

Maine Townsmen

The Magazine
of the Maine Municipal Association

JUNE 2017

Preserving Beachfront Beauty

Scarborough realigns
historic neighborhood



ALSO IN THIS ISSUE
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Maine Townsman

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Keep Me in Your Heart



In rural towns and cities, health-care facilities are more than places to get well. They are major employers that feed part of each community's soul.

State & Federal Relations Director

Geoffrey Herman will retire this month. Long-time legislative compatriots offer their remembrances and impressions.
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Tech Conference scenes: *The 2017 Municipal Technology Conference is one for the history books. Turn here for images from the South Portland event.*
Page 27

ABOUT THE COVER: *Freelance photographer Jill Brady took this shot of Councilor William Donovan during a recent trip to Higgins Beach.*

Neighborhood Makeover

Scarborough's much-desired Higgins Beach enclave was being transformed. The question for town leaders was: How can we oversee this, the right way?
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Another Online Challenge

You know the sites. Airbnb and VRBO offer homes, apartments and bedrooms for short-term rentals. Sometimes, municipal government must step in.
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'Really Wanted' His Job

Norway Manager David Holt retires after 28 years. His career started sleeping on a cot in the back of an ambulance bay.
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A MESSAGE FROM MMA

BY STEPHEN W. GOVE / EXECUTIVE DIRECTOR

Heads up, Plato: An esteemed director retires

Geoff Herman is retiring from his position as Maine Municipal Association's Director of State & Federal Relations at the end of this legislative session.

Geoff does not like "gooey." That's his term for adulation. So this farewell and recognition of nearly 30 years of service to MMA will contain no "goo" from me. Only a sincere thank you on behalf of Maine's cities and towns for his hard work advocating for local government, his contributions to Maine public policy, his commitment to local control and his great respect for and service to the folks who serve at the local level. Geoff plans to retreat to his farm and woodlands in Mount Vernon to spend quality time with his family and his four-legged friends. MMA staff and members wish him well.

I asked some long-standing members of MMA's Legislative Policy Committee to share their thoughts on Geoff and his advocacy work on behalf of MMA's member municipalities. Here's what they had to say:

As a member of the Legislative Policy Committee, I have had the pleasure of working with Geoff on many municipal issues over a very long time, probably well over 30 years. While I always appreciated his knowledge about various municipal issues, what amazed me more than anything else was the depth of knowledge he had about some piece of legislation regardless of whether the issue was significant or not. He always seemed to have a real good sense of the politics around an issue and where various legislators stood on the bill. I think his best trait was his ability to see the big picture and think strategically about an issue and not just react to the immediate piece of legislation. In addition, I would say that Geoff always had a wonderful sense of humor, so it was fun to work with him regardless of how significant the issue. — David Cole, Town Manager, Gorham

I have been in the "municipal business" since 1972 and the first time I remember seeing Geoff was at a legislative hearing concerning "lane mile reimbursement." I looked around the room and asked the person sitting next to me how about that tall gentleman in the silver gray suit sitting in the back of the room, and he replied that he was the MMA lobbyist. My reply was I didn't know they had one! Well, I can tell you over the years since then I have learned more from "that tall gentleman" than I ever thought possible, and how very fortunate MMA was to have him.

I often took advantage of his good-natured willingness to be of assistance. When I found out that he was always in the office early, and I mean EARLY, I, being a farmer and liking to get my municipal stuff done early so I can get to the farming — would call him at 6 a.m. and we would get the business taken care of and sometimes there would be some talk of haying and steers and farming stuff thrown in for good measure!

I really don't know how things are going to run without Geoff, or maybe I'm worried about how I will run things at the local level without his wealth of information, insight and perception of people and forces that make up our state government. But you know — if he thinks it's

time to move on, then I admire him for acting on it. I say more power to him, and I wish him all the very best, lots of time with the steers, the farming, just plain relaxing time in his woods and the things that he hasn't had time for in the past. — Kathy Littlefield, First Selectman, Waldo

So, Geoff Herman is going to retire. Hard to believe he's going to beat me to it.

I met Geoff early in my career in Maine, and did so in an unusual way. I was asked to serve on a hiring panel to select a new Director of State & Federal Relations. Geoff, then on MMA's staff, was an applicant. My impression at the interview was that he didn't really fit the role of a lobbyist. He looked and talked more like a philosophy professor, someone who would rather stay home, smoking a pipe and reading Plato, than attend a cocktail party in a three-piece suit as a smooth talking influence peddler. We didn't pick Geoff. The person we did pick was gone in less than a year. Says a lot about my judgment, heh?

Geoff really isn't a smooth talking influence peddler. What comes through in the thousands of times he has attended and testified at legislative hearings is his commitment. He means what he says. He's committed to municipal government. He believes deeply in grass roots democratic values, right down on the ground in our cities and towns. He puts his heart (and his mind) into his work.

It's been a joy working with Geoff over all these years and all these battles — some won, some lost, but always fought hard. Geoff: It's time to go read that Plato. Enjoy. — Ed Barrett, City Administrator, Lewiston

I have been on the LPC for 17 years and have always been impressed with Geoff's depth of knowledge of the legislative issues relating to the municipalities. He was always prepared for our questions about the bills under our consideration. His vast knowledge helped us come to a consensus. It was also a great benefit in helping us decide on the MMA's legislative agenda every two years.

I was on the Executive Committee back in 2002 when MMA decided to do our own Citizen Referendum. He was instrumental in preparing, getting Executive Committee and LPC support, and in promoting our referendum question. Without his input and hard work, we might not have won that referendum vote. Unfortunately Gov. Baldacci converted it into LD 1 and the 55 percent for education funding has never been honored.

Geoff would also attend many training sessions and affiliate meetings and give updates on legislative issues. It didn't matter if there was a large or a small attendance, he always took the time to answer everyone's questions on just how the new or proposed legislation would affect us. And he was able to put it into understandable language!

I have been there when he testified at the Legislature Committee hearings on various bills and he always did a great job presenting the concerns of the municipalities. He was able to work with legislators to make the bills better.

His years of dedication and service to MMA and the municipalities of Maine is truly appreciated and he will greatly be missed. — Elaine Alocs, Chair, Board of Selectmen, Solon ■

- 2017 -

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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:

Machias - 6/20/2017
University of Maine at Machias, Science Building
116 O'Brien Ave., Machias, ME 04654

Rangeley - 7/18/2017
Rangeley Inn & Tavern- 2443 Main St., Rangeley, ME 04970

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



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Openness with conformity: the Higgins Beach project

Scarborough had to do something about its historic, seaside neighborhood, which was under great economic pressure. It chose the inclusive route.

By Eric Conrad, Editor

In some respects, the Town of Scarborough had a problem that many communities would welcome.

Its seaside Higgins Beach neighborhood, an enclave of small seasonal cottages that date to 1900 or so, modestly built on 50-by-100-foot lots, was in demand.

Highly, in demand.

Starting in 1990, and really taking off after the national economy shook off after-effects of the 2008 recession, local officials saw incongruent growth happening on the narrow strip of oceanfront land that measures seven miles long and just over half a mile wide.

People from other New England states and other parts of Maine who had experienced Higgins Beach summers wanted to retire there – which, soon thereafter, meant turning seasonal homes into year-round ones.

Then they wanted to add space. A two-bedroom bungalow was fine for a few weeks or months at a time, but what about when the grandkids come to visit? We'll need an extra bedroom or two. Maybe another bath. Where do we park our cars if we start spending snowy winters here?

And, more to the point: Why can't we design, expand and build our homes any way we want to?

That last question inevitably rubbed up against people who had lived, or summered, at Higgins Beach for quite some time, and liked it the way it was – and, mostly, still is. There is a familiar charm to the small, one-floor cottage with shingled siding, small yards and graveled parking areas.

Maine and New England are dot-



Looking toward the ocean, in Higgins Beach. (Photo by Jill Brady)

ted with neighborhoods like Higgins Beach. Most are located near the ocean, although some lakefront communities feel the same way.

