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The Magazine  
of the Maine Municipal Association

MARCH 2017

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# Maine Townsman

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## FEATURED STORY | 11

### If I Had a Boat



*If you had one, would you live aboard during the tough winters in Maine? Some people do. Here's why they do it, and how some towns accommodate them.*

*The Affordable Care Act remains in the news. What happens with this federal health-care program may affect municipalities as employers. [Page 13](#)*

*MMA's Legal Services Department provides one of our most valued, and valuable, offerings. Please read more about this team of professionals. [Page 5](#)*

## LED Street Lighting 101

*A handful of pioneering towns have run the legal gauntlet and converted their street lights – now that they can – to LED fixtures. [Page 7](#)*

## Voluntary Farm Program

*The Town of Winslow has become the first to officially support and preserve local farming with significant property-tax decreases. [Page 17](#)*

## MMA's 2017 Technology Conference

*Change expert Kay Potetz headlines the 2017 Municipal Technology Conference, which will be held on May 11 in South Portland. [Page 22](#)*

<b>Municipal Profile Series</b>	<b>10</b>
<b>People</b>	<b>30</b>
<b>News</b>	<b>31</b>
<b>Bulletin Board</b>	<b>32</b>
<b>Legal Notes</b>	<b>33</b>

**ABOUT THE COVER:** MMA's Ben Thomas took this shot at Belfast Town Harbor, where open water allows for hardy live-aboards.

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## A MESSAGE FROM MMA

BY STEPHEN W. GOVE / EXECUTIVE DIRECTOR

### Legal service is one of MMA's most valued

**M**MA's Legal Services department is comprised of six knowledgeable and experienced attorneys who focus on assisting municipal officials to comply with state and federal laws. Director of Legal Services, Susanne Pilgrim, leads the department. Sue and attorneys Becky Seel, Richard Flewelling, Michael Stultz and our newest Staff Attorneys, Breana Gersen and Rebecca McMahon, work with Christine Bragg, our Legal Administrative Assistant, to respond to legal inquiries from municipal officials, produce legal publications and deliver training programs.

2016 was a busy year for MMA Legal Services. Our attorneys fielded nearly 6,000 inquiries from our municipal members. Those inquiries included an increase in subdivision and other land development questions – a positive sign that Maine's economy is improving. On the other hand, Legal Services continued to receive numerous questions about tax liens, poverty abatements and foreclosures. The handling of public records requests, personnel matters, and citizen petitions also accounted for numerous inquiries along with perennial questions about roads, code enforcement and elections.

Since the start of the New Year, the Legal staff has been bombarded with questions about the enactment of the citizens' initiative which legalized the recreational use and retail sale of marijuana. It's an issue in flux, one of great interest to our members. According to Sue Pilgrim, "Helping our members deal with emerging issues is one of the most rewarding aspects of the legal program. There is always something new to delve into." Other trending issues on which members have recently sought legal advice from MMA include sign regulation and social media. With both town meeting and mud season about to begin, Legal Services is ready to respond to inquiries on town warrant

or voting issues and road postings. Our attorneys can be reached by phone, email and correspondence.

The Legal Services staff is also busy researching,

writing and editing the numerous manuals and information packets they provide on issues of municipal interest. In 2016, the staff produced new editions of our "Municipal Officers Manual" and the "Guide to Municipal Liens Manual" and published supplements updating the "Town Meetings and Elections" and "Roads" manuals. MMA's attorneys are currently working on revisions to our "Planning Board" and "Land Use Board of Appeals" manuals. They

also write our monthly Maine Townsman "Legal Notes" column on timely issues facing local governments. As a reminder, all of these publications are available to our members free of charge on the MMA website.

Conducting training programs is also a big part of the Legal Services staff's job description. Sue Pilgrim and Richard Flewelling headline MMA's series of Elected Officials Workshops offered throughout the state on an annual basis. Richard also takes the lead presenting our training program on managing Freedom of Access Act requests while Becky Seel and Breana Gersen conduct numerous Planning Board and Board of Appeals Workshops. Michael Stultz presents at our Social Media Do's and Don'ts workshops and teams up with Breana Gersen to present at workshops sponsored by our Affiliate Groups, such as the Maine Town and City Clerks Association.

MMA's Legal Services staff is committed to MMA's mission of providing professional services to our members. I encourage MMA's members to take advantage of the services our attorneys offer; the legal services program is one of several benefits of membership for our municipal members. ■



**Legal Services team (from left): Christine Bragg, Richard Flewelling, Rebecca Seel, Susanne Pilgrim, Rebecca McMahon, Breana Gersen, Michael Stultz.** (Photo by Ben Thomas)

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# Street lighting pioneers: Why are some towns changing their lights?

*Cost savings is the big driver behind the move to LED lights. Several Maine communities are being transparent with information about their projects so that others may benefit.*

By Lee Burnett

The next generation of streetlights may soon be the illumination choice of your town.

Just as high-pressure sodium lamps eclipsed more expensive mercury vapor streetlights in the 1980s, now light-emitting diode (LED) lights are replacing more expensive sodium lamps.

Uncommonly, the conversion began more than five years ago. That happened in communities that already own their streetlights (Bangor and Lewiston) as a legacy of a municipal power district. It also happened in Fort Fairfield, Saco and Kennebunk, which bought streetlights as part of earlier downtown beautification programs.

The pace of conversion should accelerate now that communities are free of the legal requirement to lease light fixtures from utility companies. That requirement was swept away by 2013 legislation and subsequent rule-making by Maine Public Utilities Commission.

The newest batch of conversions may happen in Falmouth, Rockland, South Portland and Biddeford. These four communes jointly hired Real-Term Energy of Annapolis, Md. and Montreal to design and implement a system for each community. They expect to see significant cost savings and lighting enhancements.

Now that they're in the driver's seat, communities face complex decisions about lighting placement, brightness and whether they want to make additional investments in smart

## STREET LIGHT NUMBERS

	Number of Street Lights	Electricity Power Cost	Electricity Delivery Cost	Equipment Lease Cost
Falmouth	598	\$19,428	\$12,277	\$65,884
Rockland	704	\$18,271	\$20,011	\$78,958
Biddeford	2,243	\$71,881	\$69,756	\$265,903
So. Portland	1,597	\$50,028	\$63,729	\$219,264

lighting. Leaders in LED conversion urge others to proceed carefully and hire experts for guidance.

"If you make the wrong selection, you're stuck," explained Nathan Poore, Falmouth's town manager and a driving force behind the enabling legislation. "If you make a bad decision on 1,000 lights, that's a really bad decision... It's a big investment. You don't want to just slap it up. There's a lot of science, engineering and medicine involved."

The 2013 legislation gives communities three options: do nothing and continue leasing from utility companies, purchase the lighting and allow maintenance by utilities or assume control of both. Conversion may not always make sense and some communities are proceeding in stages.

### Progress in Lewiston

Lewiston began its conversion five years ago and has upgraded 800 of its 3,700 lights, according to City Manager Ed Barrett. Among the first to be converted were decorative fixtures

with four bulbs each.

"At some intersections we had 16 separate bulbs. It was a maintenance nightmare. We were constantly changing out bulbs," Barrett said. Annual savings so far are pegged at \$59,962, he said. He, too, advises caution. "You really need to do a full cost analysis," he said.

Beyond cost savings, benefits include more customized lighting for each segment of road, and the results are quite noticeable, says one lighting expert.

"Street lights – everybody sees them," said George Woodbury of Lightsmart Energy Consulting of North Carolina, a consultant for the four communities. "LED (conversion) is a chance to demonstrate savings and making it better for residents.

"Generally, the reaction from people is very positive. It does provide superior light."

Under the old leasing arrangement (in which municipalities also paid a flat electricity rate determined by the kind of fixture not how much

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

electricity was used), there was little incentive for cities and towns to switch to more efficient LED lighting.

Winning the right to own lighting fixtures has been a legal and legislative slog dating back 15 years.

Falmouth Town Manager Poore has been pushing for change since he was town manager in Kennebunkport in 2002. At the time, the town was fighting a decision by Central Maine Power to discontinue an old-fashioned, low-intensity light bulb that townsfolk in Kennebunkport preferred because of the character of the lighting. "Back then, it wasn't about LED or carbon footprint, it was all about choice in fixture," said Poore.

Poore pushed unsuccessfully for law changes in 2003 and 2005 that would give communities more control. In the process, Poore became acquainted with Woodbury, ex-Army colonel and former Lexington, Mass. public works director who had been involved in changing Massachusetts' lighting law. As a consultant, Woodbury has helped win changes in Rhode Island and Maine, and he is working in New Jersey.

"I realized there was a cost savings," said Poore. "George showed me the spread sheets."

Enabling legislation passed in 2013 on the fourth try and it still took another three years of negotiating the fine print before the Public Utilities Commission before a deal was reached in October 2016. Maine's law is considered more costly to municipalities than other states', said Woodbury.

Maine's law specifically grants utilities the right to require the installation by utility crews of a fuse with every light fixture. That provision makes the conversion more expensive.

### Cost savings the driver

Cost savings are the big reason to make the switch.

Rockland analyzed energy use throughout its city operations and discovered that street lighting was a top energy user, behind only the recreation department and the local library. The biggest component of street lighting costs is leasing the fixtures, according to an analysis of four community's street lighting budgets. Leasing typically accounts for twice as much as combined cost of electric

## STEPS TO LED CONVERSION

### 1. Inventory

- Include pole numbers, wattage, mast arm type and whether decorative or stand-alone lights.
- Include GIS coordinates.

### 2. Design

- This includes not just size of bulb, but brightness and direction.
- Consider best placements throughout town.
- Are there community questions?
- Consider color temperature, which may vary depending on placement.
- Consider coordinating with other state, town or private projects.
- Consider lighting replacement schedule on all types of lighting – building, parks, parking lots, street lights, decorative, specialty, etc.

### 3. Installation and Transition

- Does utility initially install just fuses, with the town installing new lighting in phases?
- Does utility install the fuses and remove old lighting at the same time, with a town contractor following right behind with new lighting?
- Does the utility do all the work?

### Maintenance and Other Considerations

- Quality LED are highly reliable and last long time, but how do you know if you have high quality?
- New photo cells have longer life expectancy than old technology, but appropriate selection is important.
- A small percentage will be defective or will get damaged by weather and accidents.

power and delivery for Biddeford, South Portland, Falmouth and Rockland. (See accompanying table.)

Poore walked through the cost savings numbers for his community. Falmouth currently has a street lighting bill of \$97,590 per year for its 595 streetlights. Converting the entire system to LED would cost \$297,020, which includes purchasing new fixtures, designing the system and managing the construction. This new system would cost \$44,211 per year to operate, including setting aside money for future replacement costs. The annual savings of \$53,379 per year means the investment will be paid off in 5.6 years, says Poore.

"It saves money, it's better lighting, there's a lower carbon footprint and better performance. It pretty much sells itself," said Poore.

Poore said the payback period will be similar in other Maine communities regardless of the size of the system. The payback period is even shorter in other states, according to Woodbury.

The City of Providence, R.I., for example, used to have an annual street lighting bill of \$4.2 million for 17,000 streetlights. The city invested \$10 million in a new system with smart controls that now costs \$450,000 a year to operate. The \$3.8 million cost difference means the \$10 million investment has a payback period of less than three years, notes Woodbury.

