

Maine Townsmen

The Magazine
of the Maine Municipal Association

OCTOBER 2015

What Makes Maine Tick?

Wages, tourism and
local government
all intertwine

ALSO IN THIS ISSUE

Atkinson: All in the family

Unusual, fun things towns do

Stephen Gove charts MMA's future

South Portland's approach to leadership



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MAINE TOWNSMAN (ISSN 0025-0791) is published monthly, except in October, by the Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330. (207) 623-8428. Periodicals postage paid at Augusta, Maine, and at additional mailing offices. All rights reserved. Postmaster send address changes to: Maine Townsman, 60 Community Drive, Augusta, Maine 04330. Information, policies and opinions do not necessarily reflect the views or policies of the Maine Municipal Association. Subscription price: \$15 per year.



Maine Townsman

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The Magazine of the Maine Municipal Association

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Celluloid Hero



Pittsfield has a theater, depot museum and ski slope. Castine owns a piece of history. And Cape Elizabeth runs one of Maine's visual icons. Sometimes municipalities venture far afield, typically at the request of citizens.

New MMA Executive Director Stephen W. Gove, fresh off his appointment, writes about his Maine roots, plans for member outreach and taking a new look at municipal needs and what Maine Municipal Association offers. [Page 5](#)

Movement on Minimum Wage

Frustrated by what the state and federal governments have not done, some Maine cities are moving ahead with efforts to discuss – and in one case, adopt – higher minimum wages. [Page 7](#)

Backbone of Atkinson

Maine's smallest towns play large roles in their citizens' lives, yet sometimes struggle to find the people and revenue to keep things going. The extended Kinney family of Atkinson gets things done. [Page 13](#)

Leading the Way

It's hard enough, during a growing economy, for cities like South Portland to retain capable staff. One way of tackling the challenge is teaching employees to lead, thus empowering staff at the same time. [Page 23](#)

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Cover photo: Freelance photographer Barbara West of Stockton Springs took this beautiful fall photo of Mount Katahdin. MMA is printing this with permission, on a one-time use basis.

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A MESSAGE FROM MMA

BY STEPHEN W. GOVE / EXECUTIVE DIRECTOR

An honor to serve municipal government in Maine

It is an honor to be appointed Maine Municipal Association's new executive director. It is the pinnacle of my 35-year career at the organization. I've had the pleasure of knowing and serving many local officials over those years from all over Maine. I am a product of our great state. I was born in Lewiston. I graduated the University of Maine and, but for two years in graduate school in Boston, I have lived here my entire life. My father was a district manager for Central Maine Power and was transferred many times. I grew up in Raymond, Gardiner, Bucksport, Skowhegan and Sanford/Springvale. It was not always easy for a kid to move that many times. It required that I adapt, be open to new situations, try new things and make new friends. Looking back, I had the support of my family and relocating gave me the opportunity to re-invent myself and grow. My wife and I raised our family in Augusta and Winthrop.

My career at MMA has been similar. I have been given the opportunity to work in nearly every corner of the association. I started as a legislative advocate, moved to operations of the group insurance programs, directed communications and training and the Maine Municipal Employees Health Trust. In 2005, "deputy director" was added to my Health Trust title. I've had nearly as many job experiences at MMA as the number of Maine towns I've lived in. Just like moving as a kid, each new MMA job has given me the opportunity to grow, learn new skills and approaches and re-invent.

Now the executive committee has given me the opportunity to move again. They ask me to build upon those

prior experiences throughout the Association and lead as executive director during what will be a time of transition for MMA and our members. We face personnel transitions as several MMA senior staff members will retire over the next few years. The same holds true for staffs in Maine's municipalities. We find ourselves advocating for local government during a time of polarization at the state and federal levels of government.

MMA must explore new ways of doing business and serving our members with technology enhancements. Our members will also employ new approaches to serve their citizens as needs and demographics change. We must continually work to improve MMA's services and add value for our members. Just like local government serving the public. MMA has a strong history as "the service and action arm of Maine municipalities" – as our old logo stated. But, as the executive committee advised me, "You don't have to be sick to get better."