But, not everyone in Higgins Beach wanted that kind of seasonal cottage confinement. Some people wanted the flat-roof, big-window and stucco homes that most Mainers associate with the images of starlets' homes that we sometimes see from places like Malibu, Calif. and Jupiter, Fla. Put a few homes like that in a Maine neighborhood built in the early 20th Century and, well, you have a problem brewing.

New property owners went to the town Planning Board and Board of Appeals, asking for variances from a suburban-esque building code that was established in the early 1970s, in Scarborough and many communities across the U.S. There were too many questions, with complicated options, for the boards to handle individually.

Scarborough had to step in. Changes were needed. New rules had to be put in place.

Motivated town

"The town's motive was to get the zoning right, to allow people to make the improvements they were going to make, but in the right way," said Councilor William Donovan, who lives in the Higgins Beach neighborhood.

What followed was a remarkably open, patient and inclusive process of public communication, input gathering, explanation and compromise. The process started in the spring of 2015 and is ongoing.

By most accounts, Higgins Beach's transformation is far from over but, thus far, it has been pretty harmonious.

The basic tension in Scarborough was a time-honored one familiar to many Maine communities: property rights ("This is our property now, and we can change it the way we want to.") vs. aesthetic and historic preservation ("But we like Higgins Beach the way it is.")

Dan Bacon, Scarborough's town planner during the process, who re-

Eric Conrad is the Director of Communication & Educational Services at Maine Municipal, and he edits the *Maine Townsman*: econrad@memun.org.

cently left municipal employment to work for Gorrill Palmer Consultants, said the project combined elements of architecture, planning and zoning, code enforcement, public relations and good old fashioned, local politicking.

Starting in 2015, and continuing through the present time, town and neighborhood association leaders used pizza, donuts, drawings, Power-Point videos – and more – to deliberately explain the challenge facing Higgins Beach and make mutually accepted decisions about future construction and renovations.

“The process was very successful in getting the neighborhood engaged,” Bacon said. “We were trying to be innovative in solving a pretty complex problem. Our message to other towns like ours would be, ‘Don’t be afraid.’”

Every detail, even with planning the pre-change outreach meetings, was considered. For example: When was the best time to hold a Higgins Beach meeting, to maximize attendance?

The town and neighborhood association settled on early June for those kinds of meetings, when summer residents typically make early trips to the area, and when property owners who rent their homes prepare for the prime tourism months of July and August. The timing decision proved to be a good one.

Meeting location decision

The next question was: Where do we have the meetings? An easy answer

HELPFUL WEB LINKS

Here are some Internet resources to help educate about the Higgins Beach Character Code and code-based zoning.

Town of Scarborough: <http://www.scarboroughmaine.org/>

- Go to the town website, use the search function and type: “Higgins Beach.” The town does an excellent job preserving the December 2015 Higgins Beach Code document, but also draft documents and preliminary steps leading up to it.

Build Maine: <http://www.build-maine.com/>

- The annual Build Maine event recently concluded. However, this website provides general background about community design and improvements. It is organized annually by Kara Wilbur of The Principle Group, who played an important role in the Higgins Beach project. Kara’s email is: kara@principle.us

Form-Based Code Institute: <http://formbasedcodes.org/>

- The Form-Based Codes Institute (FBCI) is a non-profit professional organization dedicated to advancing the understanding and use of form-based codes.

would have been in the modern Scarborough Town Hall, centrally located on busy Route 1, about five miles away from Higgins Beach.

But the town didn’t do it that way. Instead, a cottage was rented in the Higgins neighborhood itself, and a three-day “charrette” event was held in June 2015. Pizza was served on opening night, a Friday. Donuts were available on Sunday morning.

“I think that was a key,” Bacon said, of the decision to meet in the neighborhood itself. “We immersed ourselves in that community for three days. We tried to make it enjoyable, on their turf.”

Dozens of residents gathered to learn about building codes, see architects’ drawings, view photos and, most important, ask themselves: What kind

of community do we want to have?

The first step was to gain a common understanding about what a “form-based code” – also called “character-based” zoning – is. Boiled down, form-based codes are a relatively new approach for municipalities as they respond to economic, transportation and other changes that threaten to alter a community’s historic appearance and character. Form-based codes focus more on the physical designs and facades of buildings, and the relationships about buildings – in this case, fairly small cottages and homes – than on traditional land use regulation.

These are skeptical times for people and organizations in any position of authority, including local government. Town officials in Scarborough had to step in, without overstepping.

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Home expansion, renovation under way. (Photo by Jill Brady)

Donovan, the councilor, said: “It very definitely required a building of trust. No one really knows what ‘character-based zoning’ is. I spent 40 years in municipal law and I didn’t know what it was.”

Both Bacon and Donovan credited the Principle Group of Portland, and architect Kara Wilbur, with their roles in the neighborhood outreach. Hundreds of pages of actual Higgins Beach home photos and diagrams were shown, to give charrette attendees a strong visual idea of what kind of building characteristics they and the town might want to preserve.

Into action

That weekend event quickly turned to regulatory action.

From July to September 2015, Bacon, Zoning Administrator Brian Longstaff and other town officials started creating the “Higgins Beach Character Code,” an extensive, 50-page document (there also is a two-page summary) that is viewable through the town website (www.scarboroughmaine.org). The code was adopted in December 2015, pretty remarkable given that the neighborhood “charrette” was held only six months prior.

There were some bumps in the road. The Bangor Daily News reported in August and September 2015 about turmoil regarding some Higgins Beach changes. The word “erupted” was in one of the headlines, as in a controversy had “erupted.”

It was true, so far as it went: Some residents were upset over public parking and ocean access in Higgins Beach, a long-running issue.

But the heart of the Higgins Beach Character Code deals with home improvements and expansions, a trend that is still going on and is expected to continue for many years. The code enforcement, planning and zoning project that Bacon, Donovan, Longstaff and others were leading dealt – and deals – with home designs and neighborhood character, not parking and beach access.

Scarborough Town Council formally adopted the Higgins Beach Character Code in December 2015.

Thirteen months later, a January 2017 memo written by Bacon, the former town Planning Director, listed eight Higgins Beach projects that were reviewed under the new character code. Of those, four were new construction projects – some new property owners prefer to tear down seasonal cottages and start from scratch – three were remodeling projects with additions, and one was a remodeling project without an addition.

Year-later audit

The next step, Bacon wrote, is to conduct a “one-year audit” to see how the Higgins Character Code is working. That process is under way now, and results are expected to be shared with Higgins residents this month (June 2017), in much the way that the 2015 “charrette” process was handled.

Bacon’s January 2017 memo already documented some “substantive issues” with construction prior to the Character Code’s adoption that “likely warrant discussion.” Among them: dormer requirements, roof lines, height requirements and street set-

backs. In other words, some property owners and/or architects and builders aren’t precisely conforming to the new code, although town officials believe that generally it is being followed.

Donovan, the councilor and Higgins Beach resident, said the biggest issue is building height, and he doesn’t expect that to change any time soon. The push to move to Higgins Beach and live there year-round shows no sign of abating. Property values have soared: Some lots – 50 by 100-foot lots near the actual beach, which is sprawling at low tide – are selling for upward of \$500,000.

Property buyers typically acquire cottages with 1,200 to 1,500 square feet of living space, yet desire something much bigger – 2,500 to 3,500 square feet.

“Therein lies the trick,” Donovan surmised.

The only way to add that kind of square footage is to go vertical, building higher homes. Which, of course, also changes the Higgins neighborhood. It may mean that long-time cottage owners have their seaside views altered. They may live with shadows that they never experienced before.

But the benefits to Scarborough’s thoughtful Higgins Beach approach outweigh the problems – and the newer problems can still be addressed.

For starters, the Planning Board and Board of Appeals have a fresh, written and formally adopted neighborhood code to work with. Current Higgins Beach residents are on the same page as far as what the town will permit and what it won’t. Most of the time, major building and renovation projects are being done with the details of the character code in mind.

Scarborough probably won’t stop here. A few miles to the south, the Pine Point neighborhood faces similar economic pressure to what Higgins is experiencing. Bacon, Longstaff and Donovan expect that some of the lessons learned through the Higgins Beach project will be applicable in Pine Point. Some won’t.