"I've seen as low as under three years (elsewhere)," he said.

Conversion involves much more than just choosing an off-the-shelf bulb. It starts with an inventory of all light fixtures and an analysis of the appropriate lighting for every section of roadway in town. There are choices of light intensity, color spectrum and lit-area shape. Controls can be added to monitor electricity usage and to adjust the brightness of each light fixture individually or system wide. Additional features include capability to synchronize traffic lights, provide wifi and to monitor high-security areas through video or audio monitoring.

To assist other municipalities be-



**Nathan Poore**

ginning the process, the four towns have posted resources on their websites. The resources include copies of the enabling legislation in 2013, orders of the

Public Utilities Commission, a slide presentation, bid documents and proposals from all vendors.

“We wanted to create a resource for other towns so they would have a playbook,” said Poore.

(To find the resources on the Town of Falmouth’s website, Google that website, click on “Government” on the drop-down menu, then click on “Streetlight Conversion Process.”)

### Surprising factor

Surprisingly, one of the most difficult decisions may be the choice of light color. Poore is readying himself for lots of community opinions about the topic because of heightened awareness about light and its effect on sleep patterns.

“Color is going to be very important,” said Poore. “It’s really about circadian rhythms and how the light affects people. People can be impacted negatively based on quality of light they are exposed to.”

In June 2016, the American Medical Association issued a caution that conversion to “improper LED technology can have adverse consequences.”

“Despite the energy efficiency benefits, some LED lights are harmful when used as street lighting,” wrote AMA Board Member Maya A. Babu, M.D., M.B.A. “The new AMA guidance encourages proper attention to optimal design and engineering features when converting to LED lighting that minimize detrimental health and environmental effects.”

The blue light associated with high-intensity LED lighting, which appears white to the naked eye, is the problem. Blue-rich LED lighting creates worse glare conditions on

the roadway and the ambient light in neighborhoods interferes with sleep, according to AMA.

“It is estimated that white LED lamps have five times greater impact on circadian sleep rhythms than conventional street lamps. Recent large surveys found that brighter residential nighttime lighting is associated with reduced sleep times, dissatisfaction with sleep quality, excessive sleepiness, impaired daytime functioning and obesity,” according to AMA.

The AMA guidance has slowed the

introduction of LED street lighting, according to Woodbury, who counts himself as a critic of the guidance.

Woodbury said people are exposed to far more high-intensity blue-rich light from TV, computers, cell phones than streetlights.

“The (AMA’s) bottom line is LEDs are making people sick and that’s not true. Lack of sleep makes people sick and it’s possible that LED lights have a negative impact on production of melatonin, but the effect of street lighting on sleep is very indirect.” ■



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# Parks, recreation are vital parts of a vibrant, active community

*Portland's Parks & Rec director says the city wants to be 'livable' and welcoming. Running a top-flight parks department goes a long way in that regard.*

By Liz Mockler

When Sally Deluca is in a group meeting about parks and recreation, she asks participants to close their eyes and remember a favorite childhood memory. Some recall family events or vacations, but many others recollect a favorite tree they climbed at a city or town park, the feel of hot metal under their legs as they swooshed down a slide, or the summer sun on their arms as they played a favorite sport.

"I have often heard our Park Manager Ethan Hipple describe it like this: 'Parks are the blank canvas and recreation programs are the paint.' I love that," said Deluca, director of Parks, Recreation and Facilities for Maine's largest city.

Portland spends \$15 million a year on parks and recreation, and still waives \$500,000 in program fees so parents who cannot afford the cost of programs can still send their kids, Deluca said. She credits the city council, manager and public "friends" groups and other advocates who support myriad efforts and programs year after year.

Recreation programs often allow parents to go to school or take a job they otherwise could not. A particular incident tugs at her heart.

"I will never forget one woman who came in with a cake to thank us and to let us know she got a job and no lon-



Sally Deluca

ger needed the financial assistance," Deluca said. "She was so appreciative of the support she got and even more proud that she could (now) afford to pay for the programs."

Deluca, named department director in late 2015, said a perpetual problem is finding enough money to go around. She hunts for alternative funding to reduce the amount she asks for from the

city budget. She works with nonprofits and other groups for money for capital projects – a particular challenge these days.

Deluca, who has worked for the city for more than 30 years in various positions, considers advocacy to be her top priority.

"We are always looking for public/private partnerships to maximize city resources," she said. "It's important to educate the community (about) why parks and recreation are so important to their quality of life and also to teach and motivate the younger staff to be good stewards."

In addition to the healthy aspects of her department's efforts, Deluca said parents are often the people who coach their kids' teams.

"Parents rave about our programs, from swim lessons to before- and after-school care to figure skating lessons to summer camps," she said. "Our robust basketball programs rely on parent volunteers to coach their children. I really like providing the program venues and training so parents can coach" and become crucial partners for the department.

Deluca worked as the city recreation director for 15 years before being promoted to manage the entire department and its employees in 2015. She took a break during her Portland municipal career, which began in 1977, to earn a degree in social work.

She said community members sometimes overlook the economic and environmental importance of parks and recreation.

In addition to living an active, healthy life, the open space provided by city parks increases the value of neighborhood homes. Parks provide space for wildlife and access to nature for children and their families. They also provide a feature of city living that attracts new families.

"You hear the phrase 'livable city' a lot these days, and parks and recreation programs play an important role in this. Parks are open and accessible to everyone," she said.

When prioritizing capital projects and new or ongoing programs, Deluca is always on the outlook for new adventures. "Flexibility is the key," she said. "Portland is a welcoming community for immigrants from all over the world. You have to be flexible as people bring their unique cultures and traditions from their country of origin." ■

## ABOUT THIS SERIES

Elected and appointed officials provide essential services to their communities across our state. Maine Municipal Association began this series of profile articles in 2016, our 80th Anniversary year. The series continues in 2017 as we highlight the work that municipal officials do.

# It takes a special breed, and harbor, for winter 'live-aboards'

*Belfast and Mount Desert are two municipalities that welcome winter live-aboards. There are few reported problems, but residents have to handle winter weather.*

By **Stephanie Bouchard**

**W**hen Judi, 63, and David Erickson, 74, decided to live year-round aboard their 35-foot sailboat, Vahana, they planned on spending the summers in Maine and the winters in warm climates. You know that saying about the best laid plans? You got it. They spent their first winter living aboard in Florida, but the 12 winters since then have been spent in cold regions of the country, mostly here in Maine.

"If you're not a really significantly wealthy person – to continue doing that lifestyle back and forth really requires a lot of money," Judi Erickson said. So, when she was presented with a work opportunity in southern Maine, she and David found themselves living on board their sailboat at South Port Marine, a privately owned marina in South Portland, for the winter.

Then they fell in love with the "groovy" City of Belfast and found themselves migrating north. These days, Belfast's Thompson's Wharf is their winter home.

Thompson's Wharf holds the distinction of being one of the only municipality-owned marinas in the state offering winter live-aboard accommodations. Private marinas that remain open to winter live-aboards are not plentiful in Maine, although no exact number is known. The only other municipality-owned marina that Katherine Pickering, Belfast's harbor master, knows offers winter accommodations is Northeast Harbor Marina in Mount Desert.

Likewise, Mount Desert's harbor master, John Lemoine, also can't name any other municipality-owned marinas

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**Winter boats in Belfast, including a "live-aboard" in the center.** (Photo by Ben Thomas)

that offer winter live-aboard accommodations. Most of the municipal marinas he knows of are seasonal. Only a few harbors are ice-free in the winter, allowing those municipalities the "luxury" of keeping their docks in the water year-round, he explained.

## 'A special person'

Another reason municipalities may not offer winter live-aboard accommodations is that there is not an overwhelming demand for the option. "In the middle of January and February, when it's 10 below zero and snow is blowing sideways and you have to crawl out of your boat to go anywhere – I wouldn't want to do it. It takes a special person to want to do it," he said.

However, there are benefits for communities to offer winter live-aboard accommodations. "If there's a harbor that has some sort of winter facility that's going unused – if someone wanted to do it – it's income for them. It's not a lot of extra money, but

you know."

Winter live-aboard slips at Northeast Harbor Marina cost \$250 a month. Those renting a slip also pay \$120 per month for electricity. Free Wi-Fi access is provided to the entire community, including those living at the marina. Heated restrooms are nearby, but the showers and water lines are shut off in the winter.

Mount Desert doesn't hire extra staff to maintain the marina in the winter, where this year, there is only one non-commercial fisherman spending the winter. Typically, of Northeast Harbor Marina's 60 slips, only two or three non-commercial fishing boats call the marina their winter home.

From Lemoine's perspective, there's no downside to having winter live-aboards at the marina.

"There's never been an issue and I don't foresee any," he said. "I encourage it."

The income gained from slip rental may not be huge, but a rented slip is

better than an empty one. Plus, there's the added benefit of having people at the marina who keep an eye on things 24/7 in the winter and often help out by shoveling the docks after snowfalls.

Like Lemoine, Pickering of Belfast sees the pluses of having a winter live-aboard community at the city's marina, Thompson's Wharf, but acknowledges that it may not be an option for most municipality-owned marinas.

A marina facility that is protected from damaging winds and ice is essential and that is one characteristic communities don't have much control over for the most part. There's also the question of having employees to manage and maintain the marina through the winter.

"I would think there are some towns that would choose not to do it because they don't have anybody full-time that could take care of a facility like that," she said. It's not uncommon for harbor masters to be employed by a community on a part-time and/or seasonal basis, for instance.

### Employee capacity

Belfast has the employee capacity, an appropriate marina facility and a protected harbor that makes its marina viable for offering winter live-aboard accommodations, she said.

Thompson's Wharf can accommodate 10 to 12 boats depending on the size of the boats. This winter, there are about 10 boats in the marina, she said.

Winter accommodations at Thompson's Wharf are pretty bare bones, said Pickering. There's no running water because the lines would freeze in the winter. However, there are nearby heated public restrooms where winter live-aboards can get water and take showers.

Winter slip rental is \$5 per foot, so the Ericksons' 35-foot sailboat would be about \$175 a month plus the cost of electricity, which is metered and charged at the current electrical rate. Winter live-aboards are asked to help with snow removal and there's no guaranteed parking.

While living at Thompson's Wharf is not as easy as living at a more fitted-out, private marina, the Ericksons admit, it has its charms. There's the footpath running through the city that is decorated delightfully with Christmas trees in December and being right in town and on the water allows them

to tap into the rhythms of the city and Penobscot Bay and affords them the opportunity to get to know a lot of people – and critters.

"We get river otters coming down and jumping up onto the docks and

they like to meander some times. Then there are my seal friends that I sing to out in the water," Erickson chuckles. "I never, ever would admit that I do that, but there are people (here) who have caught me doing that." ■

## Are floating homes really 'house boats?'

Something that is becoming a hot-button issue in coastal communities in particular, but for any community with waterways, is floating homes, frequently called houseboats. Popular in warmer climates, floating homes are not the same thing as living aboard a vessel that is built to be on the water, said Katherine Pickering, Belfast's harbor master.