As I assume my new responsibilities, I am grateful for the commitment and support I've received from the talented and dedicated MMA staff. I am also grateful for the vote of confidence and support I've received from the executive committee and municipal officials – those I've known for years and those who are newer acquaintances. I thank the Health Trust trustees for years of guidance and support. All that support makes this new move easier.

I plan to get out to meet with municipal officials in all corners of the state. Please contact me with your ideas, concerns or suggestions. MMA is your organization. I will be honored to move MMA in new directions with you. ■

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Going up? After years of inaction, cities look at the minimum wage

Portland is the first Maine city to pass an increase, and even the Portland Chamber of Commerce says a slightly higher wage works. However, other communities would prefer statewide action.

By Douglas Rooks

On Jan. 1, 2016, Portland will become the first city in the northeastern United States to enforce its own minimum wage at a rate higher than that set by state government – a decision that Mayor Michael Brennan, who spearheaded the effort, called “historic” when the city council approved raising the local minimum to \$10.10 an hour.

Maine’s minimum wage has been set at \$7.50 an hour since 2009, and the federal minimum of \$7.25 took effect the same year. Congress has not even voted a minimum wage out of committee in recent years, and the state Legislature – while it has considered numerous minimum wage bills – has taken no action since 2005, when it approved a four-step increase to \$7.50, beginning in 2006. Congress last took action in 2007, and the increase voted then was the first in 10 years.

Brennan said it is difficult to understand why state and federal governments have been so reluctant to vote for minimum wage increases, especially since it is now nearly seven years since the official end of the punishing recession that began in 2007, with recovery steady since then.

In Augusta, the Democratic-controlled House and the Republican Senate passed different versions of a bill, LD 92, that would have provided an increase. The House version would have set the minimum at \$9 starting in 2017 and gone to \$9.50 the following year. The Senate amendment would



Mayor Michael Brennan

have provided for \$8 in 2017 and \$8.50 in 2018. Both chambers insisted on their versions, and the bill died. Gov. Paul LePage had said he would veto any minimum wage bill lawmakers approved.

Brennan instead took his cue from President Obama’s decision to require federal

contractors to pay at least \$10.10 an hour; he called for a similar increase in Portland in his State of the City address in 2014. The Portland ordinance increase the wage to \$10.68 in 2017, and then requires annual inflation adjustments after that.

Other cities take a look

Other cities in Maine have considered a higher municipal minimum. Bangor City Councilor Joe Baldacci also advocated a high local minimum wage, but his proposal for an increase to \$8.50 an hour has not gained support from a majority of the council. Baldacci said he may pursue the issue again after the November election, depending on the outcome of balloting for three council seats.

During its last discussion of the issue, the Bangor council divided 4-4 on increasing the minimum, but Baldacci said that was a big change from earlier, “when I was the only one who supported the idea.” He attributes the shifts by some councilors to an informational session he organized, attended by more than 100 people that featured Gabe Todd, an economist from the

University of Maine, and businessman Jim Wellehan, who discussed the impact of minimum wages on local economies.

“It was a truly in-depth discussion, and I think people learned a lot,” Baldacci said of the meeting. One of the salient facts, he said, is that, unlike Portland, where jobs paying the current state minimum wage are scarce, there are many more in Bangor. A raise to \$8.25 would affect 8 percent of the current workforce, while an increase to \$9 would impact another 11 percent, and to \$9.75 would involve another 15 percent.

Baldacci said that states have long been said to be the “laboratories of democracy,” and in this case municipalities may also be important testing grounds. He was pleased, for instance, that at the end of the council’s recent discussions, “Every councilor supported an increase in the minimum wage at the state level. That wasn’t true before.”

Mayor Brennan said that, among the benefits widely documented for higher minimum wages are that they attract more job applicants who, when hired, tend to stay longer with a company.

There has been little organized opposition to minimum wage increases in Maine, and even some of the reported opposition, by business groups, for instance, isn’t iron-clad. Chris Hall, president of the Portland Regional Chamber of Commerce, characterizes the chamber’s stance as recommending caution, not outright opposition.

The studies he finds most persuasive find that a minimum wage set at 50-60 percent of a region’s median wage does not have an adverse effect on employment. And by that standard,

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the Portland area, which accounts for 250,000 jobs, and can fairly be described as the state's employment hub, has room for a higher minimum.