Pine Point – while lot sizes also tend to be small – does not have the standard, 50 by 100 foot lot lines that the Higgins Beach neighborhood has. Lots sizes vary more in Pine Point.

But it does have that distinct, New England seaside neighborhood look and feel. ■



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Short-term rentals becoming more common in Vacationland

As 'new' websites enabling property owners to rent their homes for days a time flourish, some municipalities consider new regulations. Safety is priority one.

By Janine Pineo

Vacationland is all about location, location, location.

So it should come as no surprise that municipalities with a long history of being tourist destinations are also big hits for the slew of online vacation rental companies and websites that have cropped up in recent years. They have built their businesses not through the traditional hotels, motels and bed and breakfasts, but by giving residents a chance to rent rooms or their homes to tourists.

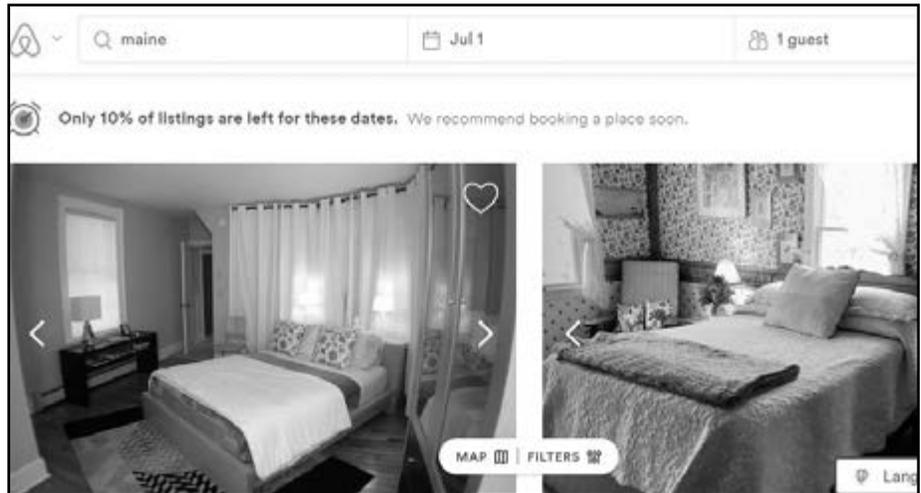
The uptick in what are called "short-term rentals" has prompted a number of cities and towns to investigate the extent of these accommodations communities and then decide what, if anything, needs to be addressed in ordinances and permitting.

An issue that rises to the forefront is safety. While traditional lodgings have to meet strict safety regulations, people renting out a house to tourists don't have the same restrictions, although some might find that their homeowners' insurance policy would not be adequate if something occurred during a rental situation.

"Obviously, we want everyone safe," said Scott Heyland, Ogunquit's code enforcement officer.

Ogunquit has about 3,000 single-family dwellings, he said, 2,000 of which are seasonal. The town's year-round population is about 1,000, swelling 30 times over in the summer.

Last year, Ogunquit began the task of looking online to identify residences that were advertised on such sites as Airbnb, HomeAway and VRBO, the best known of the many home rental



A typical online ad for short-term rental. (Submitted photo)

sites on the internet.

"Online postings don't actually give you an address. I went one by one to identify," Heyland said. "It's hard to put a number on how many are renting." Part of the problem is that the listings for Ogunquit might actually be in a neighboring town. His guess, however, is that there are about 300 short-term rentals.

Heyland said the town held a workshop and the decision for this year was that there would be "no broad, sweeping controls." Instead, there is expanded guidance for rentals, and the town is relying on existing language in a zoning ordinance to set the foundation. Among the rules is for a minimum stay of seven days and that all who rent any type of single-family dwelling apply for a business license.

Between 100 and 150 have registered this year, Heyland said, and each pays \$150 annually for the registration.

Safety first

Other requirements, Heyland said, include 200 square feet per person, meaning a 1,000-square-foot cottage would be limited to five people. Smoke and carbon dioxide detectors must be operational.

"It's more (the town) trying to get a message out that we want these properties safe," he said.

A bit farther up the coast is Rockland, which put an ordinance on short-term rentals into effect in May 2016. City Manager Audra Caler-Bell said that a repercussion of taking on this oversight is financial.

"This is a cost to municipalities in staff time," she said. The city's process in its first year was "very time-consuming," stemming from the requirement that whole-house rentals needed approval from the planning board.

Heyland also cited staffing as an issue for Ogunquit. "The town staff here is so minimal," he said. The

Janine Pineo is a freelance writer from Hudson and regular contributor to the Maine Townsman, jepineo@gmail.com.

possibility of needing to inspect 300 homes to make sure that they were up to code would be overwhelming. There also was a matter of liability for the town, he said. Instead, Ogunquit has put the onus on homeowners and their insurance carriers, which must inspect the dwellings.

“Let’s let some of the responsibility go back to the homeowner,” Heyland said, of the town’s decision.

John Root Jr., Rockland’s code enforcement officer, said anyone in the city offering a short-term rental has to provide evidence or a certificate to prove that adequate insurance is in place.

Once Rockland figured out who was renting, much as Ogunquit did, Root sent a letter to the property owners to let them know what the city required. (See p. 13)

“I met with everyone who is doing short-term rentals,” he said. In many cases, owners found out their insurance policies did not cover them, and Root said people were grateful to know so they could act.

“It was one of the better things that came out of this,” he said.

Official action

After meeting with Root, a planning board review would be scheduled if the house fit a certain category of rental. Each has taken 15 to 20 minutes to consider, he said, with 48 permitted and nine applications pending thus far.

Since it went into effect a year ago, a couple of areas in the ordinance came under scrutiny. “There have been some adjustments already,” Root said.

First, was the requirement for a property manager in the whole-house rental portion. “The whole purpose of this was to have someone readily available 24/7,” he said.

That section was redefined, City Manager Caler-Bell said, so that it doesn’t have to be a professional property manager, but it may be someone local who can be reached during an emergency.

The other was the language on the insurance requirement. Root said he reviewed policy with an agent and discovered that the terms needed to be adjusted.

Another sticking point, accord-

ing to Caler-Bell, has been the city’s seven-day requirement, which remains as is. Rockland requires one set of renters only during a seven-day period.

Root said the city tried to keep things simple. “It all boils down to how you’re renting and how you’re occupying the property.”

If a resident rents a room or rents a unit in a duplex in which they live, then “you just gotta come to me,” Root said. “There’s no inspection involved. If you live on the property, we’re going to make it simple.”

The planning board comes into play if it is a whole-house rental, a unit in a duplex in which the second unit is rented monthly and not short-term, or a multi-family dwelling.

Rockland also requires permit holders to put the permit number in their online advertisements, which will help the city track new renters.

Mapping hotspots

During this process, Rockland developed a map to pinpoint the location of its rentals, breaking it down into each aforementioned category.



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April 20, 2017

RE: SHORT-TERM RENTAL AT [REDACTED]

Dear Property Owner,

This letter is to inform you that the owner of the property located at [REDACTED] has submitted an application for Short Term Rental. This will be a non owner-occupied whole house rental (STR-2). In accordance with Section 11-11-210.2F, we are providing you with contact information as follows:

Owner Information

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Manager Information

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Staff and the City Council worked very hard to develop some reasonable regulation for Short Term Rentals. All concerns from both opponents and supporters of the regulations were considered. Providing neighbors with this contact information was important to the City Council. Please feel free to contact the Code Office with any questions or concerns.

Sincerely,

John A. Root, Jr.
Code Enforcement Officer
City of Rockland, Maine

“That’s actually very important to the councilors,” Caler-Bell said. “We are finding concentrations in certain areas.”

The concern is about the livability of the city’s neighborhoods. “What prompted it for Rockland,” she said, “was neighbors who were abutters.” Noise and parking were among the issues, she said.

“You can also change the character of a neighborhood,” Root said. “These short-term rentals are all in neighborhoods.”

Rockland plans to monitor the situation and revisit the ordinance if necessary.

Ogunquit’s Heyland pointed out that for some rental owners, it is their business to purchase properties and use them for seasonal rentals. “There is this creep of companies,” he said. They are buying homes that are only rented during the 16 weeks of tourist season.

