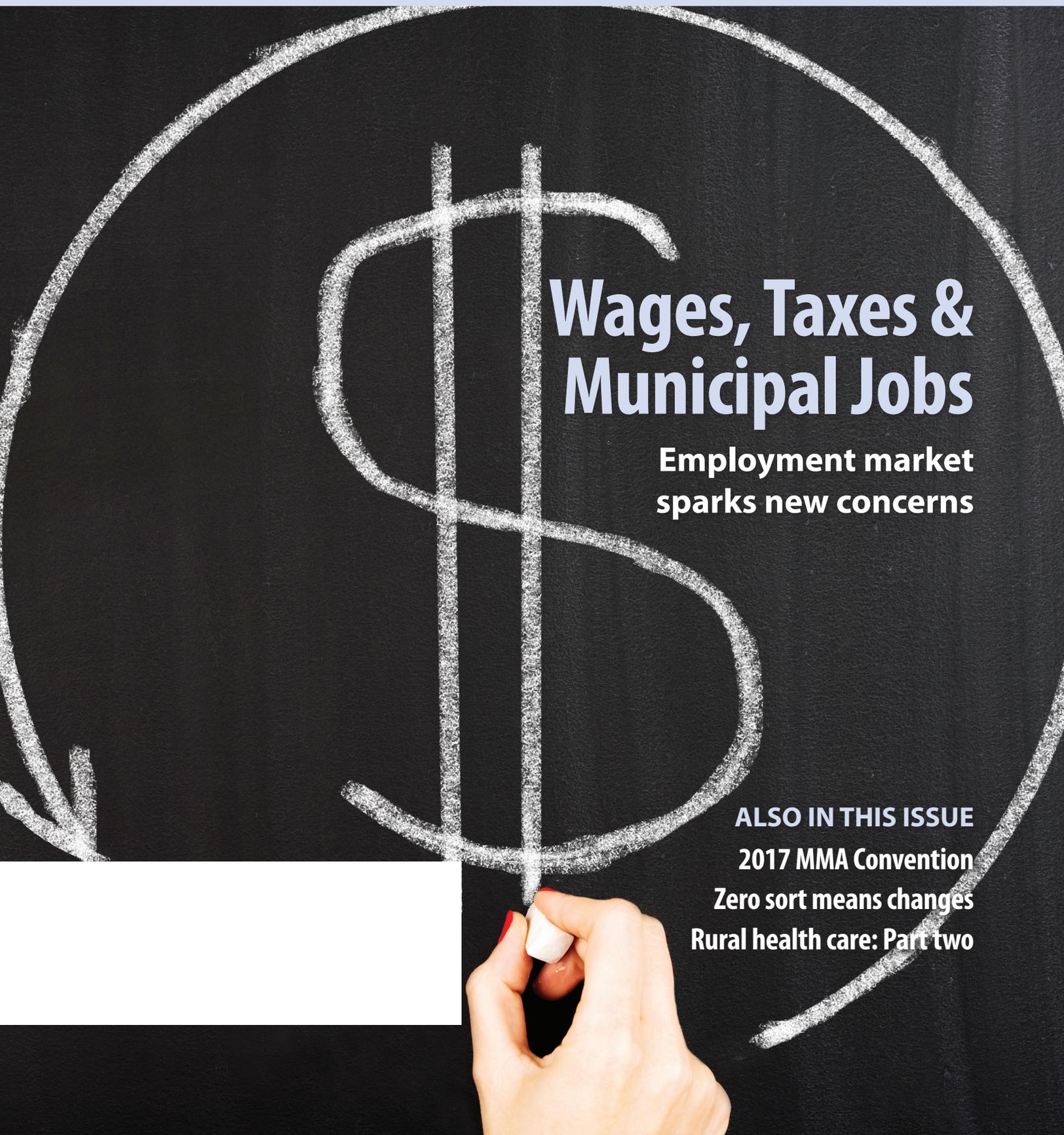


# Maine Townsmen

The Magazine  
of the Maine Municipal Association

JULY 2017

A hand with red nail polish is shown at the bottom, drawing a large dollar sign (\$) on a black chalkboard. The dollar sign is drawn with white chalk and is the central focus of the cover. The hand is positioned at the bottom center, with the index finger and thumb holding the chalk. The dollar sign is drawn with a vertical line and two curved lines on either side, all within a large circle also drawn with chalk.

## Wages, Taxes & Municipal Jobs

Employment market  
sparks new concerns

**ALSO IN THIS ISSUE**  
2017 MMA Convention  
Zero sort means changes  
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# Maine Townsman

July 2017 | Volume 79 | Issue 7

The Magazine of the Maine Municipal Association

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### Time May Change Me



*The growing popularity of “zero sort” trash collection methods is altering the recycling market and system in Maine.*

*The final part of our two-part look at the importance of rural health care runs this month, focusing on Ellsworth and Skowhegan. [Page 17](#)*

*HR-Management Conference scenes: The 2017 HR & Management Conference is one for the history books. Turn here for images from the Waterville event. [Page 36](#)*

## The 2017 MMA Convention!

*Legalized marijuana, hiring young people and Maine's opioid epidemic are among the topics to be covered at this year's convention, Oct. 4-5 at the Augusta Civic Center. You need to be there. [Page 27](#)*

## Tight Job Market

*The municipal work force is aging, Maine's population is too and, with a stronger economy, young workers expect higher wages. What's next? [Page 7](#)*

## Tradition Lives On

*Maine Town Meeting is deep in historic meaning. Some say the democratic tool has seen better days. Author Paul Frederic begs to differ. [Page 13](#)*

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## A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

### To recruit millennials, first understand them

**T**he problem is we're putting all these young people in one bucket. Older people are assessing millennials as all the same. That is *the* problem."

So says Jessica Kriegel, a demographics and human resources expert who will keynote Maine Municipal Association's Annual Convention, which will be held on Oct. 4-5, 2017, at the Augusta Civic Center.

Kriegel knows.

A "millennial" herself, Kriegel has devoted her career to exploring the differences between American generations. The Sacramento, Calif. resident – who has a neat Maine story to tell – holds a doctoral degree in Educational Organization and Management and works as a human resources consultant to the Oracle Corp., a powerhouse software company in the Silicon Valley.

Like all of Maine, and much of the country, actually, municipal government is trying hard to recruit and retain young professionals. Succession planning is one of the top challenges we face and Maine Municipal Association is working to help our members address it.

But it can't be addressed, let alone solved, without truly understanding people under 35.

"What I find is in the desperation to attract, retain and motivate millennials, older people have a hard time figuring them out," said Kriegel, who has written a book on the subject called "Unfairly Labeled."



Jessica Kriegel

"You first need to understand what they want, what their values are."

A starting point, she says, is to ignore most of what you read from "the so-called experts." They generalize and synthesize younger generations into five or six neat bullet points – which is bogus.

"They're just trying to get clicks on their websites," said Kriegel. "You have to get out and meet your candidates. They are very diverse. They are not thinking the same way."

Kriegel, who will speak to convention attendees at 8:45 a.m. on Wednesday, Oct. 4, promises an interactive presentation that will challenge all of us.

Kriegel is active at the community level. She is a board member of the Downtown Sacramento Partnership and the Sacramento Philharmonic. She calls Sacramento "the best city the world."

But, when she talks about Maine, it's clear that she holds a dual allegiance.

She grew up in New York State and her father loved to take motorcycle trips, sometimes with Jessica in a sidecar. On one of those trips, he and Jessica drove to Maine and visited Kennebunkport.

Picturesque downtown. Rocky coast. Nearby lighthouses. And lobster. Jessica remembers it all – very fondly.

"That is the coolest place I've ever been."



## NEW HORIZONS 2017 MMA CONVENTION

Program starts on page 27



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# With changing labor picture, some municipal jobs hard to fill

*The unemployment rate nears historic lows. Young people seem hesitant about government work. Are gradual pay increases and declining benefits also to blame?*

By Glenn Adams

A generation ago, municipal employment was considered a plum, with good pay, benefits and other perks that often made for a long-term career.

Is that still the case in 2017?

Today's robust economy, combined with other factors confronting municipal officials, changes the picture. Municipalities are losing many of those senior, career employees to retirement. Fewer young people are drawn to the kinds of jobs towns and cities offer, municipal leaders say. The ability to offer competitive pay is hampered by constant pressure to keep local taxes in check.

"It's an incredible dynamic now," said Jim Mackie, staff representative for the American Federation of State, County and Municipal Employees Council 93, which represents workers in many large and small municipalities across Maine.

Municipal officials and educators are keenly aware of the trend and are looking for answers.

"We need to think creatively about how to get young people involved in public service. This may require us to reach out to younger folks, even high schoolers," said Professor Yuseung Kim, chairman of the graduate program in Policy, Planning and Management at the Muskie School of Public Service, University of Southern Maine.

Portland provides perhaps the most notable example of the dilemma. Hoping to lure qualified police officers to fill 10 openings, Maine's largest city is offering \$10,000 bonuses to be paid in increments to successful candidates, and \$2,000 rewards to current officers who bring in new officers. Westbrook

and Brunswick are also among the municipalities offering monetary rewards in hopes of filling their police openings. Last month, the Maine Criminal Justice Academy's website showed a list of 20 cities and towns advertising for officers.

One of those towns was Newport, looking for a police officer to round out the department's staff of six. Town Manager Jim Ricker said one of his greatest frustrations is keeping his police department up to full strength, given the stifling demand for officers across the state. If a newly hired officer excels on the job, surrounding towns quickly up the ante with a better offer and snap him or her up, said Ricker.

While Ricker believes his service center town of about 3,200 offers competitive pay and benefits, the added perk of full-time, personal use of a police car is one Newport can't afford. So Ricker must advertise for a new officer every year, sometimes twice a year. Adding to the frustration is the fact that police represent the biggest spending item in the town budget.

"I know it's a problem with smaller communities," said Ricker.

## Not just police

The problem in finding and keeping good people is not limited to police departments. Farmington, which has also advertised for police, has had a hard time finding people to take seasonal jobs mowing lawns and doing other manual labor, said Town Manager Richard Davis. Those seasonal jobs



Ruth Birtz

have traditionally been filled by young people who are still in school, "but now it doesn't seem to interest them," Davis observed.

Farmington also was faced with retirements of a public works director, parks and recreation director, wastewater treatment director, treasurer and assessor. Davis said the town was lucky in those cases and found experienced people, some from other

towns, to fill those posts. Still, keeping people for the long term is a challenge. It's a problem that's universal, not unique to Farmington, which has about 50 employees.

"It's a tough time for government in general," said Davis. "It's not portrayed in the best way; there's a lot of mistrust in government. I think there's a great misunderstanding out there about what government is and what we do."

Also, there's been a change in people's aspirations and the notion of staying in the same job for long, said Davis. People move from job to job. Fewer young people pursue training in the trades that have application to municipal needs, said AFSCME's Mackie, who's negotiated hundreds of contracts in Maine and other states over the last 35 years.

For example, many municipalities "are having an extremely difficult time" finding qualified diesel and small engine mechanics, Mackie said. Young people are less likely to invest their futures in learning the fine points of driving a snow plow truck. Mackie said

*Glenn Adams is a freelance writer from Augusta and relatively new writer for the Maine Townsman, [adamsgjr1@gmail.com](mailto:adamsgjr1@gmail.com).*

he knows of some municipalities that have public works employees who are 65 years old, and some in their 70s.

### Bumping the bubble

"We're really bumping up against that retirement bubble in Maine," said Mackie. "We're in a kind of crisis: Hiring new people, getting them in the door and as soon as they get in, they're looking elsewhere." New hires are more likely to see their jobs as stepping stones, he said.

Social and employment preferences of students have changed, observed Jim Breece, associate professor of economics at the University of Maine. Many students have taken on big college loans and opt to go after jobs that pay more than towns and cities can afford, Breece said. Young people are more mobile and may not be attracted to small towns.

"You're 20-something. Do you want to live in rural Maine or live in Portland?" asked Breece.

The challenge of attracting and keeping municipal workers is stiffened by the extreme competition for every tax dollar. Wage negotiators can no longer walk in and ask for 5 percent

raises and a list of improved benefits without justifying every dollar in detail, said Mackie.

"We know that we have to be prepared to justify what we're asking for... every dollar," Mackie said. Meanwhile, law enforcement accounts for a large and grown share of local budgets.

"The playing field's gotten very, very tilted (in favor of) law enforcement," said Newport's Ricker, a former police officer himself.

Portland's minimum wage law poses another challenge as the city tries to fill several positions beyond the 10 police and four dispatchers' positions, said city Communications Director Jessica Grondin.

Portland's minimum wage, which was \$10.10 an hour last year and rose to \$10.68 on Jan. 1, 2017, has nudged up wages offered by private businesses in the area, making it harder for the city to attract candidates, especially for seasonal jobs. As of mid-May, Portland



Richard Davis

was looking for concession workers in the Expo and Merrill Auditorium, and workers at the city's Riverside Golf Course. In addition, the city had openings for certified nursing assistants and an assistant director of nursing services in the Barron Center, the city's assisted living facility.

Retirements of baby-boom employees, which have caused multiple openings in some communities, haven't been

a problem in Portland, Grondin said. The challenge, she said, "is getting our opportunities in front of the right people."