Communities are increasingly being asked to accommodate floating homes but most do not have regulations in place to govern these structures. A high-profile case-in-point is Edgecomb.

Edgecomb's planning board was recently approached about floating houses by a handful of interested parties, but the town has nothing in its land use ordinance about these structures. In February, Edgecomb selectmen voted to hold a special town meeting to take place in March at which residents will vote on a moratorium on floating homes so that the town can develop regulations for these structures.

"We have nothing in our land use ordinance pertaining to them. We don't know how to tax them. Right now, they can hook up to town sewer and water and there is nothing in place governing their existence. A moratorium gives us time to assess the situation. And it gives townspeople a chance to consider where (floating houses) can reside or whether they want them at all," Jack French, the chair of Edgecomb's planning board, told the Boothbay Register in February.

Harbor masters like Pickering and Lemoine are paying close attention to what is happening in Edgecomb. They're concerned about structures being put in the water that aren't built for being in the water. As these structures fall apart, Pickering notes, they may be abandoned and generate debris that cause navigational hazards and other problems – all of which are expensive for the communities, who are the ones that frequently get stuck with the costs of cleaning up these structures.

– Stephanie Bouchard

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# What happens if the Affordable Care Act is repealed?

*The Maine Municipal Employees Health Trust has its own history with health-care coverage. Its staff and board weigh all changes carefully before making them.*

**By Anne Wright, Director, Maine Municipal Employees Health Trust Services**

There has been a great deal of discussion in Congress – and in the press – recently regarding the possible repeal of the Affordable Care Act, or ACA. Several proposals have been put forth, describing possible replacement plans; however, as of this date there is still no consensus as to the future of the ACA, and how (or whether) it will in fact be replaced. The only thing that seems clear at this point is that the President and the Republicans in Congress have expressed their intentions to do away with the ACA as it stands today.

On his first day in office, President Trump signed Executive Order 13765, “Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal.” This order provided certain agencies and departments (such as the IRS, Department of Labor, Department of Health and Human Services, etc.) with the discretion to waive or delay implementation of any portion of the ACA that impose a fiscal burden on any state, or would impose a regulatory burden on a number of entities, including individuals, families, health insurers, and purchasers of health insurance. The order did not, however, waive the ACA. In fact, the order included specific language stating that the Administrative Procedure Act and other applicable statutes must be followed when any changes to the ACA are made.

## Congressional action

The executive order, despite its name and clear intent to repeal the ACA, provides no legally enforceable relief from the ACA unless and until such relief is adopted by Congress, or the applicable agency, consistent with existing federal law. For the moment, at

least, the ACA is still the law of the land, and all applicable provisions still stand.

What does this mean to municipal employers? For many large employers, this means a requirement to once again report on the offer of health insurance to full-time employees. Applicable Large Employers (defined by the ACA as those employers with 50 or more full-time plus full-time equivalent employees) are required to offer “affordable” health insurance coverage to their full-time employees, or face the possibility of a penalty. These large employers must also report to their full-time employees, and to the IRS, on an annual basis, with information on whether coverage was offered, and whether it met the ACA’s definition of affordability.

This reporting is accomplished by the Applicable Large Employer providing a Form 1095-C to every employee who worked full-time (130 or more hours) for one or more months during 2016. These Forms 1095-C must be provided to employees by no later than March 2, and filed with the IRS with

a Form 1094-C, by March 31 if filing electronically or February 28 if filing paper forms.

The Form 1095-C reporting is one of the provisions of the ACA that many employers are hoping will disappear should the ACA be repealed and/or replaced. For the moment, though, as noted earlier, this requirement still stands, and Applicable Large Employers should have completed their 1095-C reporting by the time this article is published.

In addition to these reporting requirements, the ACA also brought with it a number of changes to the benefits offered by group and employer-sponsored health plans, including the plans offered by the Maine Municipal Employees Health Trust. Here is a short list of some of those changes:

- Children are allowed to remain on their parents’ health plans until age 26, regardless of the child’s marital or dependent status.
- Health plans may no longer impose a restriction on coverage for members with pre-existing conditions.

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- There are no more lifetime maximums; in other words, health plan members' benefits cannot be cut off once they reach a certain threshold (for example, \$5 million).

- Preventive services, including certain prescription drugs related to prevention of illness, are covered at 100 percent, with no member cost share.

These changes were nearly universally regarded in a positive light, and have been embraced by consumers and employers alike. They did, however, have the effect of increasing the potential costs to health insurers, by increasing the number and dollar amount of claims that the insurers were required to cover. For this reason, many have expressed concern regarding the effects of a possible ACA repeal, and how that could negatively impact insureds who might now have to face pre-existing condition restrictions, or whose coverage might be terminated because they reached their lifetime maximum.

Although we do not yet know how the overall insurance market might react to a possible repeal of the ACA, we can provide some reassurance to members of the Maine Municipal Employees Health Trust who might be concerned that their benefits would be drastically reduced in the event of repeal.

### Charting its own course

The Health Trust follows all relevant state and federal mandates with regard to health insurance benefits.

The Health Trust may even choose to provide some benefits that are more generous than those mandated under state and federal regulations. So, for example, if the ACA's provision to allow children to remain on their parents' health plan were to be repealed, and federal law only required coverage for children to age 23, that does not automatically mean that the Health Trust would terminate coverage for children between the ages of 23 and 26. Maine has for many years had a requirement to cover dependent

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children to age 25. The Health Trust complied with that requirement even before the ACA was enacted. Even if the ACA were to be repealed in its entirety, as long as the state mandate to cover dependent children to age 25 remained in place, it is very unlikely that the Health Trust would change its policy.

And with regard to pre-existing conditions: Even before the ACA was passed, there were no pre-existing condition restrictions under the Health Trust health plans. Even if the ACA is repealed, the Health Trust has no plans to impose restrictions for coverage of pre-existing conditions under its health plans.

Before the Health Trust can make any changes to its benefit plans, such potential changes are thoroughly researched and reviewed, and recommendations are formulated by the Health Trust's staff and advisers. Any proposed change must be approved by the Health Trust's governing body, its Board of Trustees. The board is very mindful of its fiduciary obligations to the members of the Health Trust. The board (and staff) has an obligation to

act in the best interests of all Health Trust plan members.

As stated in the Health Trust's Mission Statement: *The mission of the Maine Municipal Employees Health Trust*

*is to meet the needs of local government employees, retirees, dependents, and employer groups by providing cost-effective, quality employee benefit programs and superior services. As such, the Health Trust will*



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carefully consider any potential plan benefit changes, to ensure that they are in the best interests of plan participants, and strike an appropriate balance between benefits and costs.

This is not to say that plan benefits will never change. As it has in the past, the Health Trust may change some of the benefits available under its health plans, in order to maintain an appropriate balance between costs and benefits. Such changes will be made only after careful analysis, and after thorough communication to all Health Trust members.

At this time, however, the Health Trust has no plans to change its policies with regard to covering dependent children, covering pre-existing conditions, not imposing lifetime caps on benefits, and covering recommended preventive care at 100 percent. If any such changes were to be discussed in the future, the Health Trust Board will thoughtfully and carefully weigh the best interests of plan participants before making any decisions to change these policies. Any changes that are approved will be prospective only (in other words, they will not affect benefits already paid), and adequate notice will be provided to participating employers and employees, before any changes become effective.

For further information on the ACA, its current and potential effects on municipal and other Health Trust participating employers, please refer to the Affordable Care Act section of the Health Trust's website, [www.mmeht.org](http://www.mmeht.org). ■



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# Voluntary farm support measure gets early test in Winslow

*Town leaders believe that they carefully proceeded with the idea of tax reductions for certain farmers. 'I think people get it,' said one town official.*

By Steve Solloway

One municipality in Maine had to become the first to adopt the state's relatively new Voluntary Municipal Support Program and refund its qualified farmers up to 100 percent of their eligible property taxes. The Town of Winslow decided it would become that model for others to consider.

This winter, Winslow's town council, its own agricultural commission and local farmers have learned the devil really is in the details.

The nearly four-year process to implement the Voluntary Municipal Farm Support Program hiccupped in a crowded meeting room of the Winslow Town Council. The vote in February to approve two separate town orders to accept the first two farms into the property tax relief program was tabled for further discussion at the council meeting.

"This is what it means to be the first," Winslow At-Large Councilor Ken Fletcher said to his fellow councilors. "We can't look to anyone else to see what they're doing. We need time to get this right."

Maine has other farm support programs in place, such as the Farmland Property Tax Program. The Voluntary Municipal Farm Support Program (VMFSP) is the first to bring the assessed value of farm buildings into the property tax equation. Under the guidelines of this program, farmers qualify if they work at least five



Wayne Hapworth

contiguous acres with a gross annual income of at least \$2,000.

Once accepted into the program, a farmer of food, forage (hay) or fabric products can see 100 percent of his property tax, minus a home and non-farm buildings, refunded yearly. In return, the farmer must commit to the program for 20 years. If the land goes out of production during that time, the

property taxes must be repaid.

The refunding of property taxes to qualified farmers would be a concern to many municipalities at a time when they've seen continued significant cutbacks in Municipal Revenue Sharing funds from the state.

## Possibly spreading the burden

Judy Mathiau, the town's assessor and one of the stronger advocates for the VMFSP, said the revenue loss could be spread out among other taxpayers in Winslow, possibly raising their taxes by 1 or 2 percent per thousand in value and possibly not at all even if the two current applicants receive 100 percent payback.

"Winslow is fortunate," said Fletcher, speaking several days after the town council meeting. "We've had growth in our tax base. We are very sensitive. We don't like a shift in property taxes (but) this is an investment in our town."

Fletcher also believes, without precedents, that Winslow needs to take time to create a process that is objective and fair to the first two applicants and those farmers who apply in the

future. He served Winslow in the state legislature for eight years and says he learned the importance of input.

At the February meeting, Fletcher offered an amendment to the motion to accept Wayne Hapworth's farm into the program. Fletcher proposed a refund of 90 percent of property taxes on farmland and perhaps 75 percent of property taxes on farm buildings. Fletcher reasoned that farms still need police, but especially fire protection from the town, for instance.

Fletcher was more concerned with the 100 percent refund on the value of farm buildings. All buildings are not used to the same degree, he said. One hundred percent on all farm buildings would be overstepping, he believes, and wouldn't be fair.

He attended a meeting of Winslow's Agricultural Commission – the first of its kind in Maine – two days after the council meeting. Fletcher described the meeting with the commission as productive and positive.

## Twenty-year commitment

Hapworth, when he spoke briefly to the council that night, reminded them that he was essentially committing his farm to the town for 20 years. He was disappointed in the amendment. The dollars may not have been as much of an issue as the principle of devaluing the worth of his farm to the community.

Months earlier, Hapworth, 70, sat at his kitchen table in an unpretentious farmhouse to explain that farming may be seen as a business to most others, but it has been his family's way of life going all the way back to the 1800s.

"People think we're getting a free ride," he said. "I don't look at it as a

Steve Solloway is a freelance writer from Hallowell and relatively new contributor to the Maine Townsman, [ssolloway@roadrunner.com](mailto:ssolloway@roadrunner.com).

subsidy at all. It's recognition for the work we're doing. We feed people. Every farmer does the same thing. We all have a way of subsidizing the consumer. Today, I'm ahead of the game. My dream is stay ahead of the game and keep this farm in production.

