, ethnicity, genetic information, national origin, race or skin color; (c) marital status; (d) mental or physical disabilities; (e) personal contact information; (f) personal choices pertaining to elected payroll deductions, deferred compensation, savings plans, pension plans, health insurance and life insurance; (g) religion; (h) sex, gender identity or sexual orientation; and (i) social security number.

Other information pertaining to municipal employees, including medical information, performance evaluations, creditworthiness, family history, and charges of misconduct, has long been confidential. However, job descriptions, employment contracts, gross wages and benefits, time sheets, expense reports, severance agreements, and other information not expressly made confidential by statute is generally a public record.

For much more on municipal personnel files, see MMA's "Information Packet" on the subject, available free to members at www.memun.org. (By R.P.F.)

Solar and Wind Energy Equipment Tax-Exempt

The Legislature has created a new property tax exemption for solar and

wind energy equipment that generates heat or electricity (see PL 2019, c. 440, eff. Sept. 19, 2019). But in order to qualify, all of the energy generated must be (1) used on the site where the equipment is located or (2) transmitted through the facilities of a transmission and distribution utility, for which utility customers receive a utility bill credit.

Taxpayers claiming the exemption must file a "report" (essentially an application) with the local assessor on or before April 1st of the first property tax year for which the exemption is claimed. (April 1, 2020 will be the first possible date for doing so.) The State Tax Assessor must make suitable forms available for municipalities and taxpayers. Also, Maine Revenue Services must provide guidance on its website to assist municipalities in administering this exemption.

Like all property tax exemptions created after April 1, 1978, the Legislature is required by the Maine Constitution (see art. IV, pt. 3, § 23) to reimburse municipalities annually for 50% of the tax revenue lost as a result of this new exemption. (By R.P.F.)

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