### Assessor shortage

For some critical municipal jobs, the right people just aren't there, said Ruth Birtz, tax assessor in the Town of Lincoln and president of the Maine Association of Assessing Officers.

"We really find that in the assessing field, fewer people are getting into it," said Birtz. "So we are trying to attract

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people who will make assessing a long-term career.”

Birtz, who also serves as code supervisor and economic development assistant in the service center town of 3,200 residents, said the demand for qualified, long-term employees is not just limited to assessing and police. Tax collectors, treasurers and other

## COMPARING WAGES

A comparison of national and Maine median hourly and annual pay for some key municipal jobs. The median is the middle point in a series on numbers, in which half of the numbers are above the median and half are below. The figures were provided by the Maine Department of Labor, Center for Workforce Research and Information.

### Local government pay (overall)

National: \$21.93/hour; \$45,620 annual  
Maine: \$18.34/hour; \$38,142 annual

### Appraisers and assessors

National: \$23.56/hour; \$49,010 annual  
Maine: \$21.61/hour; \$44,941 annual

### EMTs and paramedics

National: \$16.84/hour; \$35,030 annual  
Maine: \$15.37/hour; \$31,972 annual

### Police patrol officers

National: \$28.76/hour; \$59,810 annual  
Maine: \$21.82/hour; \$45,394 annual

### Bus/truck mechanics, diesel engine specialists

National: \$25.70/hour; \$53,450 annual  
Maine: \$21.26/hour; \$44,222 annual

full-time posts are in need of candidates, but “there are very few people willing to get into municipal government,” Birtz said. Lincoln has 30 municipal employees, including police and firefighters.

She believes the field is limited by widely held, negative perceptions of government in general. Birtz says government at all levels is tarnished by the rancor and political polarization that people see at higher levels, creating a “trickle-down effect” that is not helpful in making municipal jobs seem attractive, especially to young people.

“It’s very hard to not see there’s a problem in the political environment we work in,” Birtz said. The state assessors’ association is trying to change that negative perception, she said.

In Maine’s capital city, Manager Bill Bridgeo said: “We’re constantly on the search for paramedics and firefighters. It’s a challenge when we have an opening, to have a robust applicant pool.” Bridgeo said he’s not sure why, given the competitive pay and benefits that Augusta offers for those jobs. Perhaps, he said, potential applicants are scared

off by the long hours, which can cause stress on family life.

But not all city positions lack interest. Bridgeo said ads for clerical posts, such as secretarial workers, draw “an abundance of applicants.”

As a teacher of municipal administration at the University of Maine at Augusta, Bridgeo makes a practice of bringing municipal officials into his classrooms to talk up their specialty areas. “I try to encourage students to get involved in municipal government,” said Bridgeo.

## Role of higher education

Symptomatic of the yawning need for new candidates is the fact that UMA stands alone in the seven-campus University of Maine System, as the only school that offers undergraduate studies in public administration, Bridgeo noted.

UMaine’s Breece said it doesn’t necessarily take a public administration degree to prepare a student for specialized municipal jobs. He sees students from the university’s economics and business programs finding employ-

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ment at the state and municipal levels.

“Do you really need that public administration stamp on your diploma to say you’re qualified?” asked Breece.

The Muskie School’s Kim said Maine towns’ and cities’ difficulty attracting qualified applicants is part of a national trend. But “more recently, we are seeing a growing number of students interested in our program and in the government and non-profit sector,” Kim wrote in an email.

“There are a number of people in key positions in these sectors who will be retiring and we are preparing the next generation of leaders. We reach out in many ways including television advertising, presentations to the Maine Town, City and County Management Association, and through an active advisory board,” Kim said.

The Muskie School program’s best promoters are students who recruit by word of mouth, said Kim. “We also have certificate programs that let students take a shorter program before they commit to a master’s degree. We have an active board of visitors that helps to connect students to internships and jobs.”

In addition, a Managing Cities, Towns and Counties online course, developed with assistance from the managers association, has been offered, said Kim. A major component of the class is to interview town managers and other non-elected officials as well as attend different types of town meetings so that students begin to establish contacts. An internship program has also been established, and some of those internships have led to full-time jobs, said Kim.

The City of South Portland has made it a priority to retain workers through workforce development, family-flexible work schedules and a policy of promoting from within, said Don Brewer, human resources director for the city.

South Portland is advertising for a police officer, but it is not yet offering a signing bonus as its larger neighbor Portland is. But that is a tact it may have to consider, said Brewer.

“Probably our most acute problem is hiring police officers,” said Brewer. Engineers, building custodians and transit bus system drivers are not easy positions to fill in South Portland, ei-

ther. But the city was fortunate to find an assessor to fill an opening, and was able to hire a code enforcement officer from within, said Brewer.

### Apprenticeship program

The state Labor Department has an apprenticeship program, which “assists in setting up structured yet flexible training programs designed to meet the specific needs of Maine employers through on-the-job learning and related classroom instruction,” according to its website.

But as of mid-May, no municipal governments nor public employers were sponsoring apprenticeships, said Julie Rabinowitz, director of policy, operations and communication for the state Department of Labor.

“We would welcome the opportunity to create an apprenticeship with a municipal employer and use that model for various municipal occupations,” Rabinowitz said. She said employers can learn more about potential training programs for current employees or programs to help employers recruit and train new employees is to go to [www.Maine.gov/maineatwork](http://www.Maine.gov/maineatwork).



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Rabinowitz explained that apprenticeship positions are typically full-time, with classroom training taking up part of those 40 hours, posing an impediment for smaller towns that have part-time and “volunteer” staff. For those towns, it’s difficult to meet the full-time employment element and the wage requirements of a registered apprenticeship program because as apprentices progress in their training, they receive increases in wages. The same thing goes with jobs that are seasonal, such as plowing and certain recreational program staff.

### Show them the money

To Bangor Mayor Joe Baldacci, attracting and training good people is all about paying good wages.

“Communities can’t raise wages because of the state’s cuts to education and revenue sharing among other sources of funding for communities,” said Baldacci. “The (Gov. Paul) LePage Administration is proud of these cuts, but Maine’s mostly middle-class home-

owners who would like stable taxes and good services are shortchanged.”

In all job categories cited, pay for employees in Maine municipal governments is less than that of their counterparts nationally, according to figures from the state Department of Labor. For local government employees in general, the national median hourly pay is \$21.93, compared to \$18.34 in Maine. The national median annual pay is \$45,620, compared to \$38,142 in Maine.

“We have a lot of people leaving the

state,” AFSCME’s Mackie said. “Wages are the ointment that cures all in employment.”

“I wish I knew where all of this will end,” said Newport’s Ricker.

Maine’s overall unemployment rate in March 2017 was 3 percent, the lowest on record since the current estimation methodology was implemented in 1976, the state Labor Department reported. Maine’s March rate was 0.7 point lower than that of a year earlier, and also lower than the national rate of 4.5 percent. ■

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# History lesson shows New England towns are not villages

*New England town meeting is the closest to pure democracy of any system of governance. It continues to meet the needs of most small to mid-sized municipalities.*

By Paul B. Frederic, First Selectman, Town of Starks

The New England town and its town meeting form of government invoke images of roadside town line signs and real democracy playing out on the floor of a wood stove heated frame town house in a small town somewhere in Boston's hinterlands. The New England town is a municipality that encompasses an expanse of land and usually includes both compact settlements (villages / hamlets) and rural areas.

These political units evolved from the 17th Century needs of people transplanting themselves from England to the shores of Massachusetts Bay. Demands of church and civic governance resulted in a blending of religious and town government affairs in early Massachusetts. John Winthrop, first governor of the Massachusetts Bay settlements that would develop in and around the Boston locale, was a principal player in both Congregationalism and establishing the underpinnings of New England town formation and administration.

Towns were charged with providing local services: laying out roads and maintaining them, education, police and fire protection, overseeing the poor, passage of ordinances to protect public health and promoting the general welfare of the population. Municipalities were also authorized to raise taxes to support their functions. New England colonies established policies that encouraged contiguous settlement as the frontier advanced.

*Paul B. Frederic is First Selectman in the Town of Starks, Professor of Geography Emeritus at the University of Maine-Farmington and past Director of the Maine Land Use Regulation Commission. frederic@myfairpoint.net. An earlier version of this article appeared in the American Association of Geographers Newsletter (2016). It is republished with permission of the author.*

## TOWN MEETING SEASON

Maine's 2017 Town Meeting season just concluded. Look for wrap-up articles on the issues and elections decided at many town meetings, in next month's Maine Townsman.

This provided for better safety from both external and internal dangers. Indians and foreign powers presented threats from time to time.

On the domestic front, church and community leaders wanted to watch over their people to ensure no citizen strayed from social norms. Hester Prynne with her scarlet letter and the banishing of Roger Williams from Massachusetts are examples of the latter. As time passed, villages within towns became the visual icon of much of the region. However, even with villages, some quite large, the town continued to be the government. If growth or political pressure resulted in city status, the city line conformed to the pre-existing town line. Colonies and later states made provisions for town lines to change as development and population patterns evolved. In some situations towns reverted to unorganized townships if loss of population dictated.

### Explaining size

Towns in New England range in geographic area from a few hundred acres in the case of some island communities and compact urban areas to a size of six miles by six miles or 36 square miles. A few are even bigger. Thirty-six square miles represents the approximate maximum extent of a service area of a colonial church or seat of town government. Traffic was

by foot, animal power or boat. Topography and barriers to travel were often considered in laying out town lines.

Towns were created from unincorporated land by colonial and later state governments. As land came under private ownership and under settlement, towns were incorporated upon petition of the owners and residents. In some situations, plantations (planting a settlement) were formed by the colonial, state or county government. Plantations have fewer home rule powers than towns and are an intermediate step to becoming a town. The official name of the State of Rhode Island is Rhode Island and Providence Plantations. The smallest U.S. state has the longest name. With population growth, most plantations eventually became towns.

Maine still has a few dozen of them. Many towns skipped ever being plantations. Maine plantations have many powers of towns. However, they cannot enact land use ordinances without permission of the state. Most of New England is divided into towns. Larger places and some mid-sized municipalities have become cities. Cities have more complex governments than towns generally speaking, although this varies among states. Geographically, nearly half of Maine (most of its north and northwest) is comprised of surveyed but unincorporated townships. All have either small populations or no people.

### Democracy and free speech

Towns that arose in the six New England states were governed by the open town meeting, where a legislative body comprised of all voting citizens of the town gathered at annual

or special meetings to transact legal affairs of the town. Many small and mid-sized towns continue to conduct their business through open town meetings with each citizen representing himself/herself on the floor.

Larger towns and cities have councils or town meetings made up of representatives elected from the general population. Selectmen, usually three or five, are elected by the voters and serve as the executive branch of the town. They are charged with carrying out the wishes of the majority of people voting at town meetings. These open meetings are at the forefront of the region's political image. President Franklin D. Roosevelt's 1941 State of the Union "Four Freedoms" speech (freedom of speech, freedom of worship, freedom from want and freedom from fear) was followed in 1943 by Norman Rockwell's image of a citizen speaking at a classic open Vermont town meeting. That "Freedom of Speech" setting is often repeated in New England open town meetings today. Historically, annual town meetings were held in March or April, after the hard part of winter and before planting season, a good window for



farmers. As local governance became more complicated some towns moved their annual meetings to early summer in order to better coordinate fiscal years with other property tax supported enterprises, such as consolidated school districts. In Maine, school budgets are often voted on in June near the end of their fiscal years.

New England settlement, town

and religious meeting were often held in the same building, the meeting house. In the early stages of a town's planting, both kinds of gatherings were sometimes held in private homes or barns. With the passage of time and the growing demands of both church and town, a separate structure, a town house, would be constructed to provide a place for town meetings and

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Jon Pottle provides municipal clients with advice to meet all their legal needs, including the areas of land use and code enforcement, finance, election, tax, contracts, public records, economic development, personnel, and municipal liability law. Jon assists municipalities in helping to solve their challenging problems, operate efficiently, save costs, and realize economic development opportunities in their region.

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storage of government records. The raising of money to construct a town house represented a significant step in a town's progress.

Sometimes, a wealthy citizen would donate funds for building the town house. This occurred in Vienna, Maine in 1854-55 when Joseph Whitter, a successful Boston merchant and child of Vienna, provided funds for a small Italianate style town house that continues to serve the municipality. The structure is listed on the National Register of Historic Places. Vienna Town House is near the town's geographic center on Town House Road and not at the village, three-quarters of a mile to the southeast.

Open town meetings can be traced to the ancient Greek forum and provide an environment for citizens to vent, legislate and solve community problems. Today's debates involve roads, local welfare for the poor, schools, fire and police protection, etc. Each warrant article is acted

upon and all citizens with voting power can participate. My six decades of attending open town meetings resulted in a patchwork of memories encompassing thousands of discussions – some friendly, others not. The amount of money involved may not have much to do with how heated an argument becomes. Sometimes \$50 to repair the cemetery fence will generate more anger and stress than buying a \$150,000 snowplow.

### Didn't go west

As the frontier swept west, the New England town meeting was left behind. Settlers from the mid-Atlantic and southern states defended strong

county government and they prevailed as new land came under organizer local rule. Counties are weak in New England, where most small towns and rural places are controlled by town administration. The one aspect of the New England town that did go west is the 36-square mile township that we recognize on land surveyed under the United States Northwest Ordinance of 1785.