To get an idea about the extent of rentals through companies such as Airbnb, HomeAway and VRBO, one has only to look at some of the data from Airbnb in 2016. According to

the Portland Press Herald, hosts using Airbnb’s site earned \$26 million from about 174,000 visitors, figures that the company said doubled from the previous year.

It isn’t only short-term rentals for Airbnb. The company also does sublets (<https://www.airbnb.com/sublets>) if you have the link (the feature is not available on the home page). Rockland’s ordinance, for instance, specifically forbids subletting. On the other hand, some places such as New York City don’t allow short-term rentals at all, only sublets for longer terms.

Earlier this year, a report about Bloomberg stated that the company was investigating an expansion into long-term rentals, taking on Craigslist, which is the dominant online force in many rental markets. But the company is mum on whether it will pursue this as a source of revenue.

In Maine, for now, the focus is on short-term rentals, something that is defined by each municipality. According to data Airbnb provided to the Portland Press Herald, 3,700 hosts were active in 2016, up from

2,100 hosts in 2015. Portland was the busiest, with 51,214 guests and \$7.1 million in revenue, followed by Bar Harbor with 7,101 visitors and a revenue of \$1.4 million.

Bar Harbor has long been the jewel in Maine’s tourism crown. It also has had a short-term rental policy in place for a decade.

Code Enforcement Officer Angela Chamberlain said that the rules implemented in 2006 still stand. Entire homes that are rented for less than 30 days need to be inspected once and registered once with a \$50 fee. The town has about 400 registered, although she was not sure how many were still active as short-term rentals.

The ordinance does occasionally come up in conversation. “No one is actively making changes,” she said.

Chamberlain said it’s been “pretty steady for them” and that they have not seen a surge in permit requests. Bar Harbor’s policy was in place before online home-rental sites charged into serious play in Maine’s rental market.

As Root of Rockland said, “The internet is the only reason this works.” ■



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Good luck, David Holt: A Neil Young fan, with deep Maine roots

His select board describes a town manager's best traits as good listening skills and an ability to 'see the big picture.' For 28 years, they say, Holt has provided both.

By Steve Solloway

David Holt got the internship he wanted in the summer of 1975, working in Dexter's town office. The position came with a small problem: Where would he sleep?

He was a student at the University of Maine, an undergraduate in the public management program. His home was in the small western Maine town of Greenwood, between Norway and Bethel, about 115 miles and

two and a half hours from Dexter. He had no money to spend on an apartment or even a room.

"I lived in the fire station in the back of the ambulance bay," said Holt, who is stepping down after a distinguished career as Norway town manager. "As I remember it, there was about one run per night with lights flashing and attendants asking who I was. The 1970 Cadillac (ambulance) needed a motor job as evidenced by the black exhaust fumes.

"I really wanted to be a town manager."

Holt, 63, realized his dream job for 41 years, the last 28 working for Norway. He walks out of his office for the final time on June 30. The next day, he predicted, will feel like the start of a long weekend.

Twenty-eight years working for the same employer is a long time in any occupation but especially one



David Holt

where personalities of elected officials and appointed department heads can clash. One of Holt's strengths is bringing people together, to work for the present and plan for the future.

"Dave always reminded me he works for us," said Russell Newcomb, chairman of Norway's five-person board of selectmen. "I'll miss the fact that he was such a resource. You

could always trust what he'll tell you."

Selectman Bruce Cook said Holt made the board's job easier. "He's very fair. He will listen."

It doesn't matter if the person is the police chief, a selectman or the custodian, who was locking the front doors to the town office after a recent business day. Holt would ask the custodian about her family or how her day was going, and lean against a wall while he listened. That spoke to his sincerity, she said. He wasn't in a rush to move on.

"David comes in every morning and speaks to every employee," says Carol Millett, Norway's assistant town manager. He always has a story to tell, which will usually make you laugh. His door is always open to all citizens as well as employees."

Naturally shy

Yet Holt is not a natural extrovert. His shyness as a boy gave way to a self-deprecating manner that enables him to remain comfortably out of the

spotlight. At a recent public hearing to discuss town warrants, among other business, Holt learned he was to be the subject of this profile article. He immediately tried to steer attention to Millett, who has been assistant town manager for more than 30 years.

Unsuccessful with that approach, he waited until after the hearing and pointed to Norway's selectmen, who work so well together, he said, as a good subject for a Maine Townsman story. When Holt, Newcomb, and Cook were asked who set the cordial tone for a hearing that was efficient and punctuated by good humor, Holt said it was the selectmen.

Behind his back, Cook pointed to Holt. The town manager sets the tone. Holt's wry humor and empathy for others have helped him navigate the job.

"He has a temper, but I've not seen it," said Cook, days later. "He's had a couple of tough select boards. One (selectman) tried to get him out."

The selectmen have come and gone over 28 years, although turnover is relatively infrequent. Newcomb, for instance, has served for 18 years. Cook has seven years on the select board, and for much of his 80 years has been active in Norway's community. Holt has remained in place.

"Honesty drives the truck," says Holt. "The best managers, I've learned, are encouraging and supportive. You need the ability to change course. It's good to laugh at yourself. Or run five miles a day."

In his dry, modest way, Holt is open about his health. For years he put his position of town manager first. Now he needs to flip that, a few years before he planned.

Steve Solloway is a freelance writer from Hallowell and regular contributor to the *Maine Townsman*, ssolloway@roadrunner.com.

“When you’re dealt a card, that’s the one you have to play,” he said. His childhood diabetes has led to heart disease. “I’ve lived with that card for a long time.”

Deep Maine roots

He grew up on the family farm in Greenwood and attended Telstar High School in Bethel, graduating in 1972. His senior class had about 100 students. Very shy, he didn’t belong to any cliques, he said. Two of his teachers encouraged Holt to run for Student Council president. He got the votes needed to win. Forty-five years later, he believes his election victory could be attributed to “no one disliked me.”

A visit to the high school from Bethel’s town manager opened Holt’s eyes to a career. He hadn’t thought seriously about college but learned the University of Maine offered a municipal management program. He can laugh about his summer nights sleeping at the rear of Dexter fire station’s ambulance bay. Then-town manager George Campbell Jr. had told Holt he could sleep at the station.

Holt initially thought Campbell meant the bedroom where firefighters slept when they were on overnight duty. He realized quickly he was mistaken. He was given a folding cot.

“My mother made my father make a folding screen to separate me from the ambulance,” says Holt. “I would fall asleep each night listening to Fred Lynn and Jim Rice win the pennant (for the Boston Red Sox.)

“Although (Campbell’s) personality might be the polar opposite of mine, he taught me much of what I know about how to be a town manager. I was thrilled to return to Dexter in 1980 to serve as manager.”

After his graduation from Maine, Holt received two job offers: Princeton and Cherryfield needed new town managers. “Cherryfield had dropped its membership to the Maine Municipal Association and I figured I needed all the support (the MMA) could give me. I went to Princeton.”

Holt was Princeton town manager from 1976 to 1980. Seven years in Dexter followed and two more in Standish. He interviewed for the Norway position in 1989. He didn’t see greener grass elsewhere. Moving on to a larger town, a city perhaps, for

a bigger paycheck and possibly bigger headaches didn’t motivate him. He simply wanted to be an effective, hands-on manager. That he was returning to a town down the road from his home wasn’t a negative.

“I don’t know. My father sold wood and hay. People knew him. Maybe those who didn’t like town government interfering in their lives cut me some slack.

“I just wanted to be like Andy Griffith,” said Holt, referring to the late actor and his long-ago popular sit-com set in the fictional Town of Mayberry. That Griffith was the police chief isn’t the point. Being able to interact with anyone in Norway was important to Holt.

Beautiful renovation

He is proudest, perhaps, of his involvement in the restoration of the Norway Opera House.

The building, which dominates a section of Norway’s Main Street, fell into disrepair under private ownership. The townspeople voted to take it by eminent domain, raise a considerable amount of money and make it a visible symbol of a vibrant community.