Portland businesses not opposed

"I don't think you will find many businesses in the area saying there should be no increase," Hall said. When the chamber attempted to identify jobs in Portland that were paying the state minimum, it was hard to find any, he said.

Hall also said the jury is still out on whether, on a permanent basis, it might make sense for some cities, such as Portland, to have higher minimums. "You can certainly make a case for it, but it may be difficult to administer and enforce," he said.

Brennan said the council did discuss enforcement, which would fall to the city, not the state. That there were only two dozen complaints last year filed with the state Department of Labor suggests that the problem would be minimal, he said, and the council is taking a wait-and-see attitude until the ordinance goes into effect in January.

Besides Portland and Bangor, there's been discussion of higher mini-



Shopper exits farmers' market in downtown Portland. (Photo by Jill Brady)

mums in South Portland and Augusta. South Portland Mayor Linda Cohen said the result of the debate was that, "Everyone agrees there should be a higher minimum wage," but there isn't much support for moving ahead locally.

A regional approach to wages might make sense, she said. As Chris

Hall points out, there is no mechanism at the county level for regional action, unlike in many other states. So, municipal councils would have to act in concert with neighboring communities. "We'd be happy to have that discussion," Brennan said.

Cohen said South Portland is awaiting the results of anticipated referen-

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dum votes in November, in Portland and statewide the following year. Success at either level could move the issue out of the hands of municipal councils and the Legislature altogether.

The Green Party has placed a referendum on Portland's ballot Nov. 3 that would raise the local minimum to \$15 an hour. Hall said that's too much. "It would be double the current minimum, and it could seriously disrupt the local economy." Hall agrees with Brennan that workers would be attracted to Portland's higher wages, but at \$15 an hour, many small businesses would feel compelled to downsize or move outside the city.

Keeping it local

"One of Portland's priorities is keeping local businesses at the heart of downtown," Hall said. "With much higher wages, you'd see them replaced by national chains that can afford to pay them." Portland's attraction is that "It's unique, and not like Newburyport (Mass.) and a lot of other places." Without that local lure, he said, many tourists might decide it's not worth the trip.

The \$15 an hour referendum was also rejected by the Portland City Council, so it went to the ballot. Brennan hasn't spoken out against the measure, but he did say, "I support the minimum wage increase the council passed."

The Maine Peoples Alliance (MPA) has been collecting signature for a

statewide referendum in 2016 and most observers expect the effort to succeed. The MPA measure would set the wage statewide at \$9 an hour in 2017, then increase it by \$1 each year until it reached \$12 by 2020, with inflation adjustments after that. Hall noted that MPA has not supported the Green Party's referendum in Portland.

A final issue the Portland council wrestled with is the so-called "tipped wage" earned by servers at the city's burgeoning number of eateries. In the final version, the tipped wage will remain at \$3.75 an hour, half the current state minimum.

There's been some confusion about the impact of the tipped wage, which Hall explains as follows. The tipped wage comes into play only when a server's tips fall below that level on a monthly basis. If that happens, the servers is paid the \$3.75 an hour, and gets to keep any tips as well. If the council had increased the local tipped wage, Hall said, employees would in

effect get a double increase, since they would be paid the higher minimum while also keeping all tips.

There was some dissent on the council, however, and minority support for setting the tipped wage at \$5.05 an hour.

Brennan said the \$15 wage was apparently picked by the Greens because it matches increases voted by Seattle and San Francisco, which were among the first cities taking action.

"That's really not reflective of the Portland area economy," Brennan said. He would prefer to see increases on the scale of the MPA referendum, which he supports, that would gradually bring the entire state up to a higher level.