Small towns in Maine, New Hampshire and Vermont continue to treasure the open town meeting as a way to conduct municipal business. It is real democracy in action and demonstrates to all that a New England town is not a village. ■

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# Rural health care: Ellsworth, Skowhegan as local partners

*There are many benefits when municipalities and health-care organizations work together to serve older and younger citizens. Opioid abuse is a huge challenge.*

By Janine Pineo

**M**aine faces numerous challenges when it comes to health and Mainers, one of which is having thriving communities.

"You can't get anywhere without a healthy population," said Dr. Michael Lambke of Skowhegan. He served as medical director of Redington-Fairview Hospital from 2011 to 2016 and has been in family practice in that Somerset County town for 20 years. Without healthy residents, he said, there is no healthy economy.

Businesses can support workplace health programs, he said, but so too can municipalities. From supporting local public health organizations and their initiatives such as combatting childhood obesity to changing municipal planning for better access and striving to change sprawl to a more concentrated community structure, Lambke said there are ways to engage municipalities.

"This is about setting up your community for success," he said. "It needs to be supported municipally and in business."

Skowhegan believes it has become a model for the state in the revitalization of its downtown through Main Street Skowhegan, a nonprofit founded in 2005 that worked to "reinvigorate" the town center and has expanded its mission to include all of Skowhegan.

Lambke and Redington-Fairview General Hospital Chief Executive Officer Dick Willett said that the vibrancy of Skowhegan is a selling point in drawing health care professionals to their rural area.

Willett said Main Street Skowhegan makes the community more attractive

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*Janine Pineo is a freelance writer from Hudson and regular contributor to the Maine Townsman, [jepineo@gmail.com](mailto:jepineo@gmail.com).*

## RURAL HEALTH REPORT

The Maine Health Access Foundation published a comprehensive report titled, "A Statewide View of Rural Health," last September. It can be read online, along with other research on this topic, at: <http://www.mehaf.org/learning-resources/reports-research/>

to businesses and recruiting. "It's all about connectedness to me," he said.

"All of this stuff intertwines," said David Cole, Ellsworth city manager. Ellsworth is a service center for Hancock County and as such, Cole said, it is crucial for the city to make changes that look to the future, including the health of city and county residents.

"How do you accommodate people at all age groups?" he asked. Ellsworth is answering this in multiple ways, facing the reality of Maine's aging population and their needs, but also finding that needs in the city are not limited to any single age group. "We have needs that run the gamut," he said.

"The reality is that the economy of now and into the future rewards density," Cole said. People will need to be closer to service centers such as Ellsworth and Skowhegan, which opens up opportunity for those places.

### Partnering in Ellsworth

One facet of Ellsworth's vision is the health of residents.

Cole is a vocal supporter of community-based programs, citing Friends in Action as one of the key groups not just in the city, but in all of Hancock County. The program provides help in the form of transportation, shopping, home repairs and visits or a phone call to combat loneliness and its effect

on an individual's health. It also has a variety of programs, from social ones ranging from the twice-weekly "coffee house" and the senior lunch program, to fitness programs to support groups for those with Parkinson's disease or brain injuries.

The city also works with Healthy Acadia, a nonprofit community health coalition that covers Hancock and Washington counties. Its list of initiatives is broad:

- Active communities
- Emergency preparedness
- Farm to school
- Food for all
- Gleaning
- Healthy environments
- Healthful services
- Positive social development
- Preventing substance misuse
- Tobacco-free communities
- Worksite wellness

One area where the city and Healthy Acadia connect is in response to the opioid crisis. The Ellsworth Police Department has taken an approach different than what one might expect.

"It just isn't working," said Ellsworth Police Detective Dorothy Small. The "it" is the notion that stopping drug dealers will stop drug addiction. What is becoming increasingly crucial is getting help for those with addiction.

"We had several overdose incidents," Small said. "Our goal is to get (people) into quality treatment despite the fact they have no resources."

Maine is far from immune from the rising tide of deaths from opioids. In fact, the New York Times reported in early June that Maine is one of the states with a significant increase in 2016 over 2015.

As a nation, overdose deaths are expected to exceed 59,000 for 2016, a 19 percent increase over 2015, according to preliminary data. The report states that drug overdoses are now the leading cause of death for Americans under the age of 50.

The Portland Press Herald reported in early February that numbers from the Attorney General's Office show Maine had a 40 percent increase in drug-related deaths in 2016, from 272 people in 2015 to 378 people last year. Maine's per capita rate of drug overdoses was the 13th highest in the nation in 2015, at 21.2 deaths per 100,000, according to the newspaper.

### Project HOPE

Healthy Acadia is assisting Ellsworth through Project HOPE (Heroin Opiate Prevention Effort). Small said that last year, then-police chief Pete Bickmore wanted to start this program. He had worked on a similar project called Operation HOPE at his previous post in Scarborough.

"If you need help, you can come into the police department," Small said. Those seeking aid are asked to

## AT THE CONVENTION

Maine Municipal Association's Annual Convention will be held Oct. 4-5, 2017 at the Augusta Civic Center. A panel discussion about opioids is among the many timely topics scheduled. To read the preliminary Convention program, see Page 27 of this issue of the Maine Townsman.

bring their drugs and paraphernalia, which can be turned in with no consequences. The police check to make sure there are no active warrants. If the individual is eligible, then the volunteer network at Healthy Acadia kicks in.

"We don't want to lose that momentum when they are ready to get treatment," said Elsie Fleming, executive director of Healthy Acadia, which trains the network of volunteers.



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On Tuesday, the only set intake day, “we’ve got volunteers on standby,” she said. The goal is to get the individual into a detox program and then if possible, into a facility for long-term help.

“Actual matching with treatment is what takes a lot of time,” Fleming said. “We do a lot of jigsaw puzzling together.”

Small said that as of mid-April, 15 people had asked for help from the program that launched Oct. 1, 2016. She added that there had been varying degrees of success, which ultimately was up to the individual.

Fleming said that Project HOPE recently received funding to expand to other municipalities and that Healthy Acadia is complementing the program with recovery coaching, a 30-hour course to train people to be peer recovery coaches.

Ellsworth partnered with Healthy Acadia for another project back in 2012. The city applied for a community development block grant to help fund a pilot program for gleaning.

## ABOUT THIS ARTICLE

This is the second article in consecutive months that we have published about health care in rural Maine. To read last month’s article, go to [www.memun.org](http://www.memun.org), look for the Maine Townsman icon on the bottom right and click “View Archives.” Then, select the June 2017 edition.

Healthy Acadia’s website describes gleaning as “the simple act of collecting quality food that would otherwise go to waste and redistributing it to the benefit of the common good.”

The grant was approved and the Downeast Gleaning Initiative began, working with the University of Maine Cooperative Extension, farms, orchards, farmers’ markets and other food producers to gather food that would be thrown out. More than

50,000 pounds of food have been collected and distributed in the two counties, Fleming said.

### Major employer, presence

The largest source of employment in the state is the health-care sector at 15 percent, according to a Maine Health Access Foundation report from September 2016. It is followed by retail trade at 12 percent and education at 10 percent.

“A Statewide Review of Rural Health: Maine Rural Health Profiles” details health and health care in Maine, bringing together facts for each county, including data on employment, facilities, services and health status.

According to the report’s classification of “rural,” Somerset County is one of Maine’s 11 rural counties, with four out of five residents living in a rural area. Population density is 13.2 people

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per square mile, almost 70 percent lower than the state average. It is tied with Washington County with the highest unemployment rate of 6.6 percent.

The "County Health Rankings" place Somerset County in the bottom quarter of Maine's counties on all measures. It is 16th for Health Outcomes (premature death and "poorer reported quality of physical and mental health") and 15th for Health Factors (adult smoking, obesity, teen birth, alcohol-impaired driving).

In Skowhegan, Redington-Fairview is a big part of the community, from employment to involvement.

Skowhegan's Town Clerk Christine Almand said the hospital pays for a hospital resource officer and also trains police officers to use NARCAN (naloxone), a nasal spray administered in emergency treatment of suspected opioid overdoses.

"We all work together," Almand said.

Redington-Fairview's CEO Willett said it is vital for the hospital to be "plugged into the community."

The rural character of Somerset

County is a plus and not a minus for the hospital, which employs 700 people with a payroll of about \$40 million, he said.

The hospital participates in a joint effort by Tufts University School of Medicine and Maine Medical Center Maine Track Program called the Longitudinal Integrated Clerkship, a unique program that gives a medical student the opportunity to practice in a rural area for nine months.

"You can practice quality medicine," Willett said, "and you can have a rural lifestyle."

He extolls the power of community involvement and encourages it with staff. He is "keen" on the Main Street project because it makes the commu-

nity more attractive to business and recruiting.

Dr. Lambke said a reinvigorated downtown is a win-win for all residents. "You can't take care of your aging (population) if you can't take care of your youth," Lambke said. "You have to build your way there. You've got to grow business; it isn't attracting businesses, you have to build."

Willett sees a cycle for the hospital as a business. The hospital attracts employees who serve and then retire in the Skowhegan area, becoming a consumer of that same health industry in which they worked.

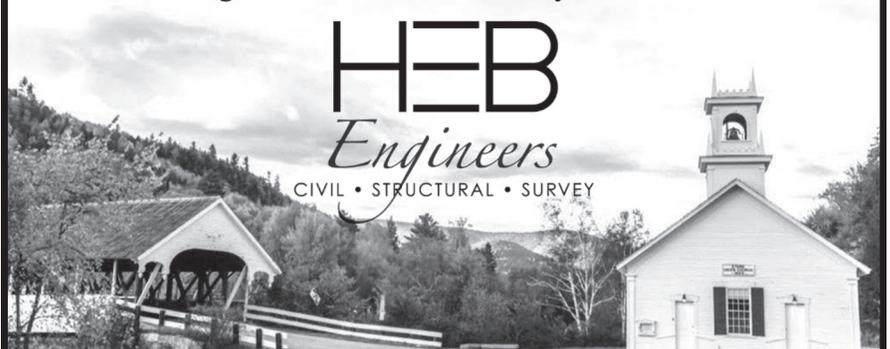
His recruiting pitch is simple: "It isn't just a place to work but a place to live." ■

The Maine Municipal Association (MMA) is a voluntary membership organization offering an array of professional services to municipalities and other local governmental entities in Maine.

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

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# The Municipal RISK MANAGER

SUMMER 2017

A Publication of the Maine Municipal Association

## Property & Casualty Pool Achieves Milestone



MMA Risk Management Services achieves another milestone by celebrating the 30<sup>th</sup> anniversary of the Property & Casualty Pool. The Property & Casualty Pool was established on March 1, 1987 by a group of 14 founding members who came together to form a partnership which now pro-

ducts over 460 municipalities and governmental entities throughout Maine. The goal of the Pool is to provide stability, specialized coverage tailored specifically to the needs of Maine governmental entities and unparalleled risk management services. The members are the owners of the Property & Casualty Pool and we are proud to partner with you. Since the Pool is a nonprofit we return any savings directly back to the Membership through our dividend program. The **Pool has awarded over \$16,000,000 in dividends** to members of the Pool since 1997. The Pool has numerous value added services such as:

- Personalized Underwriting Specializing in Maine Governmental Entities

- Professional & Compassionate Claims Administration

- Dedicated Loss Control Representatives

The Risk Management Services Team would like to take this moment to thank you all for your continued support and commitment. The efforts of the municipalities, districts and quasi-governmental entities that are the Property & Casualty Pool are a great example of Maine local governmental cooperation. We sincerely appreciate all of our Members and hope that you will join us as we celebrate the 30<sup>th</sup> anniversary of the Property & Casualty Pool. 🏠

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## Stand & Be Recognized



In an effort to show our appreciation to the municipalities and entities that are partnering together in the MMA Property & Casualty Pool and the MMA Workers Compensation Fund, *Risk Management Services* along with the members of the Executive Committee are sponsoring regional

recognition celebrations. Municipal and District official were recognized for their dedication to each program and presented with an award plaque on June 1<sup>st</sup>.

Planning for the Fall Recognition Celebrations are underway and we look

forward to meeting with you to show our appreciation for your continued membership. Attendees of the celebrations will also be entered into a door prize drawing for a complimentary registration for this year's MMA Convention. 🏠

## Dedication and Public Service Equals David Cole



Please join MMA Risk Management Services as we thank David Cole for his commitment to public service, local government and to the Maine Municipal Association. For the past 22 years David has proudly served as the Manager for the Town of Gorham and prior to that he was the Manager in the City of Old Town and the Town of Lincoln. David is a past President of the Maine Town, City and County Management Association and a recipient of the Linc Stackpole Manager of the Year Award. David volunteered and served on MMA's Executive Committee, Advisory Committee, Nominating Committee, Intergovernmental Task Force and multiple terms on the Legislative Policy Committee. MMA Risk Management Services would like to personally thank David

for his years of service on the Property & Casualty Pool Board of Directors from 1999 through 2017. Over the years David has dedicated himself to the advancement of local government and the Maine people. Thank you David for all of your efforts, commitment, understanding and friendship. We wish you all the best in your retirement. ■■

## Time out for Training at the 26th Annual Highway Congress

Risk Management Services Loss Control Department continued their support of the Annual Highway Congress held June 1st at the Skowhegan Fairgrounds. The "Time Out for Training" booth is a fixture at the Highway Congress and provides our loss control staff an opportunity to discuss various safety issue with many of our members and interact with vendors in a casual setting. This year's safety focus was centered on backing safety and blind spot awareness.