"I lost my wife two years ago. Before she died she told me, 'Don't let this business fail. We've worked too hard.'" Hapworth once had 100 milking cows. He sold his herd two years ago and turned to hay and now, hopes to grow to 50 beef cows. "My market used to be 20 miles from here. Now it's not limited. Our hay goes anywhere we can truck it. I've delivered hay to Florida."

He and his son, Kevin, are the primary farm crew. Hapworth's daughter takes care of the finances. His 87-year-old uncle came over that day to help change the clutch in a farm tractor.

Hapworth says his farm has given back to the community in other ways. His farmland is available to cross-country skiers and snowmobilers and hunters. "This is recreational land and

there's no charge," said Hapworth.

Hapworth understands it's difficult, if not impossible to quantify the benefits of keeping his land away from development. How much is a good neighbor valued when money is involved?

### Council chair's role

Steve Russell was the second qualified farmer asking to be accepted into the VMFSP that night. He is an organic dairy farmer. He also is a town councilor and council chairman. Before the motion to accept Hapworth into the program and before Fletcher's proposed amendment, Russell recused himself and walked to the corridor outside the meeting room.

The action on Russell was also tabled. Together, the two farmers represent about \$3,400 in property taxes eligible for reduction.

"Using taxpayer money to give tax relief to other taxpayers is a concern," said Don Marean of Hollis, who helped write the legislation some 10 years ago giving Maine towns the authority to establish VMFSPs. Marean, a longtime horse farmer and active in the Maine harness racing industry, said it was important that the program get the endorsement of the local voting public.

"I really like this program," said Marean, a former selectman who returned to the legislature more recently. "It can happen. It's going to happen."

"A golden lesson can be learned from Winslow's slow and steady investigation of all the tools that the farmers and non-farming citizens in the community expressed an interest in," said Stephanie Gilbert, Farm Viability and Farmland Protection Specialist with the Maine Department of Agriculture.

Responding to emailed questions, Gilbert said Winslow's players – its commission, town manager and asses-

sor – "held onto the bigger picture as they dove into the nitty-gritty details of Maine's statute and rules for the Voluntary Municipal Farm Support Program. There was much to learn, discuss, interpret, debate, draft, review, and redraft before the group settled on its design for Winslow (VMFSP)."

As the primary liaison between the Maine Department of Agriculture and municipalities interested in another tool to protect farmland, Gilbert says Harpswell's town council requested an informational presentation and Bridgton, Raymond, Windham have shown interest. Farmers in Sidney have had some discussion with Winslow officials.

### More interest expected

Gilbert expects more interest to surface once Winslow approves its first qualified farmers.

Winslow Town Manager Michael Heavener has believed in the VMFSP from the start.

"All of us recognized the importance of such a program," he said. "We're losing very important farmland to developers. We need to step up and think outside the box. Hopefully (VMFSP) will be a tool."

"It could be a financial challenge. Judy (Mathiau) told us no one's taxes will go up as a result of this program. People support it. We did surveys. I think people get it. Winslow used to be a hub of agriculture for this area and we've lost farms. Having a local farm is important."

"We chose to live in Winslow for the rural environment," said Fletcher. He sees the economic and cultural impacts of the VMFSP to his community. He is aware other towns are watching.

"That's the challenging and the fun part of being the first. That's part of the dynamics, the decision-making process. We need to think a little harder on it." ■

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# Maine tribes hopeful to receive \$800,000 in federal housing funds

*The program, run by the U.S. Department of Housing and Urban Development, has restrictions, including no new construction. And funding is always tight.*

By Janine Pineo

Maine Indian tribes expect to receive about \$800,000 in interim funds for housing as they await congressional action on the federal budget.

U.S. Senators Susan Collins and Angus King announced in early January that the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians Housing Authority, the Penobscot Indian Nation and the Pleasant Point Reservation Housing Authority would get \$807,217 as part of the U.S. Department of Housing and Urban Development's Indian Housing Block Grant program.

The funds are an advance on the annual grants until the federal budget is approved for the year, tribal housing authority directors said. It helps cover a number of costs, including maintenance, utilities, insurance and staffing.

The Indian Housing Block Grant program is part of the Native American Housing Assistance and Self Determination Act of 1996, which eliminated separate assistance programs and replaced them with the IHBG. The Office of Native American Programs, part of HUD, administers both housing and community development programs.

Craig Sanborn, director of housing and in-house legal counsel for the Aroostook Band of Micmacs, said that the annual lump-sum block grant from HUD is to maintain existing housing. "They give you discretion" in how to use it, he said, but "it's never enough" if you want to do any additional projects that year.

## 'It does cover costs'

"Not very sexy but it does cover costs," Sanborn said. "It doesn't fluctuate all that much."

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Sanborn said that the grant money only covers buildings that were part of public housing in 1998. "There's a prohibition that cuts against new construction," he said. "If you build more houses, you're not getting any more money. If you want to build new, you have to go for supplemental incomes somewhere else."

The Aroostook Band of Micmacs is located in Presque Isle and was federally recognized in 1991. The designation means that the tribe or its tribally designated housing entity makes it eligible for funding from IHBG.

Sally Rice, finance officer and executive director of the Pleasant Point Reservation Housing Authority, said that the grant requires an annual application. According to HUD, each eligible recipient submits an Indian Housing Plan, and then at the end of the year the tribe files an annual performance report detailing progress on the goals and objectives outlined in its previously submitted housing plan.

Not only are maintenance and utilities eligible for coverage, according to HUD, the grant also may be used to fund the following: housing development, assistance to housing developed under the Indian Housing Program, housing services to eligible families and individuals, crime prevention and safety, and model activities "that provide creative approaches to solving affordable housing problems."

The Passamaquoddy Tribe at Pleasant Point was slated to receive \$222,000 in interim funding. Rice said that their final 2016 grant totaled approximately \$840,000. According to a Bangor Daily News story in 2015, the tribe received about \$845,000 for that year.

The tribe's fiscal year differs from the federal one, Rice said, with the

tribe's 2017 FY beginning Oct. 1, 2016. "We're lucky that we had some funds left over," she said.

Pleasant Point, which is the Passamaquoddy's traditional seasonal fishing village, is located in Down East Maine at the confluence of Passamaquoddy and Cobscook Bays at Sipayik, the primary Passamaquoddy village since 1770. It is one of two Passamaquoddy communities in Maine, the second located at Indian Township.

## Pleasant Point apartments

For Pleasant Point, the HUD-covered housing is for 51 apartments that vary in size from single units to multi-family units, including housing for elders and the disabled. Rice said the funding is used for maintenance, electricity, heating and housing authority staff payroll. "In addition, those funds pay for insurance," she said. "Additionally, we do have a down payment assistance program."

There is a waiting list, Rice said, of about 50 people, but that includes other housing units not aided by the IHBG. "We have other programs that are not supported by HUD," she said.

Upcoming projects include roofing work, Rice said, along with painting and siding. Those costs are over and above regular annual amounts of funding, she said.

For the Aroostook Band of Micmacs, which was awarded \$175,910 in interim funding, the majority of its housing consists of former military housing for the long-shuttered Loring Air Force Base. Those units were transferred to the tribe in 1995, including, for example, 66 single units and duplexes that were built in 1957 in the Bonaire Housing Complex.

The situation for the Micmacs is

complicated by the fact that they are an off-reservation tribe. According to the tribe's website, the more than 1,200 tribal members are located throughout Aroostook County, "residing in a service area the size of Rhode Island and Connecticut combined." Most available housing serves only a small portion of the tribe, with the tribe working to "secure additional funding to construct cluster sites in the service area for low to very low-income rental and homeownership activities." It states that based on waiting lists and phone calls, the housing department estimates about 30 families need housing.

"Almost all but maybe 20 of our units are former base units," Sanborn said. The houses were built to standards suitable for Arizona, he added, using 2x4s that were not designed to carry the snow load of an Aroostook winter.

According to a 2001 Maine Times article, the Bonaire houses contained "dangerous amounts of lead paint and asbestos, along with radon gas and the serious mold and mildew associated with cracked foundations and poor ventilation." Those issues were addressed from the start, but mold continues to be a problem, according to the Mic-

mac housing mission statement on the tribe's website: "These units are in need of significant renovations due to the age of the units as well as conditions that are conducive to the growth of mold."

### Aging housing

The tribe is in the middle of major rehabilitation for the aging housing, Sanborn said, working with the city of Presque Isle and seeking supplemental income to complete the renovations in three phases in two to three

years. "We've landed a number of these grants," he said. "You have to do it over time."

The tribe is also working to replace four units to put in elder and disabled housing. Sanborn said that the catch with the HUD funding is that the units have to be replaced completely within a single year to keep the units under the IHBG umbrella.

"All it does is maintain the status quo," Sanborn said of the annual IHBG. "Really, all the tribes are holding; they're treading water. HUD is

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constantly looking to reduce dollars.”

Sanborn said the hope is that the houses will be suitable for another 20 years. “Safe and healthy,” he said, “that’s our goal.”

The Penobscot Indian Nation has 68 units of housing that are HUD-funded, said housing director Michael Bush. Fifty of them are single family with three or four bedrooms, with the remaining 18 for elder apartments.

The Penobscot Indian Nation was expected to receive \$268,914 in interim money. In 2015, according to the Bangor Daily News, the tribe received just over \$1 million in funds for its total IHBG. Bush said that the tribe depends on enough of a surplus from one fiscal year to the next — with theirs beginning in October — to manage until the federal government disperses the grants during its fiscal year.

Bush said that about 60 percent of the money the tribe receives from HUD goes into maintenance, repair and upgrades for the 68 units. The money also

is used for rental assistance, a home repair program, an elderly facility and funding for a down-payment program.

“Housing that was under management in 1998 is considered the formula base,” Bush said. The age of the housing stock for the Penobscot Nation dates back to 1978, he said. According to the Penobscot Nation website, the tribe has created nearly 150 affordable housing units since that time.

Bush said the dearth of turnover of property on Indian Island contributes to the three-year average wait for housing. “We have pretty extensive waiting

lists,” he said. “That’s one of our challenges, not a lot of turnover.”

A rent-to-buy program is also in place, he said, with the tribe conveying more than 50 houses to private ownership. Once that occurs, if that unit is under the IHBG, the money comes out of the formula.

Bush said that to qualify for housing or assistance through the programs, the head of household has to be a tribal member, but not all living in the home have to be.

“We do serve a number of non-Indians,” he said. ■

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Dr. Kay Potetz is a consultant with over 25 years of administrative and management experience in the health care field, who has witnessed a great deal of change! That's why she is here to tell us: "It Ain't the Same, and It Never Will Be." Dr. Potetz has spoken to hundreds of groups in the health care, education and technology fields.

*MTCMA Certification – .75 points Leadership category*

**9:45 a.m. – 10:00 a.m. – Morning Break/Visit with Partners**

**10:00 a.m. – 11:00 a.m. Concurrent Sessions**

### **Up Time All the Time: Doing Business in the Cloud**

Record retention and disaster recovery can be all-consuming for your IT staff and if you don't have dedicated IT staff, it can be a nightmare. Doing business in the cloud can free up IT staff for more important tasks, or provide you with virtual IT staff to ensure compliance when your budget doesn't permit an on-site IT person. Mark Stone will explain why "Up Time All the Time" is his mantra.