Portland didn't act on its own, Brennan said, because it wanted to be out in front. But inaction by higher levels of government, and no prospect for change "anytime in the foreseeable future," he said, made it imperative for the council to go ahead. ■

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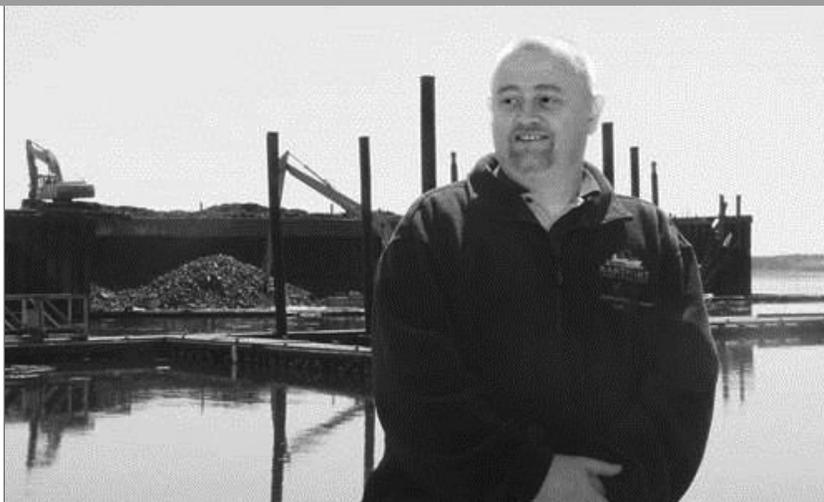
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Also going up: Anecdotally, 2015 is a strong year for Maine tourism

By Douglas Rooks

The final figures are not yet in, but by all accounts 2015 was a banner year for tourism in Maine. Lodging occupancy was up, and revenues for July increased nearly 5 percent from a year earlier, according to the Smith Travel Report. August shaped up to be an even better month in most locations, said Greg Dugal, president of the Maine Innkeepers Association. Media reports during the “shoulder month” of September also were positive.

Sales tax figures for the state have not yet been posted, but there’s no sign that modest increases in rooms and meals taxes, and the lodging tax deterred any business. There was concern that a relatively strong Canadian dollar would keep some visitors from the north away, but any reduction in Canadian visitors was apparently more than offset by increases from other New England states.

Lynn Tillotson, president of the Greater Portland Convention and Visitors Bureau, said that the second year of ferry service from Nova Scotia to Portland has been a plus, even though passenger numbers fell below projections the Nova Scotia government made when the service began.

“We expect there to be service next year as well, even if it’s not provided by the Nova Star,” which now berths daily in Portland harbor, she said.

Cruise ships have been an even bigger draw, with some mammoth vessels bringing several thousand visitors to Portland at a time, Tillotson said. In 2014, cruise ships brought an estimated \$5.8 million to the Portland area, and this year’s totals should be higher.

Portland, Bangor, Augusta: strong

As in the rest of the Maine economy, the Portland area has been the greatest source of strength when it comes to tourism. Lodging revenues for July were up 7.8 percent in Portland, compared with gains of 5.5 percent in greater Bangor, and 2.3 percent in Augusta.

A 70 percent occupancy rate is considered healthy, and nationally hotel occupancy has climbed to 75 percent. That figure stands at 78 percent in New England. And even though Portland has brought more than 600 new rooms to the market in the last two years, occupancy remains strong, at 82 percent. Occupancy in Bangor was 76 percent and 72 percent in Augusta, according to the Smith Travel Report.

Tillotson said the tourism market has changed significantly in the last two decades. The days of quaint cottages on lakes and ponds may not be over, but such accommodations have been eclipsed by the more urban scene exemplified by Portland, where dining, shopping and entertainment are the major draws. Cruise ships are a prime example, she said. Stays are generally short – just overnight – so while 80 percent of passengers disembark, most of them go not much further than the Portland peninsula, she said.

One of the clearest signs that the joys of “roughing it” play a smaller part in the Maine tourism scene is the expectation of visitors that they’ll be as least as comfortable in their rented accommodations as they were at home, Tillotson said.

Greg Dugal said that other traditional tourism venues, particularly Bar Harbor, Rockland and Brunswick, have all had strong seasons, emphasizing their traditional draws: Acadia National Park for Bar Harbor; the Farnsworth Museum, Maine Lobster Festival and jazz in Rockland; and, summer theater and musical events on the Bowdoin College campus for Brunswick.

Bangor is another tourism destination that has stood out, Dugal said, with the waterfront concerts now a well-established attraction following their inception in the National Folk Festival, which was performed in Bangor from 2002-04. The Hollywood Casino now been joined by the Cross Center, which is larger and hosts more events than the old Bangor Auditorium it replaced.