Holt didn’t lead the project, so much as facilitate. He knew where to find grant money and how to write applications to get the funds. “David fought and worked hard to find the resources,” said Newcomb. “He brought people together to form committees.”

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When promises weren't kept, such as state funding that was held up in Augusta, Holt was not shy in voicing his displeasure.

"When I was younger, I probably looked at the big projects as being more important. Sometimes it's the little things that last longer. I went back to Princeton (in late May) to fish. I saw the town library we started. It was once a chain saw shop. I remember the work that went into getting the library started. It's still there."

Holt jokes that the selectmen have given him less work to do in his final month or two.

"People are coming in, wishing me well. Others have a little agenda. Before I go, I need to fix this or that. A few calls have been about difficult problems. It runs through my head that I shouldn't have to deal with this. The next guy (or gal) can do it.

"The blessing is, I've been around long enough to handle the problems."

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'The new guy'

He laughed. "Most of my department heads are within spitting distance of my age. Oddly, they've been here longer. They still view me as the new guy."

Millett said another of Holt's strengths is his ability to see the big picture. Newcomb agreed, saying the new town manager can start without having to face major issues or problems immediately. "That's all due to the fact David planned so well."

Holt's email address begins with "barracuda," a nod to the 1966 Plymouth Barracuda he once owned. He ultimately traded it for a late 1940s Ford pick-up to restore. Now he's working on the restoration of a 1948 F-4 dump truck with its rounded front fenders and hood. After all, he wears another hat besides Norway town manager. He's also the town road commissioner.

"I love taking cars and trucks left for dead and bringing them back to life," said Holt. "I really did like that Barracuda."

He'll spend more time listening to Neil Young, his favorite singer/songwriter. Young's music evolves, said Holt. He likes that. But then, Holt evolved from the shy boy to the effective communicator who was content being part of the constellation, not its brightest star.

"People will see a little less of me and that's OK. I don't need the title of town manager anymore to give me an identity. I know who I am." ■



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Eastport exemplifies changing nature of rural health care

The challenge is daunting throughout Washington County, where a comprehensive approach is under way and some city-led efforts yield encouraging results.

By Janine Pineo

When you think of Eastport, the first thing that comes to mind might be its deep-water port or its history of sardine canning or its Fourth of July celebration, which is billed as the state's largest.

Probably not a single thought has to do with the state of health-care in rural Maine.

Yet, the nation's easternmost city, with its population of 1,331, is smack dab in the middle of the evolution of what rural health in Maine looks like, shaped by shifting tides of population, income, insurance and a myriad of other factors common in, and yet unique to, each area of the state.

The health-care evolution involves the city, too, according to City Manager Elaine Abbott. The health of Eastport residents is part of the city's emerging vision, as it creates a plan for its present and future.

Abbott said one of the driving factors is the aging population, citing AARP statistics from 2015 that state 62 percent of Eastport's population was 50 or older. Many of those people, she said, are active individuals in their 80s and 90s.

The aging factor contributed to Eastport joining the AARP Network of Age-Friendly Communities, an initiative of the World Health Organization. More than 30 communities in Maine – more than any other state – have joined to create age-friendly communities, which focus on the “8 Domains of Livability” framework developed by WHO: outdoor spaces and buildings; transportation; housing; social participation; respect and social inclusion; civic participation; and employment;

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REPORT ONLINE

For copies of the 16 Maine Rural Health Profile county reports and the six Maine Rural Health Innovations Briefs, go to <http://www.mehaf.org/learning-resources/reports-research/>.

communication and information; and, community and health services.

With its intent to update the city's comprehensive plan, Eastport decided to combine the two, melding its comprehensive plan with the work on the Age-Friendly Community.

“Kind of a more holistic approach is how we are approaching that,” Abbott explained. The age-friendly committee will be appointed in June and the Comprehensive Plan that includes the age-friendly action plan is scheduled to be completed in November.

Getting a glimpse

Abbott said a community survey taken by residents provided insight. “It really gave us a glimpse to what it means to be aging in Eastport,” she said.

The benefits to discussing livability and then finding solutions benefit all residents, not just seniors. Abbott said the community ride program was one such outcome, offering regular transportation to anyone of any age.

It also gives people from diverse areas a chance to pool their knowledge and discover resources. “I tried to lead the charge in the elimination of silo thinking,” Abbott said, referring to people being isolated from each other and unaware of what the person in next “silo” knows.

One example stemmed from the winter of 2014-2015, which hit Down

East Maine hard. Abbott, who started as city manager in November 2014, said the city was funneling inquiries about who was available to shovel snow to a single group that was inundated with requests, not knowing a second group was available and had “little work.”

Within the last few weeks, Abbott was informed of a program through the Eastern Area Agency on Aging that provides a box of emergency food for people in need. A simple form has to be filled out, she said, which is turned over to EAAA, and the agency follows through to help connect the applicant to community resources. Abbott said four boxes of food arrived recently and within hours the first one was given to a resident.

Food insecurity isn't usually something that comes from holding a rabies clinic, but Abbott said that it was a result from one of theirs, starting a conversation that hadn't been had before.

“The majority who came were elderly with multiple pets,” she said. The concern was that there was no local source for pet food for people in need, who might be sharing what little they have with their pet.

Abbott sees the municipality's role as a resource and clearinghouse of information, for residents who “need to know where they can go for information.”

County snapshot

In September 2016, the Maine Health Access Foundation released “A Statewide Review of Rural Health: Maine Rural Health Profiles” that details health and health care in Maine, bringing together facts for each county, including data on employment,

facilities, services and health status. MeHAF is a tax-exempt, public benefit corporation, founded in April 2000 after the sale of Blue Cross Blue Shield of Maine to Anthem.

“Rural” can mean many things, but in this report, the USDA’s classifications were delineated as “counties as metropolitan (urban) or non-metropolitan (rural) based on population size, degree of urbanization and adjacency to a metro area(s).” From that, 11 of Maine’s 16 counties are rural: Aroostook, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Piscataquis, Somerset, Waldo and Washington.

Washington County’s MeHAF report provides stark details about the challenges it faces, from geographical to socioeconomic. To begin, it cites U.S. Census numbers of 92.4 percent of residents living in a rural area, 50.6 percent higher than Maine’s average.

Only Lincoln and Piscataquis counties have a higher percentage of



Holly Gartmayer-DeYoung discusses Community Circles at the Maine Quality Counts annual conference earlier this year. (Submitted photo)

residents over age 65, with Washington County coming in at 20.2 percent. It has the third highest number of residents with a disability at 20.5 percent. It is tied with Somerset County for the highest unemployment rate at 6.6 percent.

It also has the largest number of residents living below 100 percent of the federal poverty level, at 19.5 percent.

The report ranks Washington County at the bottom in overall “health outcomes,” which involve the rate of premature death and poorer reported

quality of physical and mental health. It also is last for “health factors” that include adult obesity, physical activity and alcohol-impaired driving deaths. In clinical care, Washington County ranks last, “owing largely to a higher than average percentage of uninsured residents, a higher rate of preventable hospital stays and a population to provider ratio lower than the state average for primary care physicians and dentists.”

According to the report, the health-care sector provides the most jobs in the county, at 16.8 percent,

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The old railroad trail in Eastport. (Submitted photo)

followed by retail at 16.1 percent and education at 12.6 percent. Health-care workers are employed at the two hospitals (in Calais and Machias). Some 67 establishments providing nursing, residential care and ambulatory care. Health-care wages average \$39,020 annually, 18 percent higher than the average for all employment

in the county, although nursing and residential care facility wages are the lowest average in the state at \$22,700.

“Relative to the national economy, health-care employment is 1.3 times more concentrated in the county, meaning that health care makes up a disproportionately larger share of the county’s economy,” the report states.

“In particular, there is a high concentration of workers and establishments in the nursing and residential care facilities industry; two and a half times the number of workers and twice as many establishments than found in the national economy.”

Local successes

Eastport has no hospital, but it does have Eastport Health Care, a Federally Qualified Health Center (FQHC), defined as a federally funded clinic serving an underserved area or population. Medical, dental and mental services are available, and according to the EHC website, the purpose of “Eastport Health Care in particular is to assure that people dwelling in medically underserved areas are not denied adequate primary care.”