*Presenter: Mark Stone, General Manager of Managed and Private-Hybrid Cloud Services, Reliable Networks, OTT Communications' Managed Services Division*

*MTCMA Certification – 1 point Leadership and Finance/Budget categories*

### **The Law and Protecting HIPAA Data**

Learn about the laws that govern the retention and disclosure of a public entity's electronic records. What electronic records are public records under Maine's Freedom of Access Act and what electronic records are confidential under Maine law or federal law, such as the Health Insurance Portability and Accountability Act (HIPAA)? This session will also cover best practices for maintaining such records and providing access to them when appropriate under the applicable laws. This topic is important for all municipal officials and may be of particular interest to human resources professionals, public safety officials, public access officers and General Assistance administrators.

*Presenters: Alyssa Tibbetts and Natalie Burns, Attorneys, Jensen Baird Gardner & Henry*  
*MTCMA Certification – 1 point Legal and Human Resources categories*

### **Airborne Topo-bathy LIDAR (30-minute session)**

Airborne Topo-bathy LiDAR has become more widely used in recent years to assist in the management of water (coastal and river) projects either for maintenance, like floodplain mapping, or incident response, like in the wake of Hurricane Sandy. We will discuss what Topo-Bathy is, how it is acquired, and what datasets can be generated to assist your municipality.

*Presenter: Drew Meren, Quantum Spatial*

### **The 3D Elevation Program (3DEP) (30-minute session, follows Airborne Topo-bathy)**

The second part of this session will address the primary goal of 3DEP: To systematically collect enhanced elevation data in the form of high-quality light detection and ranging (lidar) data over the United States, Hawaii, and the U.S. territories over an eight-year

period. Interferometric synthetic aperture radar (IFSAR) data will be collected over Alaska. A 2015 USGS Broad Agency Announcement (BAA) established a competitive solicitation procedure for partnering with federal agencies for lidar acquisition. So far, 3DEP has provided funds in partnership with 54 projects yielding over 200,000 square miles of high-quality elevation products.

*Presenter: Dan Walters, USGS, National Map Liaison for ME, MA & RI*

### **Municipal Planning Grants: Lessons Learned**

Learn about the status of and lessons learned from some of the first four recipients of ConnectME Authority Planning Grant awards.

*Panelists: TBD*

**11:00 a.m. – 11:15 a.m. – Morning Break/Visit with Partners**

**11:15 a.m. – 12:15 p.m. Concurrent Sessions**

### **Maine's Cyber Threat Landscape**

Cameron Wellman, MEMA's Cybersecurity Coordinator, will provide an overview of the emerging and current cyber threats to the State of Maine. He will discuss the cyber vulnerabilities of the 16 critical infrastructure sectors and how they pertain to state and local government. Focus will be given to tactics, techniques and procedures (TTPs) currently being used by cybercriminals and hackers. The presentation will end with a look at mitigation strategies as well as cyber response recommendations.

*Presenter: Cameron Wellman, Cybersecurity Coordinator, Maine Emergency Management Agency (MEMA)*

*MTCMA Certification – 1 point Leadership category*

### **Mobile Security & Forensics**

This session will discuss mobile device security and introduce mobile forensics. We will look at the risks and vulnerabilities of mobile devices, methods to secure mobile devices within the workplace, and security models associated with the most common mobile operating systems. We will introduce methods to incorporate mobile forensics into a Mobile Device Policy.

*Presenter: Henry Felch, Assistant Professor, Computer Information Systems, University of Maine at Augusta*

*MTCMA Certification – 1 point Leadership and Human Resources categories*

### **Accessing Spatial Information from MaineDOT Data (30-minute session)**

Have you ever had a need to use spatial transportation information in your job, but didn't know where to find the most current information? People have many uses for spatial transportation information including local planning, freight management and economic development. This session will review the different ways any user can access public information available from the Maine Department of Transportation. We will cover access via Open Data Portals and custom mapping applications with live demonstrations that all attendees will be able to utilize in their own work as needed.

*Presenter: Tom Lynch, Maine DOT*

### **VETRO FiberMap: A Broadband GIS Platform (30-minute session, following Accessing Spatial)**

VETRO FiberMap is a new broadband network mapping solution for small and mid-sized ISPs and their partners planning and deploying fiber optic networks. This web-based mapping platform was launched in 2016 by NBT Solutions of Portland, and is being adopted by ISPs around the U.S. and here in Maine. The platform delivers robust network design, engineering and inventory tools for network engineering, coupled with market planning, reporting and ROI analysis, and sales qualification

features. Company co-founder Will Mitchell will present an introduction to the platform and share experiences relating to mapping data for local broadband planning.

*Presenter: Will Mitchell, NBT Solutions*

*.5 CMA/CAT re-certification credits through Maine Revenue Services*

### **Broadband Implementation Grants: Lessons Learned**

Hear from Implementation Grant Program awardees – including both first-time and repeat recipients – about the challenges and successes of expanding broadband services in Maine.

*Panelists: TBD*

### **12:15 p.m. – 1:30 p.m. Buffet Luncheon**

#### **12:45 p.m. – 1:30 p.m. Luncheon Address: Why Geography Matters**

How often do you wonder what the impacts of various policy options would be on your community? Have you thought there must be a better way than a spreadsheet to tell the story of the work that you do? Or, have you felt that the data you collect should be able to tell you more about what is going on in your community? Have you had to photocopy three tax maps and tape them together and color them in order to explain the possibilities of a particular location? Then you have been thinking about geography. We will discuss how you can use principles of geography to leverage the data municipalities deal with every day to provide better service and enhance understanding of policy choices within the community.

Judy Colby-George is the owner of Spatial Alternatives, a GIS consulting firm in Yarmouth. She has been providing GIS services to municipalities in Maine for the past 25 years. She has worked with a large number of communities to help them use geospatial tools to enhance services and engage the public in complex policy issues, including environmental decisions and land use policy.

*Presenter: Judy Colby-George, Spatial Alternatives*

### **1:30 p.m. – 1:45 p.m. – Afternoon Break/Visit with Partners**

### **1:45 p.m. – 2:45 p.m. Concurrent Sessions**

#### **Budgeting: How to Set Up Your Town Office, Cost Effectively**

Matt Eaton and Rob Herman of Workgroup Technologies will help you identify your office's IT needs and will provide advice on how to operate your IT programs, all while staying within your budget. They also will introduce and discuss some of the cloud computing options available today.

*Presenters: Matt Eaton, IT Service Consultant, Workgroup Technologies and Rob Herman, Senior Consulting Engineer, Workgroup Technologies*

*MTCMA Certification – 1 point Finance/Budget category*

#### **Social Media Dos & Don'ts**

Social media are popular among citizens, so Facebook, Twitter, YouTube and other tools have become effective ways to communicate – if used properly. This session provides municipal officials and staff with important information that will help in planning and implementation of a social media strategy. The discussion will include sample policies, potential benefits and possible concerns, a review of key laws and legal considerations.

*Presenters: Michael Stultz, Staff Attorney, MMA's Legal Services Department; Detective Dorothy Small, Ellsworth City Police Department; Eric Conrad, Director of Communication & Educational Services, MMA*

*MTCMA Certification – 1 point Legal, Human Resources and Ethics categories*

#### **The National Hydrography Requirements and Benefits Study (30-minute session)**

The National Hydrography Requirements and Benefits Study (HRBS) was performed to establish a baseline understanding of national business uses, needs and associated benefits for national hydrography data, and to inform the design of an enhanced

future program that balances requirements, benefits and costs. The study, sponsored by U.S. Geological Survey (USGS) and the U.S. Department of Agriculture's Natural Resources Conservation Service, was completed in May 2016. Analysis of the results found that an improved national hydrography program has the potential to help users realize an estimated \$602.5 million in annual program benefits if all reported requirements were met. This presentation will provide a review of the HRBS and USGS plans for using the results.

*Presenter: Dan Walters, USGS, National Map Liaison for ME, MA & RI*

#### **Maine GeoLibrary Data and Programs (30-minute session, following National Hydrography)**

Low-cost imagery for Maine towns, high-resolution topographic data and hundreds of other data layers are available from the GeoLibrary and Maine Office of GIS. Learn how to access the data and participate in the programs to acquire high resolution data for your community. There will also be a discussion of the current bond proposal to support the development of geospatial data.

*Presenters: Joe Young, Maine Office of GIS and Jon Giles, Maine GeoLibrary Board*

*.5 CMA/CAT re-certification credits through Maine Revenue Services*

#### **What ConnectME Authority Grant Programs Have Done for Broadband Expansion in Maine**

Following the successful Broadband Day event at the State House Hall of Flags in January, learn how some awardees have successfully leveraged ConnectME Authority funding to do great things for their communities and service areas.

*Panelists: TBD*

### **2:45 p.m. – 3:00 p.m. – Afternoon Break/Visit with Partners**

### **3:00 p.m. – 4:00 p.m. Concurrent Sessions**

#### **Budgeting: How to Save Money in IT**

Chris Claudio, CEO of Winxnet, will explain how to develop a strategic IT plan and the best practices for utilizing IT as a strategic vessel. He will also discuss how important it is to create a strategic plan that converts your business goals into actionable initiatives that drive IT budgeting.

*Presenter: Chris Claudio, CEO, Winxnet*

*MTCMA Certification – 1 point Finance/Budget category*

#### **Approaching Retirement? How to be Tech Ready**

This presentation will introduce you to a world of technology that will get you "tech-ready" for your next adventure. We'll discuss social media and communication tools, online opportunities, devices and tips n' tricks to stay safe online. There will even be a "Help Desk" portion where you can ask your tech support questions!

*Presenter: Lisa Blue, Technology Support Coordinator, Maine Association of Retirees*

#### **GIS, Mapping, & Spatial Awareness for Your Fire Department**

Driver training, mapping detours and identifying target hazards are just a few of the endless functions offered by modern mapping technology. But many firefighters, chief officers and fire officials may find these technologies perplexing. This talk demystifies the options and showcases ideas for utilizing spatially-based GIS and mapping services.

*Presenter: Vicki Schmidt, Maine Fire Instructor/Training Officer, Buckfield Fire Department*

#### **Broadband Roundtable: Current Laws and Thoughts on the Future**

Hear current news and thoughts on the future of broadband from some of the more active and involved parties in Maine.

*Panelists: TBD*

### **4:00 p.m. – 5:00 p.m. – Maine GIS User Group Board Meeting**

# 2017 Municipal Technology Conference

Thursday, May 11, 2017 – DoubleTree by Hilton, So. Portland, ME  
(Sponsored by: Maine Municipal Association & Maine GIS User Group • In cooperation with: ConnectME Authority)

## ATTENDEE REGISTRATION FORM

### Registration Type *(please check ONE):*

- MMA Member Municipality/Patron/Non-Profit/State Agency-\$70.00  
 Non Member Municipality-\$140.00    MEGUG Member-\$70.00 /  ConnectME Authority Affiliate-\$70.00 /  Business Representative-\$100.00

### Billing Information:

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

Employer: \_\_\_\_\_

Billing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Name Badge Information *(Name badge will read as indicated here):*

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

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

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

Employer: \_\_\_\_\_

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

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

**Fax registration form to:** (207) 626-5947   **Mail form to:** Municipal Technology Conference Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Please make check payable to: Maine Municipal Association.