Positive signs abound

Dugal said that, as one looks around, there are really no negative signs anywhere concerning the tourism economy, including Maine Turnpike traffic, which is up 3 percent and setting records. Naturally, the weather played a significant part. While the seemingly endless days of bright sunshine had some farmers concerned last August, they help keep tourists coming through Labor Day, Dugal said, especially those taking weekend and other short trips.

The dining scene continues to expand, he said, and though Portland still sets the pace, there are other places that now qualify as “destinations” for discriminating diners. Lewiston chefs are among the most creative, Dugal said, and construction of new downtown hotels across the Androscoggin in Auburn are the latest sign that the Twin Cities have shed their mill town image and are being recreated in a more contemporary form. The “farm to table” movement is also beginning to have an impact on what restaurants serve, and the customers who look for a distinctive local flavor in their meals.

Transportation is another strength in Maine that can be overlooked when considering growth opportunities, Tillotson said. Portland benefits from motor coach tours and Downeaster rail traffic, as well as the cruise ship and ferry berthings. It was also a strong summer at the Portland International Jetport. Passenger totals in July were the second best on record, with nearly 200,000 boardings. Car rentals were strong, with revenues increasing nearly 15 percent over the previous July.

Dugal said that while the decline of manufacturing and mill jobs is one factor making tourism the state’s No. 1 industry, the trend toward increased travel is an international one that Maine is well placed to benefit from, now and in the future. ■

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Fall Workshop Schedule

Time	Event
8:00 – 9:00 a.m.	Registration & Light Continental Breakfast
9:00 – 9:10	Welcome
9:10 – 10:15 Break out Session	Options for Organics Separation – Mark King and Carla Hopkins from Maine DEP will discuss operational options and regulatory requirements for managing organics at your facility. This will include virtual tours of two central Maine facilities that are raising their recycling rates by successfully separating and recycling food scraps.
9:10 – 10:15 Break out Session	Transfer Station Operator Safety Training – Take this new module in DEP’s transfer Station Operator Training Program developed by Eric Hamlin (DEP) and Adela Cifelli (SafetyWorks!) to focus on common and unique workplace safety issues at solid waste facilities.
10:15—10:30	Break
10:30—11:05	Annual Meeting and Board of Directors Elections
11:05—11: 45	The Future of Materials Management in Maine – Find out what Travis Blackmer learned from the regional stakeholder engagement meetings organized this past summer by the Mitchell Center’s Materials Management Research Group.
11:45 – noon	Oakland’s Butterfly Project – John Thomas and friends will tell the story from inspiration to fruition on how they’ve developed butterfly habitat on Oakland’s closed landfill.
noon – 12:45	Lunch (provided)
12:45 – 1:30	Managing Maine’s Organics - Dan Bell will discuss Agri-Cycle Energy's work to source organics from around Maine and New England for Maine's only anaerobic digesters, Exeter Agri-Energy and the Lewiston-Auburn Water Pollution Control Authority. He will also provide details about the recently installed waste depackaging system that allows for processing of packaged organic waste.
2:00 p.m.	TOUR - See Exeter Agri-Energy’s anaerobic digester operations, including their new food de-packager and bucket grinder.



Directions—The Morgan Hill Events Center is at **82 Morgan Lane off Route 2 in Hermon**. Take I-95 to Exit 180. From the north, merge right onto Coldbrook Road; from the south, take a left onto Coldbrook Road. Follow Route 2 North approximately 2.6 miles. The Morgan Hill Events Center will be on your left.

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In tiny Atkinson, one extended family keeps things running

The biggest source of local friction are conservation lands, schools and roads, probably in that order. Deorganization has been attempted, but failed in the past.

By Janine Pineo

Driving into and through Atkinson, one notices a number of things. On what is the southern route in from Charleston, there is a section along the way where the utility poles and power lines stop as the road weaves through forest and then into wetlands. Other than the road, acre upon acre seems untouched by humans.

The scenery across town alternates between forest, wetlands and rolling hills crowned with farmland. There is a vastness atop those hills as one can look across to various peaks, including Mount Katahdin on a clear day.