EHC is one of five FQHCs in the county, and its services include medical, behavioral health, dental, radiology, lab, psychiatry, nephrology and social support.

It also is the home of the Community Circle, a nationally recognized method of engaging with residents,

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municipalities, health-care professionals and other stakeholders to find ways to meet the community's needs, both big and small.

"You don't know what you don't know until you start asking questions," said Holly Gartmayer-DeYoung, EHC's chief executive officer, who created the model in 2011 as she looked for ways to have a conversation with the community to address issues and find solutions. "It's been phenomenally successful."

One of the continuing circles is the Integrated Behavioral Health Community Circle, which started in June 2011 and has expanded from covering mental health issues to include the opioid addiction epidemic. More than 80 "voices" have been involved, from medical providers to parents, educators to legislators, law enforcement to veterans. One of the outcomes includes the National Alliance on Mental Illness sponsoring not only a monthly support group but also training across the county for first responders so they can better understand mental illness.

In 2016, the Caregivers/Palliative Care Community Circle began, offer-

ing "a venue of support for caregivers and those who know the journey of palliative care," according to a July 2016 article in Patient Safety & Quality Healthcare by Gartmayer-DeYoung. From books and articles to donate to the library, to a local resource list of contacts, to a lending library of music CDs to "support and comfort," the circle also spawned another circle for Thriving in Place.

TiP is a MeHAF initiative to help those with chronic conditions, including the elderly and disabled, "maintain or improve their health so they can remain independent and safe in their homes and communities," according to its website.

City food leadership

Success from the Community Circles might be something as simple as the health center and local law enforcement making safety checks for anyone of any age or need, or something like the "Family/Friend Safety Plan" card that details contacts for emergency personnel in case of an accident or crisis.

For City Manager Abbott, it was about seeds.

She and her husband planted a garden outside the former City Hall, sowing not ornamentals but vegetables. "We got an incredible amount of food out of it," she said. People were surprised that the food was free for the taking, she said, but they "were really happy to be adding fresh food to their diet."

Businesses around the city got involved, planting vegetables, too, so anyone could walk along and pick a cherry tomato and eat it, Abbott said.

The second year, people asked to help and brought things to plant in the spring, but they also delivered their surplus vegetables to City Hall to share, she said.

City Hall has moved to a new location with no space for a garden, but she is thinking about it because of the support it received in ways she didn't expect.

"It was a truly amazing experience to watch all these people share," she said. They also surprised her, for she would arrive to work and find there on the sidewalk a pile of weeds pulled from among the vegetables.

"Some of the smallest things really astound me," Abbott said. ■

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Responding to citizens is crucial to successful Public Works

Winter season is the most challenging, because preparation only goes so far, says Topsham's director of Public Works. Citizens ultimately set the level of service.

By Liz Mockler

Keeping town roads plowed and treating ice is “probably one of the highest-ranked responsibilities” of a public works director. Or so it is for Dennis Cox, Topsham’s Public Works director, with nearly three decades of experience.

Winter work is the hardest because it cannot be controlled, Cox said, president of the Maine Chapter of the American Public Works Association.

“All public works can do is react sometimes and deal with what Mother Nature sends our way,” Cox said. “We can prepare... but exactly when will it start, how long will it last and how much product will be needed is unknown.”

When the bad weather stops, the Topsham crew must restart its job of plowing and treating more than 30 miles of road, 13 miles of sidewalks and the downtown, and then haul off the snow before another storm arrives, Cox said.

Summer work can be challenging too, he said, because workers must prepare roads for paving projects and carry them out with minimal traffic disruptions.

Another regular challenge for Cox is interacting with property owners who have a problem and really don’t care about other department issues that might make it difficult to respond on the taxpayer’s schedule.

“They want an answer and they



Dennis Cox

deserve one,” said Cox, who has worked for Topsham since 2011, and previously for Milinocket for 20 years. “It’s my responsibility to give them one and still be realistic about the answer. Some folks are better than others (at) accepting the answer.

That’s the beauty of this job: No two questions are the same, nor are any two residents, he said.

Cox said in both communities where he’s worked, his crews are hard-working and take pride in their public service. He has always loved his job, in part because he gets to work outside.

With one mechanic, an administrative assistant and his on-site work crew, “The phone gets answered, bills get paid, the infrastructure is maintained and the equipment is kept serviced. We really don’t get a lot of complaints because the crew does a great job servicing the needs of our residents,” Cox said.

The most complaints involve potholes in the spring and slippery roads in the winter, he said, “and ‘When is my street going to be paved?’ We work through all of them as a team and keep

our community in good repair.”

Cox can already anticipate future challenges, with more people driving on the roads, more roads to maintain and increasing costs. A critical responsibility is budgeting, not only for operations, but for capital projects – road work as well as equipment – that tend to be costly.

“The taxpayer wants the biggest bang for their buck and they should because we all work hard for what we have. With more roads being developed, and walking paths created, comes the challenges of maintaining them with current staff or potentially having to increase staff with increased responsibilities,” Cox said.

He said in the end, citizens themselves decide what level of service they want, how much they can finance and what they expect from the department. ■

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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. ***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



60 Community Dr., Augusta, ME 04330
207-623-8428 • 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

2017 MUNICIPAL
TECHNOLOGY
CONFERENCE

Scenes from the **2017 Municipal Technology Conference**
May 11, 2017 • DoubleTree by Hilton, So. Portland



Sponsored by: **Maine Municipal Association & Maine GIS User Group**
In cooperation with: **ConnectME Authority**

Photos by Ben Thomas

2017 MUNICIPAL TECHNOLOGY CONFERENCE

Scenes from the 2017 Municipal Technology Conference
May 11, 2017 • DoubleTree by Hilton, So. Portland



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Photos by Ben Thomas

PEOPLE

Scarborough Planning Director **Dan Bacon** resigned in April to accept a planning job for a South Portland-based private firm. Bacon served the town for 12 years and planned to work as a project adviser until various municipal projects were completed. **Karen Martin**, Scarborough economic development director, will oversee the planning and code enforcement operations until Bacon's permanent replacement is hired. Prior to joining the municipal staff, Martin worked for four years as director of the Scarborough Economic Development Corp.

Rockland firefighter **Mike Cole** was promoted to lieutenant in April after serving the department for 17 years. A Navy veteran, Cole was lauded as a leader for the department since the day he was hired in 2000. Cole works as the department's training and safety coordinator, including for hazardous waste response, among other duties. He is a licensed EMT and a resident of nearby Thomaston.

Clarence "Bug" Cram retired as Manchester fire chief, effective May 10. A town native, Cram worked for the department for 39 years and as chief since 2011. Deputy Chief **Frank Wozniak** was named acting chief until firefighters elect a new chief, likely this summer.

Biddeford City Councilor **Bob Mills** resigned after 10 years because he is moving to another ward in the city. His Ward 5 included the downtown and the heavily populated neighborhoods that circle the mill district. His final day as councilor was expected to be June 9. Mills was elected to five straight two-year terms and was praised for his work and dedication to the city, as well as advocating for residents with limited incomes and opportunities. Mills said he is considering working for the school department.

Michael Pardue was named Kennebunk town manager after serving as interim manager since December 2016. He replaces manager **Barry Tibbetts**. Pardue, a long-time Kennebunk resident, faced several controversial issues, as well as budget planning and execution, during his interim term. His performance through the tough times

was among the reasons selectmen chose him as the permanent manager. His three-year contract begins on July 1.

Madawaska Town Manager **Ryan Pelletier** accepted the position of Aroostook County administrator, beginning after **Doug Beaulieu** retires on June 30. Pelletier has managed Madawaska since 2015 and previously worked for five years for the Northern Maine Development Commission. He managed the Town of St. Agatha for 11 years, where he still lives. Pelletier said he plans to continue living in the St. John Valley even though the administrator's office is located in Caribou. A native of St. Francis, Pelletier said he accepted the county job in part because at age 40, he did not know when the position would open again. He began his career in 1998 by serving a year as manager of Wallagrass. Among other accomplishments, Pelletier served as president of the Maine Municipal Association in 2006.