**Overnight Rooms:** An overnight room block has been set up at the DoubleTree by Hilton for \$106.00/night plus tax on Wednesday, May 10, 2017. Room block is available until April 19, 2017 (release date). Reference "MMA" and call (800) 560-7753 for reservations.

**Questions/Cancellations:** Cancellation notification must be given in writing at least 72 hours before the conference. Any cancellation received after the 72 hour deadline will be charged the full registration fee. All cancellations are subject to a \$10 administrative fee for processing. Please go to <http://www.memun.org/TrainingResources/WorkshopsTraining/Cancellations.aspx> to cancel. If you have any questions please contact the Educational Services Office at (800) 452-8786 or (207) 623-8428.

**Dietary Requirements:** We do our best to plan meals according to general dietary guidelines. If you have a specific dietary restriction, please call our office at least 5 business days prior to the start of the event. Please note that we are not able to accommodate onsite requests, as catering planning happens in advance of the event.

**In order to ensure your complete participation, we would appreciate being informed of any special requirements you may have due to a disability.**

**Mark Your Calendars!**

3rd Annual

# Municipal HR & Management Conference

**June 15, 2017**

**Thomas College Waterville, ME**

Tight municipal budgets in Maine create increased challenges for municipal elected officials, managers, human resource directors, supervisors and department heads. As a result, municipalities are more concerned than ever about uses of technology in the workplace, health-care and other employee benefits, initiatives aimed at reducing costs and services, optimizing employee performance and following the assorted laws that go along with these topics. This timely conference is designed to be a “one-stop shop” – one day, well-spent, concentrating on management topics.



## **KEYNOTE SPEAKER: Norman Katz**

Our 2017 keynote speaker is a former U.S. Secret Service Special Agent who served with the President John F. Kennedy detail on the day of his assassination. Mr. Katz served as Military Attaché in the Continuity of Government Program, in a highly classified special operations division. His tenure with the JFK administration has made him an expert on maintaining stability and continuity in the government in the midst of disaster. In addition to his work with the federal government, Norm served as a selectman and police commissioner for the Town of Sharon, MA for 32 years. Norm’s personal, first-hand accounts of the JFK assassination, the Cuban Missile Crisis and the transition of power to President Johnson make for a powerful message on leadership, especially during times of crises.

Information will be available soon on our website: [www.memun.org](http://www.memun.org)

# 2017 MMA & Affiliate Training Calendar

## KEY TO GROUPS/WORKSHOP SPONSOR

MMA	Maine Municipal Association	MFCA	Maine Fire Chiefs' Association
MACA	Maine Animal Control Association	MLGHRA	Maine Local Government Human Resources Association
MAAO	Maine Association of Assessing Officers	MMTCTA	Maine Municipal Tax Collectors' and Treasurers' Association
MBOIA	Maine Building Officials & Inspectors Association	MSFFF	Maine State Federation of Firefighters, Inc.
MCAPWA	Maine Chapter of American Public Works Association	MTCCA	Maine Town & City Clerks' Association
MCDA	Maine Community Development Association	MTCMA	Maine Town, City and County Management Association
MeWEA	Maine Water Environment Association	MWDA	Maine Welfare Directors Association

\*Please note that the listings in "blue" with a 🔍 symbol are new courses!

**Date: Day: Course Name: Location: Sponsored By:**

### MARCH

3/13	Mon.	Managing Freedom of Access Requests	Lewiston - Ramada Inn	MMA
3/14	Tues.	MMTCTA Tax Liens Workshop	Orono - Black Bear Inn	MMTCTA
3/14	Tues.	MWDA Advanced GA	Augusta - Maine Municipal Association	MWDA
3/21	Tues.	<b>Aerial Drones and the Current Legal Landscape</b>	<b>Augusta - Maine Municipal Association</b>	<b>MMA</b>
3/22	Wed.	MTCCA Notary Public 101	Waterville - T&B's Celebration Center	MTCCA
3/24	Fri.	MTCMA 38th Annual Statewide Manager Interchange	Bangor - Hilton Garden Inn	MTCMA
3/24	Fri.	MeWEA Ski Day with NHWPCA	Bartlett, NH - Mount Attitash	MeWEA
3/28	Tues.	Verbal Judo - Tactical Communication for the Public Employee	Augusta - Maine Municipal Association	MMA
3/28	Tues.	MMTCTA Tax Liens Workshop	Lewiston - Ramada Inn	MMTCTA
3/29-31	Wed.-Fri.	MFCA Joint Conference	Newry - Sunday River	MFCA

### APRIL

4/4	Tues.	MTCCA New Clerks	Portland - Fireside Inn & Suites	MTCCA
4/5	Wed.	Elected Officials Workshop	Old Orchard Beach - Galley Ballroom at Duffy's Tavern & Grill	MMA
4/6	Thurs.	MCAPWA Annual Spring Meeting	Waterville - T&B's Celebration Center	MCAPWA
4/7-8	Fri.-Sat.	MACA Annual Business Meeting & Training	Bangor - Hollywood Casino Hotel	MACA
4/11	Tues.	Roles of Elected Officials & Municipal Managers	Belfast - Hutchinson Center	MMA
4/12 -13	Wed.-Thurs.	MCAPWA Supervisory Leadership in Public Works Program - Part I	Augusta - City Center Plaza	MCAPWA
4/14	Fri.	MAAO Northern Maine Spring Workshop	Caribou - Northern Maine Development Commission	MAAO
4/14	Fri.	MeWEA Spring Conference	Lewiston - Ramada Inn	MeWEA
4/20	Thurs.	Planning Board/Boards of Appeal	Bethel - Bethel Inn	MMA
4/21	Fri.	MTCCA Vital Records	Augusta - Maine Municipal Association	MTCCA
4/21	Fri.	MTCCA Vital Records - <b>Video Conference</b>	Caribou - Northern Maine Development Commission	MTCCA
4/25	Tues.	Personnel Practices	Augusta - Maine Municipal Association	MMA

### MAY

5/1-2	Mon.-Tues.	MWDA Spring Conference	Freeport - Hilton Garden Inn	MWDA
5/2	Tues.	MTCCA Licensing	Augusta - Maine Municipal Association	MTCCA

<b>5/11</b>	<b>Thurs.</b>	<b>Municipal Technology Conference</b>	<b>South Portland - DoubleTree by Hilton</b>	<b>MMA</b>
5/11	Thurs.	MAAO Board of Assessment Review	Augusta - Maine Municipal Association	MAAO
5/17-19	Wed.-Fri.	MCAPWA Supervisory Leadership in Public Works Program - Part II	Augusta - City Center Plaza	MCAPWA
5/19	Fri.	MMTCTA Annual Conference	Waterville - Waterville Elks Banquet & Conference Center	MMTCTA
5/22-23	Mon.-Tues.	MBOIA 8th Annual Maine Code Conference	Sebasco - Sebasco Harbor Resort	MBOIA
<b>5/23</b>	<b>Tues.</b>	<b>Running Effective Meetings</b>	<b>Boothbay Harbor - Spruce Point Inn</b>	<b>MMA</b>
5/24	Wed.	Elected Officials Workshop	Skowhegan - Margaret Chase Smith Library	MMA

## JUNE

6/1	Thurs.	MCAPWA Highway Congress	Skowhegan - Skowhegan Fairgrounds	MCAPWA
6/6	Tues.	Planning Board/Boards of Appeal	Presque Isle - Presque Isle Inn & Convention Center	MMA
6/8	Thurs.	Basic Municipal Budgeting	Dover-Foxcroft - Mayo Regional Hospital	MMA
<b>6/15</b>	<b>Thurs.</b>	<b>Municipal Human Resources &amp; Management Conference</b>	<b>Waterville - Thomas College</b>	<b>MMA</b>
6/20	Tues.	Elected Officials Workshop	Machias - University of Maine, Science Building	MMA
6/22	Thurs.	MMTCTA Cash Management	Augusta - Maine Municipal Association	MMTCTA
6/27	Tues.	New Managers Workshop	Augusta - Maine Municipal Association	MMA
6/28	Wed.	Grant Writing for Municipal Projects	Union - Union Town Hall	MMA
6/29	Thurs.	MTCCA Municipal Law for Clerks	Augusta - Maine Municipal Association	MTCCA
6/29	Thurs.	MTCCA Municipal Law for Clerks - <b>Video Conference</b>	Machias - Machias Career Center	MTCCA

## JULY

7/13	Thurs.	MFCA Membership Meeting & Networking	Hope - Hope Fire Station	MFCA
7/13	Thurs.	MMTCTA Basic Excise Workshop	Augusta - Maine Municipal Association	MMTCTA
7/18	Tues.	Elected Officials Workshop	Rangely - The Rangely Inn & Tavern	MMA
7/20	Thurs.	MBOIA Membership Meeting & Training	Augusta - Maine Municipal Association	MBOIA
7/25	Tues.	Planning Board/Boards of Appeal	Saco - Ramada Inn	MMA
7/27-28	Thurs.-Fri.	MMTCTA Basic Accounting I	Waterville - Waterville Elks Banquet & Conference Center	MMTCTA
7/31	Mon.	Customer Service Excellence	Augusta - Maine Municipal Association	MMA

## AUGUST

8/3	Thurs.	MTCCA New Clerks	Waterville - Waterville Elks Banquet & Conference Center	MTCCA
8/9-8/11	Wed.-Fri.	MTCMA 72nd New England Management Institute	Newry - Sunday River	MTCMA
8/15	Tues.	MMTCTA I've Got The Job - Now What? Workshop	Augusta - Maine Municipal Association	MMTCTA
8/17	Thurs.	MTCCA Vital Records	Bangor - Spectacular Event Center	MTCCA
8/22	Tues.	Elected Officials Workshop	Houlton - The Center for Community Health Education Houlton Regional Hospital	MMA
<b>8/30</b>	<b>Wed.</b>	<b>Keeping Your Data Secure: A Pressing Concern</b>	<b>Augusta - Maine Municipal Association</b>	<b>MMA</b>

## SEPTEMBER

9/6-8	Wed.-Fri.	MAAO Fall Conference	Sebasco - Sebasco Harbor Resort	MAAO
9/6	Wed.	MTCCA Voter Registration	Caribou - Caribou Inn & Convention Center	MTCCA
9/7	Thurs.	MTCCA Title 21A - State Election Law	Caribou - Caribou Inn & Convention Center	MTCCA
9/8	Fri.	MCAPWA Golf Tournament	Cumberland - Val Halla Golf Course	MCAPWA
9/8-10	Fri.-Sun.	MSFFF Annual Convention/Meeting	Boothbay - Boothbay Fire Department	MSFFF

9/12	Tues.	MTCCA 22nd Networking Day & Annual Business Meeting	Waterville - T&B's Celebration Center	MTCCA
9/14	Thurs.	Elected Officials Workshop	Portland - Embassy Suites by Hilton	MMA
9/14	Thurs.	MBOIA Membership Meeting & Training	Gray - Spring Meadows Golf Club	MBOIA
9/14	Thurs.	MWDA GA Basics	Augusta - Maine Municipal Association	MWDA
9/20-22	Wed.-Fri.	MeWEA Fall Convention	Newry - Sunday River	MeWEA