Blue street signs mark roads. The word “road” may be an overstatement in a few cases, since many “roads” that provide access across town are two tire tracks splitting fields or thick woods.

Atkinson is rural Maine.

If the setting doesn't convince anyone of that, the dwindling population might. A map circa 1880 of the nearly square-shaped town states the population that year was 828. In the 2010 Census, it was 326.

A visit to a few of the town's cemeteries makes it remarkably easy to start matching names on the gravestones with property owners on that same map.

Dairy and potatoes were how many made a living, and several such farms remain in town today. In some cases, the land has stayed in the same family for generations.

Close family connections are mirrored in town government: Those who serve have deep ties to the town itself.

This is true for David Kinney, who retired earlier this year from the



David Kinney, on the Atkinson farm that he bought, and that his grandfather once owned. (Photo by Janine Pineo)

Board of Selectmen after serving a total of 26 years, five starting in the late 1960s and the rest beginning in the mid-1990s. His grandfather owned a farm in town, while his parents were in Hermon after his father came home from World War II. His father and mother worked in town government in Hermon while his grandfather served in Atkinson.

The Kinney connection

Kinney, who felt his grandfather was grooming him to serve in town government, bought his grandfather's farm and left the board the first time because, “I was building up my farm here.” On the other end, when he sold off his dairy herd in the 1990s, he was asked to serve on the board again.

“Somebody said to me, ‘We need somebody,’ ” he said. So he ran for office.

Kinney said he, too, asked people to run for the board. “Most people just don't want to anyway,” he said. The challenge was “to find people that had

interest.”

Spend an afternoon with David Kinney and one will come away with a sense of community and an obvious, but subtle, pride of place. He mentions various people, such as Byley Lyford who felled the first trees on the bank of the Piscataquis River in 1802 and was Atkinson's first settler. Then there was Harvard University graduate Oliver Crosby, who moved into town in 1820 at age 52 and settled on 700 acres, soon operating the largest farm in the county.

In this conversation about Atkinson history, one might get turned around when all the family connections are explained.

And that's just in the town government.

Two of the current board members were asked to run by Kinney: Loretta Nuite and Sam Andrews. They serve with Mark Kinney, who previously was the town's deputy clerk, working with his wife, Katherine, who was town clerk.

Janine Pineo is a freelance writer from Hudson and relatively new Maine Townsman contributor, jepineo@gmail.com.

Katherine Kinney retired earlier this year, too, after serving as town clerk for a decade. She was replaced by Tracey MacPheters.

David and Mark are cousins. Their mothers are sisters and their fathers were cousins.

Mark is married to Katherine, who is the sister of Loretta.

Sam and Tracey are cousins. Their fathers were brothers.

One-room school

Sam, Tracey, Katherine and Loretta were born in Atkinson and attended school in town. In the early 1960s, the town's one-room school was in the building that houses the current town office. Sam, Katherine and Loretta went there, while Tracey was one of the first students to start school in 1965 at the last school Atkinson had, which closed during school consolidation in recent years.

"Sam Andrews and I started school the same day, the fall of 1960," Katherine said. "Sam sat behind me in the first row of a four-grade, one-room school."

There may or may not have been a mutual crush between the two, which



The former Atkinson grade school. Students now go to school in Milo. (Photo by Janine Pineo)

caused a great deal of laughter after a selectmen's meeting in late July.

Katherine and Loretta are the third of five generations to live in Atkinson, with their grandfather moving with his family to town in 1892. He grew up in town and got married, raising children and potatoes. Their grandmother taught school.

Their father was a dairy farmer and their mother worked in county

government for 30 years. Loretta and her husband now own a dairy farm on 600 acres in town, some of which was owned by her grandparents at one time. Loretta's son bought her parents' home after they died.

Sam and Tracey's fathers were potato farmers in town. Sam's father also taught him about logging, and Sam owns a logging business today.

Mark said his grandfather came to

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Atkinson from Easton in 1900 or 1901. A few decades later, he sold the farm to Sam's family. Sam said his family moved to town in 1946.

When all were asked what the challenges were for a town like Atkinson, with its small population and rural location, three topics dominated the conversation: school, roads and conservation.

In Atkinson, all three are connected.