We would like to thank all of the attendees that visited our booth. ■■



## Do You Need Money For Safety?

If your entity is in need of money for safety equipment or education we are here to help. The Maine Municipal Association Workers Compensation Fund offers their members two programs to assist with their safety efforts: the Ed MacDonald Safety Enhancement Grant and Scholarship Grant Programs. These programs offer financial incentives to members of the Fund by supporting their purchase of safety equipment or safety services that will assist in reducing the frequency and/or severity of workplace injuries.

The Maine Municipal Association has been proudly awarding safety grants to Members of their Workers Compensation Fund since 1999. The Ed MacDonald Grant programs continue to support municipalities and has bestowed over **\$ 4.1 Million** of safety enhancement grants and scholarship grants. The May grant period witnesses a record amount of grant requests and we are happy to announce we were able to award **120 grants for a total of \$161,657**.

For more information about any of the Maine Municipal Association Risk Management Service programs, including the Ed MacDonald Safety Enhancement Grants eligibility and applications, please visit our website at [www.memun.org](http://www.memun.org) and click on the Risk Management Services link, or call us at 1-800-590-5583. ■■



### The Municipal Risk Manager

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

**Publisher:** Risk Management Services

**Editor:** Marcus Ballou

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# After The Storm: Equipment Breakdown

## Importance of contingency planning

The large number of severe storms across the country causing catastrophic property damage has reinforced the importance of contingency planning and post disaster actions and events. Mechanical and electrical equipment used to support a business is just as vulnerable to damage as any other part of the property. Many times equipment is out of sight and out of mind until the heat goes off, the lights go out or the product stops being produced. In order to minimize damage and downtime, it's imperative to identify key equipment and document plans to protect and restore when disaster strikes.

## Key equipment

Key equipment has a high dollar value and is usually critical to business operations. It can include, but is not limited to:

- Boilers and pressure vessels
- Electrical equipment
  - Transformers, switchgear, cable, bus, motors
- Air conditioning and refrigeration
- Information and communications systems
  - Computers and telephone systems
- Mechanical equipment
  - Gear sets, engines, compressors, fans, turbines

Once key equipment is identified and its impact on the business quantified, a plan can be designed to address the breakdown of that equipment. Items to consider may include:

- Consulting with equipment manufacturers and expert contractors

- Relocating to a safer area or adding protection in place
- Determining availability of total replacement and spare parts
- Determining availability and feasibility of rental equipment
- Preplanning with contractors
- Outsourcing to competitors, over-time, inventory of raw materials and finished goods
- Including reciprocal agreements with competitors

## Action to take if equipment is threatened or damaged by water infiltration

Water is the most common cause of damage to equipment from a natural disaster. Special precautions must be taken when any equipment is threatened by water infiltration. First and foremost is to shut down the equipment while it is still in good working order.

- Boilers should be shut down far enough in advance so that they are cool
- Pressure vessels should be anchored securely so that they are not able to float and break away from piping
- Electrical equipment should be de-energized individually and the disconnect from the utility should be open
- Computers and telecommunications systems should be moved to a safe area and backups of all data created

Getting your business up and running after your equipment has been damaged by water requires time and patience. This is when the planning pays off. The safety of those who are working in the area that was impacted must be top priority. The area may contain hazardous chemicals and bacteria that require safety and cleanup procedures before restoration begins.

After the area has been tested and confirmed safe to work in:

- Work in conjunction with equipment manufacturers and expert contractors
- Verify all utilities are shut off to each piece of equipment
- Conduct careful visual inspection of all equipment and document the findings

Boilers:

- Waterlogged insulation on piping and boiler should be removed by qualified contractors in case of hazardous materials
- Verify condition of boiler setting, foundation and piping supports
- Verify integrity of refractory and dry out or replace
- Inspect and clean all support systems (fuel, chemical, feedwater, condensate, etc.) of contaminants
- Inspect, test, clean, repair or replace all controls and safety devices before use (safety valves, operating controls, fuel and flame safeguards, etc.)
- Verify combustion air supply and chimneys and vents are clean and open

Pressure Vessels:

- Waterlogged insulation on pressure vessel and piping should be removed by qualified contractors in case of hazardous materials
- Verify condition of pressure vessel, foundation and piping supports
- Inspect, test, clean, repair or replace all controls and safety devices before use (safety valves, pressure controls, temperature controls, level controls, etc.)

Electrical Equipment (including data and telecommunication systems):

- All wiring, cables and bus should be disconnected and tested for grounds and short circuits
- Switchgear, motors, controllers, computers should be cleaned dried and tested prior to energizing

Air Conditioning and Refrigeration Systems:

- Waterlogged insulation on pressure vessel and piping should be removed by qualified contractors in case of hazardous materials
- Verify condition of foundation and piping supports
- Inspect, test, clean, repair or replace all controls and safety devices before use (safety valves, pressure controls, temperature controls, flow controls, etc.)
- Verify condition of lube oil in the

Story Continued on Page 24

## Welcome New Members

### Property & Casualty Pool

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### Workers Compensation Fund

Town of Osborn

### Unemployment Compensation Fund

Town of Holden  
Town of Stockholm

## After The Storm: Equipment Breakdown *(cont'd)*

compressor, gear box, coupling, etc.

- Verify condition of electric motor and power system. Clean, dry, repair or replace.

### Mechanical Equipment:

- Verify condition of foundations and hold down bolts
- Test lubricating oil for contaminants
- Disassemble, clean and dry

Following the manufacturer’s recommended practices and consulting with qualified contractors during the planning and then the restoration period will result in:

- Less damage to equipment
- Less downtime
- Reduced cost

Catastrophic events do occur that

are uncontrollable. What can be controlled is the amount of damage to your property and business through proper planning.

### Resources

For more information, go to: <http://www.fema.gov/>

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Through **EPL Assist™**, MMA Property & Casualty Pool members have an unlimited ability to seek out expert advice and counsel as a benefit of the program. **EPL Assist™** is a cutting edge risk management program providing members with a wide variety of legal content, forms and analysis, combined with the ability to interface directly with Littler lawyers dedicated to assisting you in navigating what has become an employment law minefield.

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  - ❖ Free harassment training webinars for up to 10 supervisors or managers and complimentary registrations to Littler’s nationwide breakfast briefing series
  - ❖ Complimentary access to Littler’s webinars and podcasts



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# Zero sort option affects fluctuating recyclable market

*While recycling prices are relatively favorable, the move toward pay-per-bag trash collection is upending some traditional recycling cooperatives.*

By Lee Burnett

Several towns are scaling back recycling programs at a time when recycling markets are stronger than they have been in years.

- On July 1, Oxford County Regional Recycling – a 15-town partnership – stopped trucking recyclable materials from satellite transfer stations to a processing center in Norway, effectively ending a 28-year-old regional program. Towns will continue to offer voluntary recycling for those who sort materials by type at transfer stations.

- On July 1, Jay ended a curbside collection program – household trash and recyclable materials – as part of a larger cost-cutting move. But the board of selectmen is considering a petition to restore the service. In the meantime, residents will either contract with a private hauler or take all materials themselves to the transfer station, where recycling is voluntary and requires no sorting.

- In April, Unity ended curbside collection of recyclables – a low-participation program – in a targeted, cost-cutting move. Voluntary recycling is offered to anyone who drives to a regional recycling center in Thorndike and sorts materials by type.

- In June, faced with a near tripling in recycling collection costs by a private hauler, the City of Waterville decided to have municipal crews take over zero-sort curbside collection by spending \$268,550 on a new truck, laborer position, fuel and tipping fees.

It may strike the average person as counter intuitive that inconvenience or cost of collection programs are rising at a time of stronger markets. But there's more going on than first meets the eye.

One driver is the continuing lure

of zero-sort recycling, in which the sorting of glass, paper, cardboard, plastic and the like is done, not at the household level, but downstream at highly mechanized, centralized processing centers. Zero-sort recycling costs more but its homeowner convenience – especially combined with mandatory participation or a “Pay as You Throw” financial incentive – can reduce throw-away trash volumes and reduce overall costs.

Most of the recycling action is happening in the southern half of the state, where transportation costs are less and the zero-sort option is more available, observed George MacDonald, recycling coordinator for Maine's Department of Environmental Protection.

“In northern Maine, communities tend to work as a region,” MacDonald said. “Down in this neck of the woods (southern Maine), more towns have an option, which led to the splintering of Sandy River and Oxford County.” MacDonald was referring to the disbanding in 2014 of Sandy River Recycling Association, a regional municipal center in Franklin County that once served 21 towns, and the more recent disbanding of Oxford County Regional Recycling. Their demises are similar: Individual member towns left the consortium to pursue a zero-sort option, which weakened the finances for the remaining towns.

Another factor is the mismatch in timing between cause and effect. The collection program changes are more likely a response to the weak conditions



of the last few years, rather than stronger conditions today, said Kevin Roche, chief executive officer at ecomaine.

“If you lose money for 36 months and then you make money for eight months, you still come out a loser,” Roche wrote in an email. “I think these programs like the Oxford Regional lost money for too long and they're beginning to realize that even

though the market may be strong at this moment, the weak markets will be back again and they are just too painful to survive, particularly if you don't have enough TONS. TONS are everything in this business. The most successful companies have a whole lotta TONS!”

## Oxford County recycling

The disbanding in Oxford County has been a protracted process.

The consortium once involved 20 towns, but five towns have dropped out since 2008 to pursue a “zero sort” option through ecomaine. That worsened the economics for remaining towns, but they hung together because leaving the compact meant forfeiting a share of the spoils – an estimated \$350,000 from the proceeds from the sale of a truck, moffett, mini loader, baler, shredder and perhaps 140 rusting metal containers, according to Janet Jamison, chairperson of the Oxford County Regional Recycling Corp.

“No one wanted to pull the trigger (on dissolution),” said Jamison. “It's been unbelievably difficult.”

Following a failed referendum vote

Lee Burnett is a freelance writer from Sanford and regular contributor to the *Maine Townsman*, [leeburnett\\_maine@hotmail.com](mailto:leeburnett_maine@hotmail.com).

on dissolution in November 2016, the corporation board voted earlier this year to end trucking services back and forth between the recycling center in Norway and individual town transfer stations. That effectively killed the regional program.

While costs may rise as towns start paying to get rid of recyclable materials that had once earned revenue as commodities, that is not necessarily the case.

Otisfield, for example, seems to be happy with the terms offered by Tice Waste Management in Norway, a private hauler. The company will provide the same service at no cost to the town and with the prospect of earning 5 percent of profits.

“It looked too good to be true, but also too good not to try,” said Leonard Adler, selectman in Otisfield.

### Unity: Low participation

Only 130 of the town’s 750 households had been participating in the curbside collection program, according to town and regional recycling officials.

“On recycling day, only two or three people had stuff out in the downtown village area,” explained Peggy Picard Sampson, a member of the Unity select board. “That’s not very many.”

While convenience is supposedly a selling point of curbside programs, there was a perception that the Unity program was not convenient because it required sorting at home and because it was once a month. (Sometimes materials had to be stored an additional month if collection day happened to be rainy or windy.)

Ending the program was not controversial, said Sampson.

“Everybody’s been all right with it,” she said. “Everyone kind of knew what we were trying to do... Taxes have been going up and up and up. But there was very little place we could cut. (Curbside recycling) was one of things we could live without.” Savings will be \$10,000 a year.

Ending the program means residents who recycle will have to take materials to the Unity Area Regional Recycling Center, an eight-town consortium based in Thorndike that also collects universal waste and electronic waste. Some people find it more convenient to incorporate a visit to the recycling center along with other errands around town, said Stanley Besancon, co-manager of the recycling center.

## RECYCLING PRICES

Cardboard is considered a bell-weather commodity in commercial recycling programs. Mixed paper is a bell-weather commodity for residential programs.

|                     | Cardboard | Mixed Paper |
|---------------------|-----------|-------------|
| 2014                | \$104     | \$45        |
| 2015                | \$85      | \$48        |
| 2016                | \$96      | \$55        |
| Jan 2017            | \$115     | \$70        |
| Feb. 2017           | \$140     | \$80        |
| March 2017          | \$180     | \$90        |
| April 2017          | \$160     | \$65        |
| May 2017            | \$145     | \$45        |
| June 2017           | \$155     | \$50        |
| Six-month avg. 2017 | \$149     | \$67        |

Source: Maine Resource Recovery Association

### Jay: Financial austerity

The biggest factor in the curtailments of the curbside pickup program was the town’s dire financial condition not service complaints, according to Jay Town Manager Shiloh LeFreniere. Town meeting in April eliminated funding for it as part of a larger \$582,000 cost-cutting move brought on by downsizing at Verso Corp., the town’s largest taxpayer, she said. But that may not be a final decision.

The board of selectmen is considering a petition to restore curbside service for an additional \$120,000 through a contract with Archie’s Inc. of Mexico. Opinion was divided among the 30 or so participants at a June 26 board of selectman’s meeting, she said.

In the meantime, residents who recycle must choose between higher cost and convenience: contract with a private hauler or transporting materials themselves to transfer station on Main Street.