## OCTOBER

<b>10/4-10/5</b>	<b>Wed.-Thurs.</b>	<b>81st Annual MMA Convention</b>	<b>Augusta - Augusta Civic Center</b>	<b>MMA</b>
10/7	Sat.	MSFFF Firefighters Memorial Service	Augusta	MSFFF
10/17	Tues.	MTCCA Voter Registration	Augusta - Maine Municipal Association	MTCCA
10/18	Wed.	MTCCA Title 21A - State Election Law	Augusta - Maine Municipal Association	MTCCA
10/26	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Orono - Black Bear Inn	MMTCTA
10/27	Fri.	Verbal Judo - Tactical Communication for the Public Employee	Bangor - Hilton Garden Inn	MMA
10/31	Tues.	MBOIA DECD & Fire Marshal's Office Training	Portland - Fireside Inn & Suites	MBOIA

## NOVEMBER

11/1	Wed.	MBOIA DECD & Fire Marshal's Office Training	Orono - Black Bear Inn	MBOIA
11/2	Thurs.	Planning Board/Boards of Appeal	Dedham - Lucerne Inn	MMA
11/2	Thurs.	MBOIA DECD & Fire Marshal's Office Training	Waterville - Waterville Elks Banquet & Conference Center	MBOIA
11/15	Wed.	Labor & Employment Law	Portland - Fireside Inn & Suites	MMA
11/16	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Augusta - Maine Municipal Association	MMTCTA
11/30	Thurs.	Elected Officials Workshop	Augusta - Maine Municipal Association	MMA
11/30	Thurs.	Elected Officials Workshop - <b>Video Conference</b>	Caribou - Northern Maine Development Commission	MMA

## DECEMBER

12/5	Tues.	Planning Board/Boards of Appeal	Lewiston - Ramada Inn	MMA
12/8	Fri.	MWDA Winter Issues Training	Augusta - Maine Municipal Association	MWDA
12/14	Thurs.	MBOIA Annual Membership Meeting & Training	Lewiston - Green Ladle	MBOIA
Dec	TBD	MTCMA Joint Workshop with MMANH	TBD	MTCMA

*“ 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*



CES provides the Town of Baileyville with **SENSIBLE SOLUTIONS.**

The Town recently constructed its next landfill development phase, which will allow for additional capacity.

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# PEOPLE



**Elaine Aloes**

Solon Selectman **Elaine Aloes** and Rockport Town Manager **Richard "Rick" Bates** have been appointed to two-year terms on the 12-member Maine Municipal Association Executive Committee. The panel guides the priorities and operations of the MMA, which provides legal, advocacy and education services, among other duties, to 486 Maine cities and towns.



**Richard Bates**

Aloes first took office in 1990 and has served as chairman as 1998. As chairman, she prepares the annual budget and town meeting warrants, as well as writing grants for the Somerset County town of 1,050. She has served on the 70-member MMA Legislative Policy Committee since 1999, and previously served on the executive committee from 2001-2003. She works as a collision appraiser for Bishop Auto Adjustment Co. and has participated in numerous training seminars sponsored by MMA and well as the state and the Insurance Institute of America.

Bates has worked as town manager in Maine and New Hampshire, serving as Rockport manager since June 2013. He managed the town of Raymond, N.H., from 2000-2007. Prior to being named manager, he worked as Raymond's parks and recreation director from 1977-2000. Bates graduated from New Hampshire College, now Southern New Hampshire University. He served on the New Hampshire Municipal Managers Association, serving a term as vice president during his tenure. He is a past president of the New Hampshire Recreation and Parks Association. He is a credentialed manager with the International City/County Management Association, from which he received a 30-year service award.

Scarborough police Sgt. **Thomas Chard** has graduated from the FBI National Academy, becoming the sixth Scarborough officer to graduate from the Quantico, Va., police training school.

Less than 1 percent of police officers in the world are invited to enroll in the academy, which focuses on the latest police technology, forensics and various types of investigations, among other programs. Chard joined the Scarborough department in 1988 as a patrol officer. He became a K-9 handler in 1994 and was promoted to sergeant in 2000. He presently supervises a patrol team and works as the department's K-9 trainer. He also is a commanding officer for the Southern Maine Regional SWAT team, which includes officers from Scarborough, South Portland and Cape Elizabeth.



**Jon Frederick**

**Jon Frederick** was named town manager of Jaffrey, N.H., returning to the state where he began his municipal career in 2006 after serving 20 years in the U.S. Coast Guard. Frederick has managed the tri-towns of Mapleton, Castle Hill and Chapman in Aroostook County since June 2012. In Portsmouth, N.H., he worked as director of parks and transportation and earned his master's degree in public administration from the University of New Hampshire in 2005. He served on several municipal boards in Maine as either a member or officer, and earned his assessor's certification in 2016. The three abutting Aroostook towns are managed as a consolidated bloc, but retain their own boards of selectmen. They also form the Joint Board of Selectmen, which hopes to hire a new manager by May 1. Treasurer **Theresa Denbow** has been named interim manager.



**Lawrence Gordon**

Former Wiscasset First Selectman **Lawrence Gordon** was elected to fill a five-month vacancy on the board in balloting on Jan. 31. Gordon collected 179 votes, defeating another former selectman, **Katharine Martin-Savage**, who received 107 votes. He will finish the term of **Judy Flanagan**, who resigned last November. Gordon

served as selectmen for more than two decades, winning his first election in the 1970s and stepping down in 1998.



**Scott Morelli**

After serving as Gardiner city manager for seven years, **Scott Morelli** has been hired as South Portland's city manager after two nationwide searches that began last summer. He replaces **James Gailey**, who resigned after nine years as manager to take the position of assistant manager for Cumberland County. Morelli's last day in Gardiner was set for March 3. He will move to a city with five times the population and a municipal budget six times larger than in Gardiner. After being named one of two finalists in January, Morelli met with the public and department directors before a second interview with the city council. Morelli has 12 years of municipal government experience, working previously as executive assistant in Framingham, Mass., and selectmen's assistant in Waterboro before taking the Gardiner job. Morelli said the move was bittersweet because he so enjoyed and admired his municipal staff in Gardiner. He was among 33 candidates in the second round of competition for the job.

**Joseph Westrich** was named director of the Lincoln County Communications Center and **Casey Stevens** was named director of the Lincoln County Emergency Management Agency, effective Jan. 26. The two agencies were operated as one department until recently. **Tom Hartung**, who worked as director of both operations, did not apply for either job. Hartung joined the county in 2010 as a part-time dispatcher and has worked as director for the past four years. ■

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

**Eric Conrad or Jaime Clark**  
([econrad@memun.org](mailto:econrad@memun.org)  
or [jclark@memun.org](mailto:jclark@memun.org))

## BLUE HILL

Maine transportation officials have budgeted nearly \$17 million for road improvements in greater Blue Hill over the next three years. In all, the Maine Department of Transportation has developed a \$2.3 billion three-year work plan that would fund nearly 2,500 projects statewide. Projects for 2017 are firm, while those slated for 2018 and 2019 are subject to change. In addition to significant road improvements, the Blue Hill-region package includes upgrades to five bridges. The costliest project in the region would be improvements to the Blue Hill Falls Bridge, at a cost of \$7.1 million.

## CARIBOU

Voters in Caribou, Limestone and Stockholm approved construction of a \$45 million school on property now occupied by an old Caribou elementary school. Most of the money will come from state coffers, but voters endorsed spending \$2 million from local taxes, over 20 years, to build additional gym and music room space in the new school. The new pre-kindergarten to eighth-grade school will replace four aging elementary schools. Voters in Limestone narrowly rejected the proposal, while Caribou and Stockholm voters approved the work by overwhelming margins.

## EASTPORT

A three-person partnership announced recently that the Kansas City-based Arnold Development Group will finance an \$18 million project to convert a former sardine can manufacturing plant to a mixed-used facility. The plant is located on downtown waterfront property and will include retail, office and event space, as well as housing and rooms for lodging. The Arnold group in 2014 redeveloped a former mill in Dover-Foxcroft. The local partnership, which acquired the building in 2005, has dreamed of redeveloping the plant as part of an effort to revitalize downtown Eastport. The new building will also honor the city's maritime past with historical displays and exhibits.

## FORT KENT

The St. John Valley region's ambulance service is asking the 14 towns it serves to help close a \$250,000 operating shortfall

## 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.

**Ford Explorer Issues.** Ford has released a service bulletin regarding exhaust fumes entering the passenger compartments of Explorers, model years starting in 2011 and possibly extending through 2017.

**Legalized Marijuana.** Drummond Woodsum attorneys Ted Kelleher and Amy Tchao, fresh off a successful workshop held on legal marijuana recently in Freeport, allowed MMA to post their 72-page presentation on this timely topic.

**Local Roads Postings.** The Maine Department of Transportation recently relaxed truck-weight limits in one category. The department also updated municipal officials on their upcoming events.

from 2016. Based in Fort Kent, Ambulance Service Inc. is asking towns to pay \$205,000 toward the budget hole based on valuation. The loss was blamed on reduced reimbursements and increases in operational costs. The request will be considered as the towns begin budget deliberations. The ambulance has served the northern Maine region for 43 years.

## LEWISTON

The city's fire department received the go-ahead in February to buy a new fire truck at a cost of nearly \$600,000. The truck will replace the 2003 pumper that was damaged in a collision in December. Officials said an insurance adjuster ruled the cost of repairing the truck would cost more than its value. Much of the damage was unseen until inspected. The city buys its fire trucks through a cooperative arrangement that helps give the city the best price with quicker delivery.

## SOUTH PORTLAND

The city has surpassed its 10-year goal of reducing greenhouse gas emissions,

the city council learned in February. The goal was to reduce the emissions by 17 percent from 2007 to 2016, but emissions were lowered by 23 percent over the period. South Portland signed onto the U.S. Conference of Mayors Climate Protection Agreement, as well as adopting a Climate Action Plan with 25 actions to take to reduce emissions and other pollutants. All but two of the action steps have been achieved, the council learned. Some of the steps included improving heating, ventilation and air conditioning in municipal buildings, which have reduced energy costs by 3 percent.

## TURNER

Selectmen in February voted to use \$40,000 available for a revaluation and ask voters at town meeting for another \$60,000 to get the task started. The cost will be \$200,000, but the second half of financing would not come due until fiscal year 2019. The town has not revalued property in 20 years. Under a revaluation, some properties' values would increase while others would decrease. ■

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# MUNICIPAL BULLETIN BOARD

## SPECIAL SESSION!

**MARCH 21**

### **Aerial Drones / Legal Landscape: Augusta**

This newly revised workshop is devoted to legal issues involving unmanned aerial vehicles, or drones, which are surging in popularity and creating a host of legal issues. The afternoon workshop, presented by a drone consultant and attorneys with the law firm of Bernstein Shur, will tell municipal leaders what they can and cannot do about drones, even in their own backyards. Rules were recently clarified by the Federal Aviation Administration.