Derek Scrapchansky resigned as Brunswick assistant town manager effective May 12. He was praised for his work and many contributions to the town and offered to assist with various projects while a replacement is recruited. Scrapchansky, who was hired in December 2015, previously served for 25 years in the U.S. Navy. He was a commander assigned to the former Brunswick Naval Air Station from 2007 to 2009.



Boyd Snowden

Oakland waste water Superintendent **Boyd Snowden** was promoted to municipal engineer. Snowden was hired in 2013 and has been worked to reduce problems at the waste water pump-

ing facility. Lately, Snowden has been building roads, new town facilities and gazebos. He is presently working with the transfer station staff to test active and closed landfills as required by the state. He will continue his work at the pumping facility and related waste water duties, but will also oversee all engineering work for the town. His engineering skills and work have saved the town thousands of dollars in engineering services that were previously done by private contractors, officials said.



Nancy Troeger



Dan McClung

Van Buren Library Director **Nancy Troeger** was promoted to town manager, replacing **Dan McClung**, who accepted the manager's job in Glenburn after serving Van Buren for three years. Troeger, a native of Sioux Falls, S.D., has worked in various positions during her 12-year tenure with the town. From 2010 to 2014, she served as acting town manager when the manager was out of town or in between managers. In 2014, she was named General Assistance director and town clerk, in addition to her library duties. She worked for several months as interim manager in 2014, until McClung was hired. She has served on the town's Board of Appeals for 15 years and has lived in Maine for more than 20 years. Previous to her joining the municipal staff, she taught science in Washburn and nearby St. Agatha. Troeger said **Justin Martin** has been promoted to library director from assistant director. ■

If your municipality submits a news item for the Townsman, consider sending a corresponding photo to:

Eric Conrad or Jaime Clark (econrad@memun.org or jclark@memun.org)

BANGOR

The American Folk Festival, first held in Maine's third-largest city in 2002, is being credited in part for a widespread transformation of the city – especially the downtown and waterfront. In 2016 alone, the city spent nearly \$1 million upgrading the West Market Square area in the downtown, which now boasts of restaurants and an outside bistro. The city also has worked to recruit housing developers to accommodate the baby boomers and young professionals who now call Bangor home. Private developers continue to convert once-fire dangerous buildings into multi-use properties. Most recently, a young developer bought an entire downtown block that included six buildings for an estimated \$2 million. Bangor is a hub for most of northern and eastern Maine and is divided by Interstate 95 in the center of the state.

BLUE HILL

More than 200 town officials and residents cleaned up about three tons of trash in a town-wide volunteer effort on April 29. Bud Light beer cans were the most common litter, Blue Hill Cares organizers reported, followed by trash from Dunkin Donuts and Subway. There were too many cigarette butts to count. A satellite dish, a car seat and a heap of hypodermic needles also were cleaned away. The effort was scheduled to continue through May in the peninsula town of about 2,700.

FARMINGDALE

Book-lovers will have to drive to Hallowell or Augusta libraries now that selectmen have ended a 10-year arrangement with the nearby Gardiner library. In Hallowell and Augusta, out-of-town patrons are charged a fee when they register and get a library card. The Town of Farmingdale will reimburse people for the fee to one of the two libraries. Residents were using the Gardiner Public Library at an annual fee to the town. The Gardiner library will continue welcoming residents from West Gardiner, Pittston, Randolph and Litchfield at varying annual rates. Farmingdale is located between Hallowell and Gardiner.

OAKLAND

Town officials warned residents that two animals with rabies have been found and killed in the Kennebec County town.

NEW ON THE WEB www.memun.org

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

Prestigious Award. Maine Municipal Association is accepting nominations for its most prestigious annual award, the Ethel N. Kelley Memorial Award.

MMA Photo Contest. The deadline is June 28 for members to submit entries for the "Community's Best Shots!" photo contest. Winners will be announced at the MMA Convention, which will be held Oct. 4-5 in Augusta.

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

Statewide in 2016, 15 rabies cases were recorded in the county, but none in Oakland. A raccoon also tested positive for rabies in Oakland. Residents are asked to stay away from but report any animal that is acting strange, and to have their pets vaccinated against the deadly virus. Officials suggest people keep their cats inside, make sure garbage is tightly secured in containers and avoid wild animals. Oakland officials said the two cases do not indicate a spike in the spread of the virus, which is fatal to humans if not treated. They just want to remind people to be watchful and careful.

PORTLAND

A third housing development for the homeless called Huston Commons has opened in the state's largest municipality. The housing project is privately owned, but is operated by Preble Street, which brings together public and private resources to serve the homeless and other low-income residents. The newest project accommodates 30 chronically homeless residents, including one man who has spent 3,000 nights in one of the city's homeless shelters. At the same time, a pilot project called Portland Opportunity Crew offers panhandlers day jobs at \$10.38 an hour. One young man, who would usually collect about \$25 daily as a panhandler to support himself and his cats, recently worked during hot weather on the shore of Back Cove, picking up garbage and cleaning up public spaces. He said the work boosted his self-esteem, re-booted his work ethic and hoped the effort will look good on a job resume. About \$20,000 in Community Development Block Grant funds, combined with \$25,000 from the sale of city-owned land, finances the program.

RUMFORD

The entire Rumford Commercial District, including all of the downtown, has been entered in the National Register of Historic Places. The status indicates the district is worth preserving and protecting as part of the United States' cultural heritage. In all, 34 buildings are included in the district. The effort to win the designation was a project of EnvisionRumford and will allow people who redevelop historic buildings with register guidelines to qualify for federal and state tax credits. The once-thriving paper mill economy built the downtown. Most of the buildings still offer retail and professional business on the ground floor and housing and hotel space on the upper floors.

WELLS

Selectmen will ask for new bids to repair a town seawall after two bids came in at twice the \$70,000 engineering estimate. One bid was \$264,000 – nearly double the other bid. Officials will rewrite the specifications for the work to ensure they reflect the engineering study and to lower the cost. The seawall has been crumbling a little bit at a time, but now shows rebar in sections of the wall. The town will seek new bids in July, but wait until after the tourism season to have the work done. The seawall protects property and open public land from ocean tides and crashing waves. ■

CORRECTION

Norridgewock Selectman Joshua Cortland's name was misspelled in the election roundup published in the May issue of the Maine Townsman. We apologize for the error.

MUNICIPAL BULLETIN BOARD

JUNE 27

New Managers Workshop: Augusta

A workshop for new municipal managers will be held on June 27 at MMA's Christopher G. Lockwood Conference Center in Augusta. The workshop will feature numerous speakers from MMA staff and from the Maine Town, City & County Management Association, including MMA Executive Director Stephen Gove and MTCMA President Peter Crichton, manager in the City of Auburn.

The workshop will provide information about the roles of municipal managers, the rights and protections offered to public employees in Maine, the International City/County Management Association Code of Ethics and the variety of services offered at MMA.

JUNE 28

Grant Writing for Municipalities: Union

Jack Smith, a nationally known expert on grant applications and grant writing who lives in Freeport, will lead this one-day workshop on June 28, at Union Town Hall. The versatile workshop is designed to meet the needs of new grant writers, people who are in the process of writing grants at present and more experienced grant writers who want to deepen their knowledge and expertise.

It will begin with registration at 8 a.m. The event will start at 8:30 a.m. and conclude by 4 p.m. Cost is \$70 for MMA members and \$140 for non-members.

JUNE 29

Municipal Law for Clerks: Augusta and Machias (via video)

Lewiston City Clerk Kathy Montejo and Michael Stultz, attorney with MMA's Legal Services Department, will co-present a workshop on municipal law for clerks on June 29, starting with registration at 8:30 a.m. The event, sponsored by the Maine Town & City Clerks' Association, will be held at the MMA Conference Center in Augusta, with a live video link for attendees at the Machias Career Center office on Prescott Drive in Machias.

The workshop is designed to strengthen clerks' knowledge in each

major subject area. Cost is \$60 for MTCCA members and \$80 for non-members.