“People have had the service, they’ve come to expect it,” said LeFreniere. “You want the tax reduction but don’t want to lose the service. That’s the balancing.”

Lefreniere is uncertain whether the recycling rate will drop since the program had been voluntary.

“I don’t know if it will make a difference or not,” she said. “The people who recycle, recycle. The people who don’t, don’t.”

### Elusive solvency

Recycling markets will continue their wild fluctuations, most predict.

And an increasingly disruptive factor will emerge. It’s the move to lighter-weight packaging – everything from thinner plastic bottles to pouches replacing metal cans. It will mean more work for the same money – additional sorting, shredding and baling to produce a ton. But, the resulting commodity will earn no more on that market than before.

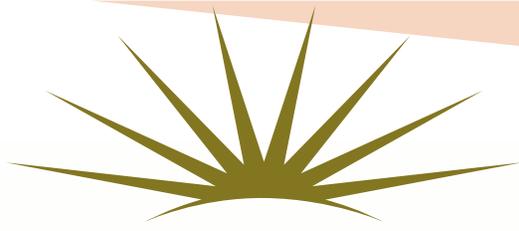
That reinforces the “get bigger” mantra of Roche at ecomaine.

“We’re actually seeing tonnage go down in response to lightweight packaging,” said Roche. “We’re going to see less and less weight in a broader range of products. We can’t stop that.”

“Tonnage is the most important ingredient. Not everybody is willing to deal with these (market) ups and downs. We do because we’re processing 43,000 tons of recyclables a year and we don’t rely on it being a money maker.”

The “evolving ton” is an accounting challenge for recycling programs because “everything is measured in tons, not by volume,” said MacDonald. “Every state is grappling with this.”

The light-weighting of packaging is not yet a factor the Unity Area Regional Recycling Center, said co-manager Besancon. “Maybe we’re not big enough to notice,” Besancon said. ■



# NEW HORIZONS 2017 MMA CONVENTION

**Credit card payments  
now accepted with  
online registrations!**

**October 4 & 5, 2017 • Augusta Civic Center • Augusta, ME**



## **Keynote – Jessica Kriegel** **The Next Generation: Understanding > Stereotyping**

**Wednesday, October 4 – 9:00-10:15 a.m.**

Our special guest is **Jessica Kriegel**, who literally wrote the book on understanding younger adults, a pressing priority in Maine as the state tries to recruit and retain young elected officials and municipal professionals. Jessica and her ground-breaking book, "Unfairly Labeled: How Your Workplace Can Benefit from Ditching Generational Stereotypes," have been featured in Forbes magazine, on CNN and in many other media outlets.

Jessica, a workplace development executive for software giant Oracle Corp., is *the* nationally recognized expert on understanding the diversity of the "under 35" generation. As she says, "You have to understand us, if you want to hire us and keep us."



## **Making Great Hires**

### **FEATURED SPEAKERS**

**Ray Inglesi & Sharon Dorsett – Wednesday, October 4– 10:30-11:45 a.m.**

Now that you've learned more about young professionals, let's focus on the tools and skills you need to make excellent choices in your hiring decisions. Two of Maine's top experts on this subject will lead you through the "dos and don'ts" of recruiting and selecting productive employees who will serve your city or town for years to come.



## **Mission Impossible?** **Making Sense of Today's Political Landscape**

**Dr. Scott Paine – Thursday, October 5 – 9:00-10:15 a.m. – FEATURED SPEAKER**

Come, listen and learn, as one of America's top political analysts offers his insight into what is happening across the U.S. during historically turbulent political times. Using graphs, numbers and real-life anecdotes, Dr. Paine, a former Tampa, Fla. City Councilor and college professor who now works for the Florida League of Cities, will help you better understand – if not necessarily navigate – America's state of political affairs.



**[www.memun.org](http://www.memun.org)**

# The 2017 MMA Convention – 81st Anniversary Year Preliminary Lineup

Wednesday, October 4, 2017

## 7:30 a.m. Registration Begins

## 7:30 – 10:30 a.m. Buffet Breakfast

## 9:00 – 10:15 a.m. WELCOME AND KEYNOTE SPEAKER

### Jessica Kriegel – The Next Generation: Understanding > Stereotyping

Our special guest is **Jessica Kriegel**, who literally wrote the book on understanding younger adults, a pressing priority in Maine as the state tries to recruit and retain young elected officials and municipal professionals. Jessica and her ground-breaking book, “Unfairly Labeled: How Your Workplace Can Benefit from Ditching Generational Stereotypes,” have been featured in Forbes magazine, on CNN and in many other media outlets.

Jessica, a workplace development executive for software giant Oracle Corp., is the nationally recognized expert on understanding the diversity of the “under 35” generation. As she says, “You have to understand us, if you want to hire us and keep us.”

*Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Human Resources and Leadership.*

## 10:15 – 10:30 a.m. Break/Visit with Exhibitors

## 10:30 – 11:45 a.m. Concurrent Sessions

### Making Great Hires

Now that you’ve learned more about young professionals, let’s focus on the tools and skills you need to make excellent choices in your hiring decisions. Two of Maine’s top experts on this subject will lead you through the “dos and don’ts” of recruiting and selecting productive employees who will serve your city or town for years to come.

*Presenters:* Ray Inglese and Sharon Dorsett, Drake Inglese Milardo, Inc. Human Resource Consultants, Portland

*Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Human Resources and Leadership.*

### Roads, Bridges and Culverts: The Real Stuff

Ask any municipal official and you will hear that road projects are the ones that get the most attention from citizens. This session is a general update on best practices, experiences and cost trends on the key infrastructure work that all towns and cities do.

*Presenters:* Pete Coughlan, Maine DOT Local Roads Center; Theresa Haskell, Manager, Town of Windsor; Allan Moeller, Director of Public Works, Town of Richmond and Selectman, Town of Dresden

*Certification: Valid for 1.25 MTCMA Certification credits in the following category: Finance/Budget.*

## 11:45 a.m. – Noon Break/Visit with Exhibitors

## Noon – 1:30 p.m. Awards Luncheon

## 1:30 – 2:30 p.m. Concurrent Sessions

### MMA Annual Business Meeting

Please join us as President Laurie Smith, Vice President Linda Cohen and Executive Director Stephen Gove shed light on MMA’s upcoming priorities and issues that arose in 2017, including the introduction of several new MMA initiatives and offerings.

*Certification: Valid for 1.00 MTCMA Certification credit in the following category: Leadership.*

### Budgets & Taxes: Addressing Change & Challenges

*(Co-sponsored by Maine Municipal Tax Collectors’ and Treasurers’ Association)*

If your town has seen financial challenges, despite a fairly robust national economy, how do you budget? How do you plan for a strong future? How do you set tax rates that both protect property taxpayers, yet keep essential services intact? And, perhaps more devilish, how do you deal with school costs, which are outside of municipal government’s direct control?

*Presenters:* Jack Clukey, Manager, Town of Dover-Foxcroft; Tim Curtis, Manager, Town of Madison; Rhonda Irish, Manager, Town of Wilton

*Certification: Valid for 1.00 MTCMA Certification credits in the following categories: Leadership and Finance/Budget. Valid for 5 MMTCTA points toward certification as tax collector or treasurer.*

### Maps, Climate Change and Flood Plains

Policy makers keep producing maps that show rising sea levels, which create many issues for coastal cities and towns, some of which carry hefty price tags, such as relocating sewage treatment plants and fire stations. This panel discussion examines the trend, the potential impact and what communities can do about it.

*Moderator:* Garrett Corbin, Staff Advocate, State & Federal Relations Department, Maine Municipal Association

*Panelists:* TBD

*Certification: Valid for 1.00 MTCMA Certification credits in the following category: Finance/Budget.*

## 2:30 – 2:45 p.m. Break/Visit with Exhibitors

## 2:45 – 4:00 p.m. Concurrent Sessions

### Budgets & Taxes: Growth Communities

*(Co-sponsored by Maine Municipal Tax Collectors’ and Treasurers’ Association)*

So your community is on easy street, eh? Development is happening, the economy is solid, the tax base is growing. But dealing with change – whether it’s starting new municipal programs or deciding how much development is too much – presents major challenges of its own.

*Presenters:* Rick Bates, Manager, Town of Rockport; Tom Hall, Manager, Town of Scarborough

*Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Finance/Budget. Valid for 5 MMTCTA points toward certification as tax collector or treasurer.*

### Confronting the Opioid Epidemic

Maine is in the grips of a drug crisis that threatens an entire generation of young residents. The prevalence of opioid and related drug abuse burdens prisons, first responders and policy makers alike. What is the

## Wednesday, October 4, 2017

current situation? What are the next best steps, both on the street level and at the Statehouse?

*Moderator:* Kate Dufour, Director, State & Federal Relations, MMA

*Panelists:* Lt. John Kilbride, Town of Falmouth Police Department; Deputy Chief Terry Walsh, City of Portland Fire Department

*Certification:* Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Legal.

### Are Your Sign Regulations Legal?

Many municipalities have rules and restrictions about signs, especially ones posted along public roads and ways. But the legal landscape has shifted dramatically on this topic in recent months. Your sign rules may, in fact, not conform to recent court rulings and the First Amendment.

*Presenters:* Jonathan Pottle and Patrick Lyons, Attorneys, Eaton Peabody, Bangor

*Certification:* Valid for 1.25 MTCMA Certification credits in the following categories: Legal.

### 4:00 – 5:30 p.m. Member Appreciation Reception & Aerial Drone Demonstration!

### 5:00 – 6:30 p.m. Bus Tour of Augusta Area

The City of Augusta will host a bus tour showing highlights in and around the Capital City. A limited number of seats are available on a first-reserved, first-served basis. To reserve your seat, and to enjoy this fun experience, please contact MMA via email now at [Convention@memun.org](mailto:Convention@memun.org).

## Thursday, October 5, 2017

### 7:30 a.m. Registration

### 7:30 – 9:00 a.m. Buffet Breakfast

### 9:00 – 10:15 a.m. FEATURED SPEAKER

#### Dr. Scott Paine – Mission Impossible? Making Sense of Today's Political Landscape

Come, listen and learn, as one of America's top political analysts offers his insight into what is happening across the U.S. during historically turbulent political times.

Using graphs, numbers and real-life anecdotes, Dr. Paine, a former Tampa, Fla. City Councilor and college professor who now works for the Florida League of Cities, will help you better understand – if not necessarily navigate – America's state of political affairs.

*Certification:* Valid for 1.25 MTCMA Certification credits in the following categories: Leadership and Elected Relations.

### 10:15 – 10:30 a.m. Break/Visit with Exhibitors

### 10:30 – 11:45 a.m. Concurrent Sessions

#### Portland's Experience with Ranked Choice Voting

It's been a newsworthy year for "ranked-choice" voting in Maine. First, voters said they wanted it. Then, a court challenge occurred and the Maine Supreme Judicial Court found that ranked-choice voting statewide, as adopted, was unconstitutional. But Maine's largest city uses this process. What has its experience been?

*Presenter:* Katherine Jones, Clerk, City of Portland

*Certification:* Valid for 1.25 MTCMA Certification credits in the following category: Elected Relations.

#### Changing Zoning Rules – the Open Way

The Town of Scarborough had a neighborhood that was changing right before its eyes, and it was clear that the 1970s-era zoning rules it had in place were not working. So Scarborough began a highly inclusive and transparent process of rezoning the area. Learn more about this process, including what worked and what town officials would do differently the next time.

*Presenters:* William Donovan, Councilor, Town of Scarborough; Brian Longstaff, Zoning Administrator, Town of Scarborough; Dan Bacon, Planning

Project Manager, Gorrill Palmer Consulting Engineers, South Portland

*Certification:* Valid for 1.25 MTCMA Certification credits in the following category: Leadership.

### Why Are Prescription Drugs So Expensive?

Anne Wright, Director of Health Trust Services, will be joined by a panel of experts on this topic. The panel will discuss the ever-increasing costs of prescription drugs, the factors that are driving those costs, and how the Health Trust is working to contain costs. There will also be a brief review of upcoming changes to the Health Trust health plans, effective January 1, 2018.

*Presenters:* Anne Wright, Director, Maine Municipal Employees Health Trust  
*Certification:* Valid for 1.25 MTCMA Certification credits in the following category: Finance/Budget.

### 11:45 a.m. – 12:50 p.m. Networking Luncheon, Video of Drone Demonstration and Grand Prize Drawing!

### 1:00 – 2:00 p.m. Concurrent Sessions

#### SPECIAL SESSION: Legal Marijuana, Part 1

The hottest topic in state, municipal and legal circles this year has been, without a doubt, legal marijuana use and how it will change the State of Maine. Please join two of the state's top attorneys in the field, for this two-hour afternoon workshop, as they share their knowledge and update attendees on various legal facets of this voter-approved change.

*Presenters:* Edward "Ted" Kelleher and Amy Tchao, attorneys for Drummond Woodsum, Portland

*Certification:* Valid for 1.00 MTCMA Certification credit in the following category: Legal.

#### Navigating Employment Practices Liability

(Co-sponsored by Maine Municipal Tax Collectors' and Treasurers' Association)

Please join MMA Risk Management Services for a presentation on the various complex issues relating to Employment Practices Liability. The presentation will provide insights and tools to help you protect yourself and your entity from employment liability claims. MMA Risk Management Services will also be demonstrating a new free interactive service designed to provide guidance to members of the Property & Casualty Pool as they navigate the ever changing landscape of employment laws, regulation and liability.