The workshop also will help guide fire-rescue and police attendees on whether to use aerial drones in their official lines of work. The class will be held at MMA's Christopher G. Lockwood Conference Center in Augusta. The workshop will conclude at 4:30 p.m. Cost is \$35 for MMA members and \$70 for non-members.

**MARCH 24**

### **MTCMA Interchange: Bangor**

The Maine Town, City and County Management Association will hold its 38<sup>th</sup> Annual Manager Interchange on March 24 at the Bangor Hilton Garden Inn. This year, there will be a deep focus on "legal marijuana," including a presentation by Bill Efting, a retired town manager from Frisco, Colo., where recreational marijuana has been legal for several years.

Efting will be followed by presenters who will explore areas of taxation and licensing, police enforcement, legal cases and a Maine legislative update from Geoff Herman, director of State & Federal Relations at Maine Municipal Association. Cost for the event varies depending on date of registration, whether one is an MTCMA member.

**MARCH 28**

### **Verbal Judo: Augusta**

One of MMA's most popular programs – Verbal Judo: Tactical Communications for the Contact Professional – returns on March 28. The all-day workshop will be led by Joel Francis, the National Director/Instructor Trainer for the Verbal Judo Institute. It begins with registration at 8 a.m. and will be held at the MMA Conference Center. It is scheduled to conclude at 4:30 p.m.

Boiled down, Verbal Judo teaches employees who have contact with the public how to calm difficult people who may be acting out of emotional stress or other influences. Cost is \$95 for MMA members and \$190 for non-members.

**MARCH 28**

### **Tax Lien Procedures: Lewiston**

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a one-day session on Tax Lien Procedures on March 28 at the Ramada Inn in Lewiston. The program will focus on the proper procedures and paperwork involved in the tax-lien process. The emphasis is on the "how to," rather than legal requirements, of tax liens.

Gilberte Mayo, Deputy Treasurer and Tax Collector for the Town of Greenbush, will be the presenter. The workshop starts with registration at 8:30 a.m. and will end at 3:30 p.m. Cost is \$55 for MMTCTA members and \$75 for non-members.

**APRIL 4**

### **New Clerks: Portland**

This course, designed to familiarize new municipal clerks with their duties and responsibilities, will be held on April 4 at the Fireside Inn and Suites in Portland.

The workshop will be led by Kim

McLaughlin, Town Clerk in Old Orchard Beach, and Patti Dubois, City Clerk in Waterville. It will touch on the many, varied topics that municipal clerks oversee. There will be time for a question-and-answer period following the presentations. Registration begins at 8:30 a.m. Cost for the program is \$60 for MTCCA members and \$80 for non-members.

**MARCH 29-31**

### **MFCA Joint Conference: Newry**

The Maine Fire Chiefs' Association will hold a major joint conference on March 29-31 at the Sunday River Grand Summit Resort Hotel in Newry. This year's event will include the Maine State Federation of Firefighters, Maine Fire Institute, Maine Fire Protection Services Commission and Maine Building Officials and Inspectors Association.

The guest speaker will be Alan Brunacani, who will talk about "No Brainer Management." There will be many other topics presented including information about workers' compensation issues and fire prevention. Costs for the conference vary, depending upon days being attended and accommodation requests.

**APRIL 5**

### **Elected Officials Workshop: Old Orchard Beach**

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for elected officials on April 5 at the Galley Ballroom at Duffy's Tavern and Grill in Old Orchard Beach. 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. ■

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# LEGAL NOTES

## Are U.S. Coins Legal Tender?

**Question:** Are U.S. coins legal tender, and are municipalities required to accept them in payment of taxes, charges, fees and so forth?

**Answer:** Yes, U.S. coins – in any quantity or denomination – are deemed legal tender for all debts. According to the federal Coinage Act of 1965 (31 U.S.C. § 5103), “United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes and dues.”

This was not always so. Until the late 19<sup>th</sup> Century, pennies and nickels were not deemed legal tender at all. Then, in the 1870s the law was amended to include all coins but with limits on the quantity that could be tendered, depending on the amount of the debt. But with passage of the Coinage Act of 1965, all coins became legal tender in any amount; this remains the law today.

Just because all coins are legal tender, though, does not mean municipalities must accept them as payment for all purposes. In fact, no law requires public or private entities or individuals to accept all coins or currency as payment for anything. (This is why, for example, convenience stores can refuse bills larger than a twenty, and public transit can require exact change or a fare card.)

Municipalities, like other entities and individuals, may adopt policies governing payment in coins. Such a policy could, for instance, prohibit payment in coins except for amounts under a dollar, or it could limit the total payable in coins, or require that coins be rolled, etc. If coins are acceptable in large quantities, the policy should also specify when, after they have been tendered, coins will be counted and credited to the payer’s account. The overall aim of the policy should be to minimize inconvenience to staff by limiting payment in coins to manageable amounts.

We think the chief administrator of a town or city office has the authority to adopt such a policy, or absent an administrator, the municipal officers (selectmen and councilors) surely do. The policy should be in writing and should probably be posted wherever municipal payments are accepted. (By R.P.F.)

## Court: No ‘Dwelling Unit’ Without Cooking Facilities

Where an ordinance’s definition of “dwelling unit” expressly requires cooking facilities, the unit must include actual cooking facilities, not merely the potential to add cooking equipment in the future. That at least was the conclusion of a recent Maine Supreme Court decision.

In *21 Seabran, LLC v. Town of Naples*, 2017 ME 3, the owner of a shorefront single family dwelling proposed to convert the second floor of a detached garage into a \$100,000 “bunkhouse,” with three bedrooms, two bathrooms, a sitting room, a washer and dryer, and storage closets. The town rejected the plan on the basis of “common sense,” finding that it constituted a second dwelling unit and was prohibited since there was insufficient lot area and shore frontage for two.

But on appeal the Law Court sided with the owner. It held that the town could not simply ignore the ordinance where the requirement for cooking facilities was explicit. Nor could it reply on speculation that cooking equipment of some sort could easily and secretly be added later.

We should note, as did the Court, that there have been other cases where actual cooking facilities were not required by the ordinance but a dwelling unit was nevertheless found to exist (see, e.g., *Goldman v. Town of Lovell*, 592 A.2d 165 (Me. 1991), where there was a kitchen sink and a built-in refrigerator, and *Wickenden v. Luboshutz*, 401 A.2d 995 (Me. 1979), where there was an independent water supply and septic system, refrigeration, and separate parking).

Dwelling units are typically required to have sleeping and toilet facilities as well. (By R.P.F.)

## FOAA Does Not Require Answers, Explanations or New Records or Formats

**Question:** We have someone who routinely demands answers and explanations from us and insists on an emailed response. Are we legally obligated to do any of this?

**Answer:** No. Maine’s Freedom of Access Act (FOAA or “Right to Know” law) does not require a public agency or official to answer questions or explain anything about the agency’s or official’s actions or records. Nor does the law

## MUNICIPAL CALENDAR

**DURING APRIL** — Municipal officers of municipalities over 2,000 population, and of any other town so voting at town meeting, shall appoint an inspector of buildings (25 MRSA §2351-A).

**APRIL 1** — Municipal assessments are controlled by this date (36 MRSA §502).

■ 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).

**APRIL 17** — Patriot’s Day, third Monday in April, a court holiday (4 MRSA §1051).

**ON OR BEFORE APRIL 21** — Every employer required to deduct and withhold tax shall, for each calendar quarter, file a withholding return and remit payment as prescribed by the State Tax Assessor (36 MRSA §5253).

require an agency or official to provide a response in writing or deliver it in any particular medium (see 1 M.R.S.A. § 408-A(6)). Whether and how an agency or official replies to questions or requests for explanations are governed not by FOAA but by other, more practical considerations, such as the subject matter, the nature and scope of the questions, competing demands on the agency’s or official’s time and resources, and so forth.

There are a few exceptions to the rule that FOAA does not require records to be created, however. If a request for a record is denied (because the record is confidential, for example), the denial must be given in writing, with the reason, within five working days of the request (see 1 M.R.S.A. § 408-A(4)). Also, every conditional approval or denial of any application, license or permit, and every dismissal or refusal to renew the contract of any public employee, must be in writing and, except for probationary employees, must include the reason (see 1 M.R.S.A. § 407).

There is also a small exception to the

# LEGAL NOTES

rule that a requester cannot dictate the format of a response. If a public record exists and is electronically stored, the requester may have access to it either as a printed document or in the medium in which it is stored, unless the computer file cannot be redacted to prevent the disclosure of confidential information (see 1 M.R.S.A. § 408-A(7)).

Even though FOAA does not generally require that records be created, if a record already exists and it is a public record, anyone is entitled to inspect and copy it. For a detailed summary of how to respond to a FOAA request, see "Public Records Requests," *Maine Townsman*, Legal Notes, August-September 2015. (By R.P.F.)

## Limiting Liquor Licenses

*Question:* We'd like to limit the number of on-premises liquor licenses – for bars, taverns and such – in our community. How can we do so?

*Answer:* You can't, at least not directly.

Municipalities in Maine have "home rule" authority, by ordinance, to exercise any power or function which the Legislature has power to confer on them, unless this authority is preempted by the Legislature either expressly or by clear implication (see 30-A M.R.S.A. § 3001). In other words, municipalities are free to enact otherwise lawful ordinances without the need for specific "enabling" laws unless the Legislature has denied them this authority either expressly or by clear implication.

But as for regulating the issuance of liquor licenses, the Maine Supreme Court has twice held that municipalities are in fact preempted from doing so directly.

In *Ullis v. Inhabitants of Town of Boothbay Harbor*, 459 A.2d 153 (Me. 1983), the Court struck down an ordinance requiring licensed establishments to be separated by at least 1,200 feet. And later, in *Driggin v. Town of Wells*, 509 A.2d 1171 (Me. 1985), the Court overturned a denial of a license based on a local "best interest of the community" test. In both cases, the Law Court held that the Legislature, by enacting a comprehensive statewide liquor licensing scheme, had by clear implication denied municipalities any authority to directly regulate liquor licensing.

The distinction between direct and

indirect regulation is important because municipalities do have authority to regulate licensed establishments, under land use and zoning ordinances, for example, as long as similar unlicensed establishments are subject to the same requirements (see 28-A M.R.S.A. § 653(2)(B)). Such ordinances may affect liquor sales, but they don't purport to regulate liquor licensing or sales directly, which would be impermissible.

Municipalities may also, by "local option" vote, determine what types of liquor licenses the State is authorized to issue in the municipality. Thus, for instance, the voters may decide to permit off-premises but not on-premises sales, Monday through Saturday but not Sunday sales, and sale of wine and beer but not hard liquor. For more on the local liquor option, see MMA's "Information Packet" by that title, available free to members at [www.memun.org](http://www.memun.org).

Finally, although municipalities are preempted from directly regulating li-

quor sales, the municipal officers (selectmen or councilors) do play an important role in the State's issuance of on-premises liquor licenses (again, for bars, taverns, etc.). Briefly, the municipal officers must review each application and grant preliminary approval or denial based on the statutory criteria (see 28-A M.R.S.A. § 653). The State Bureau of Alcoholic Beverages, however, has the final say. (By R.P.F.) ■

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