Over the past few decades, Atkinson has been targeted by conservationists, with about two-thirds of the 23,000 acres in town purchased during that time and put into one of two state programs – the Tree Growth Tax Law or the Farm and Open Space Tax Law – either of which entitles the owners to a reduction in taxes. For Atkinson, with its small population, the reductions acutely cut into the town's annual revenue, which most recently stood at a tick under \$456,000.

Sam Andrews said the effort "has stifled any growth. The tax base is actually going backwards."

David Kinney said Atkinson had a better time in the 1970s and 1980s because there was more funding. "I call them the years of wine and roses," he said.

By the 1990s, he said, the amount of money available was dropping and now it is even less.

Deorganization has been attempted four times and has failed four times. Voters approved deorganization in the 2002 and 2004 votes, but the plan was rejected both times by the Legislature. The chief reason the town pursued deorganization was to lower the tax burden.

More than \$208,000 of the annual assessment goes to pay for the schooling of Atkinson students, who now attend Milo schools, which is a local sore point.

Mark Kinney said that fewer than 30 students are live town now. That equals tuition of nearly \$7,000 per student for the year.

Community lost

"They took our school," David Kinney said of the school consolidation effort. "After we lost our school, we kind of lost our community."

The other big-ticket item on the budget is roads. No major arteries cross Atkinson, but there are about 26

miles of roadway to maintain. The most recent budget figure was \$135,000 for the year, but improvement projects put it over budget by nearly \$50,000.

In a town with no fire department, no police department and no school department, the roads are the one major service provided to residents.

"They would like their roads fixed," David Kinney said.

"All of the roads in Atkinson are in desperate need of repair and/or repaving," Loretta Nuite said. "We don't have the funds to do all that is needed."

In fact, the selectmen's meeting in late July dealt with summer road projects and how to accomplish what needed to be done. Sam Andrews said they are "trying to figure out how to do that."

The selectmen point to the tax programs as the source of the greatest friction in town.

Andrews gave an example of his father's land and neighboring land that is in a tax-reduction program, explaining that the land in tree growth is assessed at \$200 per acre. The land not in a tax plan is assessed at \$350.

When asked what the advantages were to living in a town like Atkinson, similar sentiments cropped up: All have a sense of place and family along with history.

"Everyone knows each other," Mark Kinney said. "I think that's one of the benefits of a small town."

"I am very thankful to have had the opportunity to grow up learning about hard work," Katherine Kinney said, "and caring for the animals, growing the crops, and especially having the privilege of open space and neighbors helping neighbors."

"We all know we have the best interests of the town in mind," Loretta Nuite said. ■

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Movie theater, forts, lighthouses top the list of 'wonderful' assets

Some towns with unusual properties treat them as municipal departments, complete with operating budgets and expectations that they break even each year financially.

By Janine Pineo

“It’s interesting to see a town buy \$5,000 in candy,” said Kathryn Ruth, Pittsfield’s town manager.

That might seem like an odd purchase for any municipality – at least until one learns that Pittsfield owns and operates a movie theater, open daily with first-run features and complete with concessions, including candy.

Maine municipalities possess a lot of property, from municipal offices to water-treatment plants to recreation fields and beyond. But a number of municipalities have “unique and wonderful assets,” as Ruth describes them, contributing in a variety of ways to the vibrancy of each community.

The most curious town property may be the Pittsfield Community Theatre, bought in 1977 for \$24,000 and believed to be one of only three municipally owned movie theaters in the country. Marking its 100th anniversary this year, the theater was owned privately for much of its existence.

The town keeps the theater relevant in a number of ways: Opening it to school gatherings, holding special shows and working on a beneficial fee structure for use by nonprofits. “We want it to be utilized,” Ruth said.

Revenue comes in the form of ticket sales, concessions and rentals. “The theater is set up in the budget just like any other department,” Ruth said.

To keep the theater not only safe but viable, Pittsfield created a phased renovation plan in 2008 with a projected cost of more than \$780,000. That daunting amount of money was not in the budget because the intention was to raise the funds.

Janine Pineo is a freelance writer from Hudson and relatively new Maine Townsman contributor, jpineo@gmail.com.