*Presenter:* Melinda "Mindy" J. Caterine, attorney and shareholder, Littler

# Thursday, October 5, 2017

Employment & Labor Law Solutions, Portland and Boston

*Certification: Valid for 1.00 MTCMA Certification credit in the following categories: Human Resources and Legal. Valid for 5 MMTCTA points toward certification as tax collector or treasurer.*

## 2:00 – 2:30 p.m. Break/Visit with Exhibitors

## 2:30 – 3:30 p.m. Concurrent Sessions

### SPECIAL SESSION: Legal Marijuana, Part 2

*Presenters:* Edward “Ted” Kelleher and Amy T’chao, attorneys for Drummond Woodsum, Portland

*Certification: Valid for 1.00 MTCMA Certification credit in the following category: Legal.*

### Calling Young Leaders

We know it’s not the money. So, what makes young leaders – elected officials, managers and department heads – heed the call to serve municipal government? This panel will discuss their careers in local government, past and present, and offer ideas about recruiting future leaders.

*Presenters:* Sarah Fuller, Council Chair, Town of Winthrop; Nick Isgro, Mayor, City of Waterville; Christine Landes, Manager, Town of Bethel

*Certification: Valid for 1.00 MTCMA Certification credit in the following category: Leadership.*

## 3:40 – 4:40 p.m. Concurrent Sessions

### The Law Court’s Frustration with Municipal Land Use Ordinances – Where do we go from here?

The Maine Supreme Court has expressed increased frustration with municipal land use ordinances in some of its recent decisions—ambiguous ordinance language; confusing administration and appeal procedures; cumbersome, duplicative, and time-consuming application review requirements. This session will use a combination of formal presentations and roundtable discussion to explore the court’s concerns and discuss the extent of legal and planning latitude available to municipalities in deciding whether and how to change their ordinances. What are the pros and cons of change? Where do we go from here? (The Maine Association of Planners will seek AICP CM credits for this session.)

*Presenters:* Phil Saucier, Esq., Bernstein Shur; other speakers TBD

*Certification: Valid for 1.00 MTCMA Certification credit in the following category: Legal.*

### Right to Know

Attorneys from MMA’s Legal Services Department offer Right to Know training that is required for both elected officials and municipally appointed Public Access Officers. Attendees will get certificates that they completed the course.

*Presenters:* Richard Flewelling, Assistant Director, Legal Services, MMA; Susanne Pilgrim, Director, Legal Services, MMA

*Certification: Valid for 1.00 MTCMA Certification credit in the following category: Legal.*

## 4:40p.m. Adjourn

## Overnight Accommodations

A discounted room block is available at the BEST WESTERN PLUS Augusta Civic Center Inn, Augusta, ME under Maine Municipal Association for Tuesday, October 3rd and Wednesday, October 4th:

ADDRESS: 110 Community Drive, Augusta, ME 04330  
PHONE: (207) 622-4751 / FAX (207) 622-3108 (Call for Reservations)

EMAIL: [info@augustaciviccenterinn.com](mailto:info@augustaciviccenterinn.com)

Rate: \$83.00/night (All prices are subject to Maine State Occupancy Tax – current rate is 9%)

Check-in time is 3 p.m. Check-out time is 12 noon.

*\*All the reservations must be received at least two (2) weeks prior to your arrival date in order to insure availability. Registrations made after Tuesday, September 19, 2017 will be made on a space available basis.\**

*If requesting tax exemption, you will be asked to provide your tax exemption certificate and municipal payment (municipal credit card or check) at the time of check-in.*

*“Whether its planning, monitoring, annual reports or training, CES has helped guide our solid waste needs for over 20 years. We trust CES to be our consultant.”*

*- Rick Bronson, Town of Baileyville Town Manager*



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## Affiliate Association Programs

Please see full convention program for additional offerings, highlights, special events and CEU/Certification credits/points. The following sessions have been prepared by and are sponsored by individual affiliate associations. All sessions are open to all attendees.

### **Maine Association of Assessing Officers (MAAO)**

**Co-Sponsored by Maine Chapter of IAAO**

**Wednesday, October 4**

**10:30 – 11:45 a.m. Has the Tree Growth Plan Been Followed?**

*Presenters:* TBD

*Certification:* This session is approved for 1.25 CMA/CAT re-certification credits through Maine Revenue Services

**1:30 – 2:30 p.m. How to Value Solar**

*Presenters:* TBD

*Certification:* This session is approved for 1 CMA/CAT re-certification credit through Maine Revenue Services

**2:45 – 4:00 p.m. Paper Streets – What Now?**

*Presenters:* TBD

*Certification:* This session is approved for 1.25 CMA/CAT re-certification credits through Maine Revenue Services

### **Maine Association of Planners (MAP)**

**Thursday, October 5**

**9:00 a.m. – 10:15 a.m. MAP Roundtable Discussion**

*MAP Board Members will facilitate discussion.*

### **Maine Building Officials & Inspectors Association (MBOIA)**

**Wednesday, October 4**

**10:30 – 11:45 a.m.; 1:30 – 2:30 p.m. PV Safety – An Operations-Oriented Approach to PV Systems & Responder Safety**

Generating electricity from the use of rooftop solar modules is gaining the attention of many including the fire service, and with good reason. With up to 1000 vdc involved in these systems, it is vital that builders, inspectors, code officials, and firefighters understand what is above them, what can hurt you, and how to stay safe. In this workshop, students will walk away with a solid understanding of the principals of solar electricity generation, and confidence in how to safely operate around PV equipped structures, especially under emergency and fire conditions.

*Presenters:* Matt Paiss, San Jose Fire Department, Energy Response Solutions

### **Maine Chapter of American Public Works Association (MCAPWA)**

**Thursday, October 5**

**9:00 – 11:30 a.m. MCAPWA Annual Meeting**

**11:30 a.m. – 1:15 p.m. MCAPWA Luncheon at Augusta Elks Club (pre-registration required)**

### **Maine Chiefs of Police Association**

**Co-sponsored by Maine Town, City & County Management Association (MTCMA)**

**Thursday, October 5**

**10:30 – 11:45 a.m. Law Enforcement Accreditation**

*Presenters:* Chief Phil Crowell, City of Auburn; Chief Ed Tolan, Town of Falmouth; Bob Schwartz, Executive Director, MCOPA

*Certification:* Valid for 1.25 MTCMA credits in the following categories: Leadership

### **Maine Fire Chiefs' Association (MFCFA)**

**Wednesday, October 4**

**9:00 a.m. – 1:00 p.m. Annual Meeting and Maine Fire Chief of the Year Award and Luncheon at Maine Municipal Association – (pre-registration required)**

### **Maine Local Government Human Resources Association (MLGHRA)**

**Wednesday, October 4**

**1:30 – 2:30 p.m. Maine Municipal Employees Health Trust Services News & Updates for Benefits Open Enrollment**

*Presenters:* Kristy Gould, Assistant Director, Maine Municipal Employees Health Trust

### **Maine Municipal Tax Collectors' and Treasurers' Association (MMTCTA)**

**Thursday, October 5**

**9:00 a.m. – 11:45 a.m. Best Practices – Policies or Not**

*Presenters:* TBD

*Certification:* Valid for 10 points towards certification as tax collector or treasurer.

### **Maine Town & City Clerks' Association (MTCCA)**

**Wednesday, October 4**

**10:30 a.m. – 4:00 p.m. State Agency Updates**

10:30-11:00a.m. Vital Records Updates, Theresa Roberts, Deputy State Registrar & Vital Records Supervisor

11:00-11:30 a.m. Inland Fisheries & Wildlife Updates, Chet Chessman, Moses Supervisor and Management Analyst

1:30-2:30 p.m. Elections Updates, Julie Flynn, Deputy Secretary of State

3:00-3:30 p.m. Disposition Schedules, Felicia Kennedy, Records Analyst, Maine State Archives

3:30-4:00 p.m. Animal Welfare Updates, Liam Hughes, Director of Animal Welfare

*Certification:* Attendance at the MMA Convention is valid for 2 optional points for MTCCA Certification.

New this year! Pay by credit card when you register online here: <https://memun.org/Convention/Registration>

# Attendee Registration Form

**MMA Convention – Augusta Civic Center – October 4 & 5, 2017**

**One registrant per form (please photocopy for additional registrations)**

| BILLING INFORMATION:    | NAME BADGE INFORMATION: <small>*Name badge will read as indicated here.</small> |
|-------------------------|---|
| Full Name: _____        | First Name: _____   |
| Employer: _____         | Last Name: _____  |
| Billing Address: _____  | Primary Title: _____<br><i>(Please list one)</i>                                |
| City, State, Zip: _____ | Employer: _____   |
| Phone: _____            |   |
| Email: _____            |   |

I am a current member of MMA's Legislative Policy Committee.

I plan to attend (choose ONE):  Wed 10/4  Thur 10/5  Both Days

| CONVENTION REGISTRATION FEES (For one or both days) |                  |           | Cost |
|---|------------------|-----------|------|
| <input type="checkbox"/> MMA Members                | Registration Fee | \$ 80.00  |      |
| <input type="checkbox"/> Non-members                | Registration Fee | \$ 160.00 |      |

| MEALS  |          | Cost |
|--|----------|------|
| <b>WEDNESDAY LUNCHEONS (OCT 4):</b>  |          |      |
| <input type="checkbox"/> Awards Luncheon (Buffet) – Augusta Civic Center (North Wing)  | \$ 18.00 |      |
| <input type="checkbox"/> Maine Fire Chiefs' Association (MFCA) – MMA   | \$ 18.00 |      |
| <b>THURSDAY LUNCHEONS (OCT 5):</b>   |          |      |
| <input type="checkbox"/> Networking Luncheon (Buffet) – Augusta Civic Center (North Wing)  | \$ 18.00 |      |
| <input type="checkbox"/> Maine Chapter of American Public Works Association (MCAPWA) – Augusta Elks  | \$ 18.00 |      |
| <b>Civic Center Luncheons:</b> Due to ticket demand, there are two luncheon rooms - assigned on a first-served, first-served basis. There will be a live video feed of the presentations in the 2nd luncheon room. |          |      |
| <b>TOTAL (Registration Fee &amp; Meals) \$</b>   |          |      |

## SPECIAL EVENT - for Wednesday, October 4

***For planning purposes, please select if you are attending this complimentary activity.***

Member Appreciation Reception

**Payment Options:**  Send invoice\*  Check will be mailed\*\*  Payment Enclosed\*\* PO #: \_\_\_\_\_

*(\*You will be invoiced after Convention – \*\*Please send a copy of this registration form with payment)*

**→ Credit card payments accepted with online registration only. ←**

**Fax registration form to:** (207) 626-5947 **Mail form to:** Convention Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please make check payable to: Maine Municipal Association**

**Questions/Cancellations:** Please call Louise Ridley at MMA, 1-800-452-8786. Notification must be given three business days in advance of the start of Convention to obtain a refund. All cancellations are subject to a \$10 processing fee. Registrations may be transferred to another official or employee. Please inform us of any special dietary needs or special requirements you may have due to a disability.

**Please keep a copy of this form for your records.**

# - 2017 -

## Elected Officials Training Opportunities

### Elected Officials Workshops

#### Who Should Attend:

This workshop is a "must" for newly elected and veteran officials (councilors & selectpersons) as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state. **(Qualifies as Maine FOAA Training.)**

As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that this course will be offered in two formats: In classroom and remotely at the Northern Maine Development Commission in Caribou. Attendees can participate via ITV Technology by viewing the presentation remotely. ITV broadcasting allows for live viewing as well as interactive participation with the attendees. A facilitator will be onsite to assist. Should you wish to attend this session at NMDC, simply fill out the registration form and select the Caribou live broadcast.

A perfect opportunity for elected officials to take advantage of the expertise that the Maine Municipal Association has to offer, attain a better understanding of their role as public officials, and stay abreast of ever-changing local government responsibilities and issues.

#### Frequently Asked Questions:

- What are our rights and duties as officials?
- Can we hold multiple offices?
- Which of our meetings are open to the public?
- Must we have an agenda and take minutes?
- What ordinances can we enact?
- What authority do we have over the schools?
- What are our liabilities and immunities?
- What is a disqualifying conflict of interest?

#### Elected Officials:

##### Dates & Locations:

#### Houlton - 8/22/2017

The Center for Community Health Education  
Houlton Regional Hospital  
20 Hartford St., Houlton, ME 04730

#### Portland - 9/14/2017

Embassy Suites by Hilton  
1050 Westbrook St., Portland, ME 04102

#### Augusta - 11/30/2017

Maine Municipal Association  
60 Community Dr., Augusta, ME 04330

#### Caribou - 11/30/2017

**\*Live Video Conference\***  
Northern Maine Development Commission  
11 West Presque Isle Rd., Caribou, ME 04473



Maine Municipal Association  
60 Community Drive – Augusta, ME  
1-800-452-8786  
[www.memun.org](http://www.memun.org)



**Online registration is easy!**

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

# Maine Municipal Association Ethel Kelley Memorial Award ...MMA's Most Prestigious Award

## NOMINATIONS BEING ACCEPTED

**Deadline for Receipt of Nominees – Friday, September 1, 2017 by 12:00 noon.**



Ethel Kelley devoted 45 years of service to the Maine Municipal Association – from its founding in 1936 until her death in 1981. The award honors her immense contributions to the MMA and the cause of strong local government in Maine. Some have described her as the “cement” that held the organization together, particularly during World War II. During those years, she served in many capacities. She virtually held every title and did every job in the Association.