JULY 13

Basic Excise Tax: Augusta

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a Basic Excise Tax workshop on July 13, starting with registration at 8:30 a.m., at the MMA Conference Center in Augusta. Gilberte Mayo, deputy treasurer in the Town of Greenbush, will lead the workshop.

Topics to be covered include: price source manuals; optional equipment; mil rates; commercial vehicles; and, watercraft. The workshop will conclude at 3:30 p.m. and the cost is \$55 for MMTCTA members and \$75 for non-members.

JULY 18

Elected Officials Workshop: Rangeley

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for elected officials on July 18 at the Rangeley Inn and Tavern on Main Street. 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.

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 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 the MMA 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. ■



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LEGAL NOTES

Five Common Violations of 'Open Records' Law

A few months ago we identified what, in our experience, are some of the more common violations of the "open meetings" part of Maine's Freedom of Access Act (FOAA) or "Right to Know" law (see "Five Common Violations of 'Open Meetings' Law," *Maine Townsman*, Legal Notes, April 2017).

But there is, of course, an equally important "open records" component to the law. This part mandates that most governmental records be made accessible to the public upon request. So this month, and in similar fashion, we identify some of the more common types of open records violations. Here are five of them:

Requiring written requests. A public records request need not be in writing. A requester can be asked to put it in writing but cannot be required to or be denied because it's not. Also, a request need not cite the law or state specifically that it's a public records request provided it's clear that it is.

Failing to acknowledge receipt. The custodian of a requested record must acknowledge receipt of the request within five working days (see 1 M.R.S.A. § 408-A(3)). Also, within a reasonable time the custodian must provide a good faith, non-binding estimate of the response time and cost, if any. The deadline for actually responding, however, is "within a reasonable time" – a flexible standard taking into account the scope of the request, where the records are kept, and other, competing demands on the custodian's time, among other variables.

Denying draft records. There is no distinction in the law between preliminary and final records or between official and unofficial records. Whether draft meeting minutes, a preliminary budget, a proposed ordinance, or whatever, if a record would qualify as public in its final form, the draft version is also a public record. To avoid any confusion or misuse, it should be clearly marked as "draft."

Failing to redact. This can cut both ways. Sometimes a record containing confidential as well as public information is denied altogether when instead the confidential information should have been redacted (obscured) and the record as redacted then released. At other times a record with both public and confidential infor-

mation is released without redaction, disclosing sensitive material that should never have been made public. In either case the custodian should be careful to review the entire contents of the requested record and redact confidential information, if any, before releasing it.

Ignoring retention requirements. The Maine State Archives' Rules for Disposition of Local Government Records (see 29-255 C.M.R. ch. 10 (2014)) establish strict requirements for the retention and disposition of all categories of municipal records. These rules have the force and effect of law. All records custodians should be familiar and comply with them because any intentional violation is a Class E crime.

As we noted last time, we call these "common" FOAA violations not because they are frequent but because they are typical. Again, we think local officials actually have a good track record of complying with the open records law.

For more on how to respond to records requests, see "Public Records Requests," *Maine Townsman*, Legal Notes, August 2015.

For more on applicable fees for records requests, see "FOAA Fees," *Maine Townsman*, Legal Notes, December 2015. (By R.P.F.)

Board Member Absences

Question: How many meetings can municipal board members miss before they may be deemed to have vacated their office?

Answer: There is no one answer to this question because there is no generally applicable law on the subject.

State law provides that except where there is a municipal charter, when a *school* board member is absent without excuse from three consecutive regular meetings, the school board may declare a vacancy (see, e.g., 20-A M.R.S.A. §§ 1474(1), 2305(3)(E)). But there is no State law governing absences from any other type of municipal board.

It is not uncommon, however, for municipal charters to specify that a certain number of unexcused absences from council meetings (and sometimes also school board meetings) results, or may result, in a forfeiture of office. Less common, though still permissible, are ordinances imposing minimum attendance require-

MUNICIPAL CALENDAR

JULY 4 — Independence Day — A legal holiday (4 MRSA §1051).

ON OR BEFORE JULY 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).

ON OR BEFORE JULY 31 — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit payment as prescribed by the State Tax Assessor (36 MRSA §5253).

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 JULY 31 — Supply certification to the Maine Department of Transportation that Local Road Assistance Program (LRAP) funds will be used consistent with the requirements of the law (23 MRSA §1804). ■

ments on, say, planning board or appeals board members. It is generally agreed, though, that a board cannot declare a vacancy due to absences based on its own bylaws or rules of procedure.

Whenever a vacancy results due to a board member's absences, the vacancy must be filled by the method prescribed by statute, charter or ordinance, whichever is applicable (see "How Vacancies Are Filled," *Maine Townsman*, Legal Notes, August 2007).

If attendance and vacancy provisions are incorporated into a charter or ordinance, it is important that they define an "unexcused" absence and specify who declares the vacancy, for these could otherwise become troublesome political issues.

For the record we note that there is still no clear legal authority for members of local boards to "attend" meetings remotely, by Skype, FaceTime or other technologi-

LEGAL NOTES

cal means (see "Update: Remote Participation in Board Meetings Not OK'd," *Maine Townsman*, Legal Notes, Maine 2016). (By R.P.F.)

Who Must Take an Oath?

Question: Of all the individuals involved in local government, who must take an oath of office?

Answer: We get this question (or some variant of it) on a regular basis. The short answer is every elected or appointed municipal official must take an oath ("be sworn") before assuming the duties of office (see 30-A M.R.S.A. § 2526(9)). Failure to do so can seriously or even fatally jeopardize an official's actions.

An official is one whose office and authority or duties are established under law, whether the constitution, statutes, municipal charter or ordinances. (For a comprehensive list of municipal officials required under Maine law, see Chapter 9 of MMA's *Municipal Officers Manual*.)

The generic oath for all public officials is prescribed by the Maine Constitution (see Me. Const. art. IX, § 9). For municipal officials, this oath is usually supplemented with a reference to the duties of municipal office as well. The words "So help me God" appear in the constitutional oath and in the more limited "affirmation" provided for those who object to an oath, but a person cannot be compelled to recite them.

The municipal clerk or any dedimus justice, notary public or attorney may administer an oath to a municipal official (see 30-A M.R.S.A. § 2526(9)). The clerk must make a record that the official was sworn in to a specified office, but the record need not include the entire oath. If anyone other than the clerk administers the oath, they must give the clerk a certificate with the particulars.

An official must take a separate oath for each office to which they have been elected or appointed (for example, selectman/assessor/overseer of the poor or tax collector/treasurer).

Also, for any official reelected or reappointed to the same office, a new oath is required for each new term of office.

If the term of office is for more than one year, however, an oath is required only at the outset of the term, not for each year of the term.

Sometimes a newly elected or appointed official will fail or refuse to take the

oath. If the required procedures are followed, a vacancy will result, which can then be filled as provided by law (see "Failure to Take the Oath," *Maine Townsman*, Legal Notes, July 2015).

For more on the oath of office, including samples, see Chapter 4 of MMA's *Municipal Clerks Manual*. All of MMA's manuals are available free to members at www.memun.org. (By R.P.F.)

Website Privacy Policy Required by State Law

We weren't aware of it until recently, but since 2001 Maine law has required all public entities, including municipalities, to post notice of their information practices on their publicly accessible websites (see 1 M.R.S.A. §§ 541-542).

This notice – often billed as a "privacy policy" – must include (1) a description of what personal information is collected by the website, (2) how it is used and the circumstances under which it may be disclosed, (3) whether the user has a choice to provide personal information and the consequences of not doing so, (4) the procedure, if any, for accessing and correcting personal information, and (5) the security measures in place to protect personal information from misuse or unauthorized access.

Every municipal website's privacy policy should be tailored to that municipality's data collection and retention practices. The policy should be drafted (and updated as necessary) by someone familiar with these practices. There is no one-size-fits-all model. For a good example, however, see the Town of Yarmouth's privacy policy at the bottom of Yarmouth's homepage here: <http://www.yarmouth.me.us/>

For more on website privacy policies, social media and related issues, see the feature article "Cyber Update: Free Speech, FOIA and Website Privacy Policies," *Maine Townsman*, April 2017. (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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