In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel Kelley's memory by recognizing other volunteer or employed municipal officials of the same character and dedication. This year MMA will recognize its 31st Recipient!

### **CRITERIA: Do you know someone in your municipality who...**

- ★ *Is dedicated to the cause of good local government.*
- ★ *Has conscientiously served local government and made this a lifetime achievement for 20 years or more.*
- ★ *Has demonstrated the capability and willingness to “Hold the Community Together.”*
- ★ *Has a selfless concern for others in their community.*
- ★ *Has not received full recognition for their service in local government.*
- ★ *Is currently serving or has retired in the past two years (may be given posthumously if within the past two years).*

**MMA wants to know about them! Send your nomination and give MMA the opportunity to recognize their achievement and dedication to local government.**

**NOMINATION PROCESS:** Please forward your Nomination and up to five letters of support from local or state officials, business leaders and/or members of the community. The Nomination Form is available on the reverse side or can be completed interactively on the MMA website at [www.memun.org](http://www.memun.org). ***The supporting letters are a critical part of the process.*** Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts.

**SELECTION PANEL:** The Award Selection Panel will consist of three MMA Past Presidents who will meet in mid to late September to make their selection.

**PRESENTATION:** The Award will be presented at the MMA Annual Convention during the Awards Luncheon with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Luncheon is scheduled for **Wednesday, October 4, 2017 at 12:00 p.m. at the Augusta Civic Center.**

For more information, please contact Theresa Chavarie, MMA Manager of Members Relations at 1-800-452-8786 ext. 2211 or by e-mail at [tchavarie@memun.org](mailto:tchavarie@memun.org)



60 Community Dr., Augusta, ME 04330  
207-623-8428 • [www.memun.org](http://www.memun.org)

LOCAL GOVERNMENT  
*begins with* **YOU.**

# Maine Municipal Association Ethel N. Kelley Memorial Award

## NOMINATION FORM

\*\*\*\* Due Date – Friday, September 1, 2017 by 12:00 noon \*\*\*\*  
(Please complete all applicable sections)

Nominee's Name: \_\_\_\_\_

Municipality Served: \_\_\_\_\_

**LIST MUNICIPAL POSITIONS** (Please include information relating to services provided to your municipality as well to other municipalities):

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Total Length of Local Government Service: \_\_\_\_\_

**Membership in Professional Associations:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Community Service and Recognitions Received:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the Nominee Retired?  YES (When did Nominee retire? \_\_\_/\_\_\_/\_\_\_)

NO (Anticipated retirement date? \_\_\_/\_\_\_/\_\_\_)

**Signed by:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality: \_\_\_\_\_ Date: \_\_\_\_\_

Please complete and return with up to (5) supporting letters. *The supporting letters are critical to your success.* Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by **12:00 noon on Friday, September 1, 2017** to:

MMA Ethel N. Kelley Memorial Award – Selection Panel  
Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

Scenes from the  
3rd Annual **Municipal**  
Conference

**June 15, 2017**  
Thomas College  
Waterville, ME



**Presented by:** Maine Municipal Association  
**In cooperation with:** Maine Local Government Human Resources Association

*Photos by Ben Thomas*

Scenes from the  
3rd Annual **Municipal**  
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*Photos by Ben Thomas*

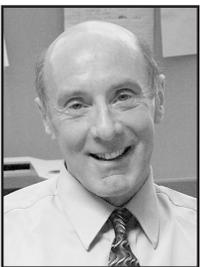
# PEOPLE



**Nathan Desjardins**

Hundreds of police officers and other first responders from around Maine and the nation gathered for the June 16 funeral of Fryeburg reserve Officer **Nathan Desjardins**, who died June 6 of injuries he sustained when he struck his head on rocks during a river rescue on May 27. Desjardins, a 20-year-old rookie, was remembered for his "hero's heart" and unwavering desire for public service. A Waterville and Albion resident, Desjardins worked part-time last summer for the Freeport Police Department. At the time, he was studying 18 hours a day at the University of New England studying toward a nursing degree while working as an EMT for Delta Ambulance Service and field training in pursuit of a police career. He was also serving as a volunteer Albion firefighter at the time of his death. After the hour-long service at the Augusta Civic Center, officers stood in the rain as Desjardins' ashes were returned to the hearse. Desjardins is the 85<sup>th</sup> Maine officer to die in the line of duty.

Yarmouth Economic Development Director **Denise Clavette** was hired as Auburn assistant city manager, effective late this month. Clavette, who served as Yarmouth's first economic development director for two years, also worked for several years as Portland parks and recreation director. She worked from 2009 to 2013 as business development director for the Town of Brunswick. Meanwhile, **Adam Lee** was sworn in as Ward 4 city councilor. He ran unopposed in June to fill the vacated seat of **Ernestine Gilbert**, who resigned last December.



**David Cole**

**David Cole** will retire in late September after 23 years as Gorham town manager. Cole managed the towns of Baileyville, China and Lincoln and the City of Old Town before taking the Gorham job. Cole, whose final day will be September 29, is a Tremont native who studied municipal government at the

University of Maine. The town conducted a national search for Cole's replacement and chose **Ephrem Paraschak**, Naples town manager. There were 29 candidates for the job. Paraschak worked as a Gorham compliance coordinator from 2007 to 2008 and has nine years of experience as a town manager.



**Lynette Eastman (left)**  
**Suzette Cloutier (right)**

Woolwich Town Administrator **Lynette Eastman** retired on June 30 after serving 30 years in municipal government, the final 10 as Woolwich's top manager. Eastman's career started in Pittston in May 1987, where she worked eight years as tax collector/treasurer. She was hired as tax collector/treasurer for the Town of Woolwich in January 1996 before accepting the job of Chelsea deputy town manager in 2004. She was promoted to town manager, but returned to Woolwich in 2006 as tax collector/treasurer and promoted to administrator in 2017. Eastman was feted by the community in a retirement party on June 26. **Suzette Cloutier**, who has served as Woolwich tax collector/treasurer since July 2016, was named to replace Eastman, effective July 1.

Winthrop Police Chief **Ryan Frost** was hired to replace outgoing Town Manager **Peter Nielsen**, effective in late June. Frost, 48, has worked for the town police department for 31 years, 28 of them full-time. He was named chief two years ago. The town council voted unanimously to hire Frost as manager, citing his ex-

perience, judgment and rapport with residents and municipal staff. Nielsen is a former Maine Municipal Association president.

Former South Portland City Manager **James Gailey** was promoted to Cumberland County manager after serving as assistant manager since last August. He replaces **Peter Crichton**, who was hired in March as Auburn city manager. Gailey worked for the City of South Portland for 30 years, the final nine as manager.

Bath City Manager **Bill Giroux** retired effective July 6, ending a 30-year career in municipal government – for now. Giroux, 57, has served Bath for 11 years and previously worked from 1989 to 1999 for the City of Portland as zoning administrator, then waterfront manager, then acting assistant city manager and port director. He also has worked for Brunswick and Wells. He managed Bowdoinham before accepting the Bath job. A Brunswick native and one of 11 siblings, Giroux said he plans to take off a year and then return to municipal government or private business.

**Dennis Lajoie**, chief executive officer for Community Concepts Finance Corp., was named Norway town manager and will replace **David Holt**, who is retiring after 28 years with the town. Lajoie worked as Norway community development manager from December 1988 to January 1990. Lajoie, a resident of nearby Hebron, worked with both Holt and **Larry Todd**, the town's only two managers in the past 43 years. Lajoie left Norway municipal government to take a position with Community Concepts in Paris in 1990. He has worked as CEO of the agency's subsidiary finance operation since 2012. ■

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## STATEWIDE

Three Maine airports will share \$2.3 million for safety improvements. Portland will receive the bulk of the money, \$2.1 million, to install a runway lighting system, taxiway shoulders and pavement replacement on one apron at the Portland International Jetport. Brunswick airport will receive \$118,000 to upgrade its terminal apron and the Augusta airport will receive \$82,600 for a fence, crack sealing and removal of vegetation. In a separate award, the Town of Frenchville will receive \$252,000 to finance improvements to the apron and runway, taxiway pavement and to update the airport's master plan. Under a new proposed federal budget, dozens of Federal Aviation Administration programs would be eliminated, including the Essential Air Services (EAS) program. Maine airports could lose millions of dollars a year in EAS grants.

## FORT KENT

The northern Maine town, along with its neighbor St. John Plantation, will share a \$500,000 federal Community Development Block Grant award. Fort Kent will receive \$300,000 to finish a downtown public parking lot and levee extension along the St. John River. Meanwhile, small businesses in St. John Plantation and Fort Kent will share in a \$200,000 micro-enterprise funding program, which will finance business expansions, façade improvements and equipment upgrades.

## LEWISTON

The city qualified for federal grants totaling \$3.4 million to help eliminate lead hazards in 220 housing units for low-income families. Meanwhile, federal Environmental Protection Agency inspectors plan to beef up inspections of contractors in the Greater Lewiston-Auburn region who are not removing lead from housing, schools and other buildings. The EPA also will inspect more lead-removal projects to ensure contractors are following proper procedures.

## NORRIDGEWOCK

Special town meeting voters in late June approved accepting \$5 million in federal funding to upgrade the town's wastewater treatment facility. The action required changing the sewer use charge ordinance. The funding includes a \$2.2

## NEW ON THE WEB [www.memun.org](http://www.memun.org)

Highlights of what's been added at [www.memun.org](http://www.memun.org) since the last edition of the Maine Townsman.

**Marijuana Resource Area.** Maine Municipal Association has launched an information resource area on our website ([www.memun.org](http://www.memun.org), bottom right) to help member communities with decisions to make about regulating legalized marijuana. We encourage members to check it out and give us feedback.

We intend to build this section of our website over time, so if you have documents, links or local ordinances that may be helpful, send them via email to Ben Thomas ([bthomas@memun.org](mailto:bthomas@memun.org)) or Eric Conrad ([econrad@memun.org](mailto:econrad@memun.org)).

**Executive Committee Slate.** MMA announced the 2018 nominees for vice president and for our 12-member executive committee.

million grant and a loan of \$2.8 million. The improvements to the treatment facility will affect 314 households, 24 businesses and six public buildings.

## ORONO

This town, home of the University of Maine flagship campus, placed first in Maine population growth from 2015 to 2016, with 521 new residents, according to new U.S. Census Bureau figures. Westbrook grew by 364 to place second. Scarborough, Gorham and Windham rounded out the top five municipalities with increases of 236, 178 and 173, respectively.

## ROCKLAND

The town council voted unanimously in June to limit residents' yard sales to four a year and only during daylight hours. Also, news items cannot be sold and all unsold items must be removed from the sales site. The new rules were scheduled to go into effect in mid-July.

## SANFORD

One hundred firefighters from 20 Maine communities worked together on June 23, and then overnight, to battle a towering fire that ripped through and destroyed the Stenton Trust Mill in one of the largest fires in recent memory in this city of 21,000. Hundreds of people watched the scene as flames jumped from the windows and filled the downtown with black smoke. Firefighters were especially concerned the fire might spread to an adjacent mill, also abandoned. There were no reported injuries. Police charged three juvenile boys with arson – two 13-year-olds and a 12-year-old. City officials will

request state and federal funding help to demolish the mill and clean up the site.

## WATERVILLE

Curbside recyclable collection was scheduled to begin on July 1 after the city council voted 5-2 in early June to override the mayor's veto of the proposal. The council also rejected two bidders who estimated an annual cost of \$200,000 to perform the work. The council decided instead to hire an additional public works employee for nine months a year and buy a new packer truck. Their resolution, however, did not authorize spending for the service. The city's Solid Waste and Recycling Committee had recommended the city pick up recyclables after the company it has used for years announced it would no longer do the work after June 30. The city's most recent three-year contract with Sullivan's Waste Disposal of Thordike cost \$72,000 a year.

## YORK

The town has lost tens of thousands of dollars in parking revenue since May because a new computerized kiosk system failed to work properly with the town's computer system, would sometimes go into sleep mode and could jam when a motorist tried to pay by credit card. The new system replaced the 1960s parking meters that only accepted quarters and was intended to make life easier for users in the tourism mecca. The Virginia-based Hectronic USA sold the kiosks and software to the town for \$220,000 and has been working to resolve the problems since they went online on May 15. Most problems seemed to be resolved by mid-June, officials reported. ■

# MUNICIPAL BULLETIN BOARD

**JULY 25**

## **Planning Boards/BOA: Saco**

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on July 25 at the Ramada Inn and Conference Center in Saco.

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

**JULY 27-28**

## **MMTCTA Basic Accounting: Waterville**

All newly appointed and elected treasurers are strongly encouraged to attend this two-day workshop on Basic Accounting practices, which will be held at the Waterville Elks center on July 27-28. Workshop topics will include: accounting terms and accounting cycles; understanding accounts; posting annual tax commitments; and, reconciling control accounts.

This workshop can be used in the Maine Municipal Tax Collectors' & Treasurers' Association Certification Programs. People must attend both days of the workshop in order to receive certification. Cost is \$110 for MMTCTA members and \$135 for non-members. Registration begins at 8 a.m. on the first day.

**JULY 31**

## **Customer Service Excellence: Augusta**

Margaret Noel, deputy director of the Augusta Civic Center and former manager at MMA's Communication & Educational Services Department, will lead a workshop on Customer Service Excellence at Maine Municipal Association's Christopher G. Lockwood Conference Center, on July 31.

This course will focus on key strategies that public employees can use when interacting with citizens, fellow staff and vendors. Using key customer service techniques, as well as a little humor, participants will learn through interactive discussion and activities how to apply these techniques in their roles

as municipal employees and public servants. It begins with registration at 8:30 a.m. and will end by 4 p.m. Cost is \$75 for MMA members and \$150 for non-members.

**AUG. 9-11**

## **72nd New England Management Institute: Newry**

The Maine Town, City & County Management Association's biggest training event of the year will be held on Aug. 9-11 at the Sunday River Resort in Newry. The program begins with registration at 7:30 a.m. on Wednesday, Aug. 9 and will run through noon on Friday, Aug. 11. Costs vary depending on number of days attending and accommodation requests.

The theme of this year's program is the changing nature of Maine's workplace and what that means in terms of productivity and efficiency. This is a planned follow-up to the 2017 managers' interchange. The keynote speaker will be Charles Lawton, an expert on Maine's workforce challenges, who has written extensively on the topic. Other workshops and programs are scheduled. Networking with fellow managers is also an important and valuable part of this annual event.

**AUG. 17**

## **MTCCA Vital Records: Bangor**

The Spectacular Event Center in Bangor will be the site of a vital records workshop on Aug. 17, with registration starting at 8:30 a.m. and the class ending at 4 p.m. Cost for Maine Town and City Clerks' Association members is \$60 and the cost for non-members is \$80.

Instructors will be: Terri Roberts, with the state Vital Records Office; and, Roberta Fogg, City Clerk in Augusta. This one-day workshop will provide clerks with an overview of the laws, rules and regulations concerning vital records in Maine.

**AUG. 22**

## **Elected Officials Workshop: Houlton**

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for elected officials on Aug. 22 at the Center for Community Health Education, Houlton Regional Hospital, 20 Hartford St. 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 saying 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!**

**AUG. 30**

## **Keeping Your Data Secure: Augusta**

Data breaches and cyber security are major problems these days, and we know that municipal government is a particularly enticing target. This seminar features presentations from state emergency-management and law-enforcement leaders, as well as a Thomas College expert, for a comprehensive look at the threat and suggestions on steps to reduce your community's risk.

The afternoon session begins with registration at 1 p.m. and concludes at 4:30 p.m. Cost is \$45 for MMA members and \$90 for non-members. The event will be held at the MMA Conference Center in Augusta. Attendance will be capped at 85; early registration is encouraged. ■

**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

## All About Minutes

We get a lot of questions about board meeting minutes – are they required, what may or must they include, who prepares them, who approves them, can they be amended, are they public records, and so on. Here, in summary, is practically everything worth noting about board meeting minutes.

*Detailed minutes not required.* Maine law does not generally require municipal boards to record “minutes” or a detailed narrative of who said what at board meetings. Nevertheless, many boards do, and we recommend minutes as a useful way of memorializing a board’s deliberations. They need not be a near-verbatim transcript, however, to serve this purpose – a brief summary of the dialogue should suffice in most cases.

*Limited record is required.* Maine’s Freedom of Access Act (FOAA) or “Right to Know” law does require a limited “record” of all public board meetings except for boards that are purely advisory (see 1 M.R.S.A. § 403). At a minimum, this record must include (1) the time, date and place of the meeting, (2) the members of the board present and absent, and (3) all motions and votes taken, by individual member if by roll call. An audio, video or other electronic recording of the meeting is deemed to satisfy this requirement. In addition, certain other actions must be made part of a board’s record, including motions for executive session (see 1 M.R.S.A. § 405(3)) and disclosures of conflict of interest and abstention (see 30-A M.R.S.A. § 2605(4)).

*Contents of minutes.* Beyond the limited record required by statute, the exact contents of board meeting minutes is a local matter, to be determined by charter, ordinance, board bylaw or, most commonly, the board’s own custom or practice. Where there are no local requirements, the contents and specificity of meeting minutes are entirely within a board’s discretion.

*Preparation of minutes.* Unless a charter, ordinance or board bylaw specifically assigns the task, who prepares meeting minutes will depend on who is willing, available and a reliable recorder. Typically, it is either a board member (the board’s secretary, for example) or a paid staffer, but there may be other

## MUNICIPAL CALENDAR

**BY AUGUST 1** — Local Roads Assistance Program (LRAP) certification forms must be returned to MaineDOT Community Services Division prior to August 1st. This is an annual certification that must be completed by a municipality to receive URIP funds. Effective July 1, 2008, there is a requirement for municipalities to provide information on how the previous fiscal year’s funds were expended.

**ON OR BEFORE AUGUST 15** — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, DHS #11, Augusta, ME 04333 (22 MRSA §4311).

**BETWEEN MAY 1 AND OCTOBER 1** — Municipal officers may initiate process to close certain ways during winter months (23 MRSA §2953). For further information, see the MMA Municipal Roads Manual.

**BY SEPTEMBER 1** — Clerks of organized plantations shall make return to the Secretary of State, on blanks furnished by him for that purpose, of the names of the assessors and clerks of their plantation and that the same have been sworn. There is a penalty for failure to make such a return (30-A MRSA §7005). ■

possibilities (a volunteer, for instance), and any arrangement satisfactory to the board is permissible.

*Approval of minutes.* Again, in the absence of local requirements, whether minutes must be approved, and if so, when and by whom, will depend on a board’s custom or practice. In most cases minutes are subject to approval by the board – to ensure they are an accurate account of the board’s proceedings – usually at the next regular meeting, by those members who were present at the meeting for which the minutes were recorded.

*Amendments to minutes.* Similarly, absent local requirements, whether minutes may be amended, and if so, when and by whom, will depend on a board’s custom or practice. Typically amendments are in order when the minutes are approved, subject to the consent of the board or at least a majority of its members.

*Minutes are public records.* In most cases, minutes will be public records, even in draft or unapproved form. (Draft minutes should be marked as such to avoid any confusion or misuse.) Notable exceptions include minutes of any general assistance, poverty abatement and concealed handgun proceeding as well as minutes of any executive session, all of which are confidential. The limited record required by FOAA is also a public record and must be made avail-

able within a reasonable time after the meeting.

*Minutes are subject to record retention.* Minutes, as well as the limited record required by FOAA, are subject to the State Archives’ Rules for Disposition of Local Government Records (see 29-255 C.M.R. ch. 10 (2016)). According to the rules, official minutes and records of board meetings must be retained permanently.

Minutes are not findings. Where a board is required by law to make “findings of fact,” in a licensing or permitting proceeding, for example, even detailed minutes will not be satisfactory (see, e.g., *Comeau v. Town of Kittery*, 2007 ME 76). An appellate court has to determine whether a board’s decision was based on sufficient evidence, and the court will not guess as to the factual basis for the decision. Where required, a board must make specific findings, separate from any minutes or other record of its meeting. (By R.P.F.)

## Can a Municipality Undo a Tax Lien Foreclosure?

*Question:* We’ve discovered that some property we acquired by tax lien foreclosure may be a hazardous waste site. How can we undo or reverse the foreclosure?

*Answer:* You can’t. A court can void a tax lien foreclosure if it finds that the statutory requirements were not strictly complied with. But assuming all requi-

# LEGAL NOTES

site notices are timely given to those entitled to them, tax lien foreclosure is immediate and automatic upon expiration of the 18-month redemption period; title to the property passes, without further paperwork or process, to the municipality. At that point, it is tax-acquired and town-owned, period. The only way then to “un-acquire” the property is to convey it to a willing buyer.

As we’ve advised before, a municipality has no duty to ensure that tax-acquired property is safe or to inspect it for hazardous materials such as lead paint, asbestos, underground storage tanks or the like (see “Tax-Acquired Property: No Warranties Required,” *Maine Townsman*, April 2009). If the municipality knows about such hazards, though, it should probably disclose them to discourage claims of fraud or misrepresentation. To ensure that buyers are not misled and that the municipality is protected against such claims, we recommend that invitations to bid include a prominent disclaimer to the effect that the property will be sold “as is, with no warranties or representations, express or implied, including but not limited to warranties of title, habitability or fitness for any purpose.”

Of course, it would be better not to tax-acquire properties such as hazardous waste sites, dangerous buildings and worthless mobile homes on someone else’s land in the first place. The best way to prevent this is to file a waiver of foreclosure in the registry of deeds before the 18-month redemption period expires (see 36 M.R.S.A. § 944). The waiver’s wording is prescribed by statute. If a waiver is filed, the lien remains in force (and the tax remains due and payable), but the lien does not automatically foreclose. Suit would be required instead if the municipality ever wanted to foreclose on the property.

For more on waiving foreclosure of a tax lien, including a sample waiver form, see our Guide to Municipal Liens, available free to MMA members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## What’s the Effective Date of Ordinances?

(Reprinted from the June 2010 *Maine Townsman* Legal Notes.)

Under common law, ordinances generally take effect immediately upon their enactment. There are two notable exceptions to this rule, however. First, where the ordinance itself specifies a different effective date, that date will control.

Second, if there is a municipal charter with applicable provisions, the charter will govern. It is not uncommon, for example, for charters to provide that ordinances take effect 30 days after enactment unless enacted as “emergency” ordinances by super-majority vote.

The same general rule and exceptions apply to ordinance amendments and the repeal of ordinances.

In addition, shoreland zoning ordinances, amendments and repeals are not effective unless approved by the Commissioner of Environmental Protection (see 38 M.R.S.A. § 438-A(3)). If the Commissioner fails to act within 45 days of receipt, the ordinance or amendment is automatically approved. Permit applications submitted to the municipality within this 45-day period are governed by the proposed ordinance or amendment if it is subsequently approved.

Certain other types of ordinances also must be filed with or reviewed by State agencies, but this does not affect their effective date *per se* (although the failure to comply may affect their enforceability). For details, see “Some Ordinances Subject to State Filing & Review,” *Maine Townsman*, Legal Notes, December 2006.

Finally, while we’re on the subject it’s worth noting that ordinances may also be given a retroactive effect. That is, they can be made applicable to applications and proceedings pending at the time of enactment if they clearly and unequivocally say so (see “Retroactive Ordinances,” *Maine Townsman*, Legal Notes, March 2007). This can be an especially useful feature in the case of moratorium ordinances, which are often in reaction to unanticipated development that is already at or near the permitting stage. For details, see our “Information Packet” on moratorium ordinances, available at [www.memun.org](http://www.memun.org).

For more on ordinance enactment procedures, see our “Information Packet” by that title, also available at [www.memun.org](http://www.memun.org). (By R.P.F.)

## IRS: Officials Are Employees

We’re often asked whether local officials such as assessors, animal control officers, code enforcement officers, plumbing inspectors and road commissioners are considered employees for IRS (Internal Revenue Service) purposes.

According to the IRS, all elected officials and most appointed officials, including those listed above, are employees, not independent contractors. As a result, all compensation for these officials is subject to income tax and Social Security and Medicare (FICA) withholdings. This also means their compensation is reportable to the IRS on Form W-2, not Form 1099 (which is for payments made to independent contractors).

For a detailed analysis of why most local officials are deemed employees by the IRS, see MMA’s “Information Packet” on IRS issues, available free to members at [www.memun.org](http://www.memun.org).

Note that there are special IRS tax withholding and reporting rules for election workers, including local ballot clerks (see “New IRS Rules for Election Workers,” *Maine Townsman*, Legal Notes, March 2015).

Also note that elected officials are not entitled to minimum wage or overtime under the federal Fair Labor Standards Act or Maine’s minimum wage law (see 26 C.F.R. § 553.11; 26 M.R.S.A. § 663(10)).

Questions about employee vs. independent contractor status and IRS withholding and reporting requirements should be directed to Robert “Bob” Westhoven, the IRS government employer representative for Maine, at (207) 747-6650 or [robert.c.westhoven@irs.gov](mailto:robert.c.westhoven@irs.gov). (By R.P.F.) ■

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## 2017 FALL BOND ISSUE SCHEDULE

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

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

**Wednesday, August 2nd**  
Application Deadline.

**Wednesday, August 30th**  
Application approval (Board Meeting).

**Thursday, September 14th**  
Preliminary opinions and loan agreements due from bond counsel of each borrower.

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

**Friday, September 15th**  
Last date for signing school contracts and rates in place for water districts. PUC approvals due.

**Monday, October 2nd & Tuesday, October 3rd**  
Maine Municipal Bond Bank Pricing.

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

**Wednesday, October 4th**  
Maine Municipal Bond Bank Sale Meeting (Board Meeting).

**Wednesday, October 18th**  
Final documents due from bond counsel.

**Wednesday, November 1st**  
Pre-Closing.

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

**Thursday, November 2nd**  
Closing - Bond Proceeds Available (1:00 PM).

If you would like to participate in or have any questions regarding the 2017 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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**Philip Saucier**



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