This is the town-operated Pittsfield Community Theatre. (Photo by Janine Pineo)

In 2009, \$100,000 was spent to deal with structural issues. When that was completed, the focus then went to the projection system, which needed to convert to digital to stay current. In 2013, the theater installed the more than \$60,000 digital projector, which resulted in better picture and sound quality.

“That did draw in more people,” Ruth said.

‘Always fundraising’

She estimated that 100 fundraising events have been held over about six years. “We’re always fundraising here for something,” she said. “We’ve been fortunate to be able to raise funds.”

Pittsfield has more than one unique asset: It has three.

The town also owns the Pittsfield Railroad Station, right around the corner from the theater. The depot, purchased in 1976, may be Maine’s only station functioning as a transportation and history museum. Listed on the National Register of Historic Places, this property houses the town’s archives

along with transportation pieces, including a wooden caboose from Maine Central Railroad.

Ruth said the depot is another major fundraising project for the town. The building dates to the 1880s and requires extensive work that has to meet exacting standards because of its historic status. The roof has been replaced and the foundation has been fixed, with siding replacement up next. The first renovations totaled more than \$67,000, and the siding cost is estimated at just over \$45,000.

The town budgets a small allocation for fuel and maintenance for the depot, Ruth said. Everything else is through grants or fundraising, which has included raffles, bake sales and a penny drive by the schoolchildren. “Thousands of pennies arrived,” she said.

Pittsfield’s other unusual property is a ski slope. Pinnacle Park is in its 60th year, providing a place to ski and snowboard. The town owns the lodge and the majority of the ski slope, with part of the land owned by Maine Cen-

tral Institute.

In 2007, Ruth said, a Riverfront Community Development Block Grant allowed Pittsfield to turn the Pinnacle into a year-round recreational facility by fixing the boat launch area, erecting proper signage and funding work on the trails.

"There are miles of walking and hiking trails in the summer," Ruth said, along with spots for fishing.

The park is part of the town's budget, but there is a special reserve account, too.

Memberships are through the ski club. "Everybody comes from all around, not just in town," Ruth said. Other money comes from sponsorships, a large sale of ski equipment and rental of the facility to other groups.

"The first time I went there," Ruth said, "there were 40 or 50 kids with their parents. It just felt like you went back in time."

Like skiing, camping is a longtime tradition in Maine and at least three municipalities in the state manage their own campgrounds: Bridgton, Freeport and Limestone.

Campground in Limestone

Trafton Lake Campground has been around since about 1969, according to Limestone Town Manager Fred Ventrusco.

"It is a man-made, spring-fed lake," said Recreation Director Bill Tucker. The entire campground, including the 80-foot-deep lake, covers 20 acres. There are 34 hookups for recreational vehicles and 10 tent sites. About 90 percent of the rentals are seasonal lots rented for the entire season.

"The public area is all 100 percent free to any who come," Tucker said. In addition to a boat launch and trout fishing, there are nature trails, about 50 picnic tables and three canopy-covered structures.

"They protect you from the extreme hot sun and anything that rolls in unexpectedly," Tucker said.

The recreation director manages the campground, with his salary funded by the town, Ventrusco said.

RV rates are \$20 daily to \$650 for a seasonal. "All proceeds go back into the campground," Tucker said.

"It has to pay for itself," Ventrusco said. "It's an entity that's audited almost like a private business."

The town is preparing to upgrade



Castine's place in history is scenic as well as symbolic. (Photo by Janine Pineo)

a couple of things this year, including the electrical system by changing from what used to be the standard 30 amps to the new 50 amps due to the demands of bigger RVs.

"It's going to be an expensive endeavor," Ventrusco said, but both men agreed it was necessary.

Iconic beacons

If one is looking for property symbolic of Maine, you cannot go wrong with lighthouses. Of the approximately 65 active lights in the state, at least 11 are owned by municipalities.

In Castine, Dyce Head Light is owned by the town. Built in 1829 of rubble stone, the 51-foot tower was discontinued by the government in 1935 and replaced by a light atop a skeleton tower located on the ledge below the original lighthouse. The keeper's house and property went to the town in 1937, but it wasn't until 1956 that the town acquired the tower itself.

Castine rents the house and property, said Karen Motycka, the town's finance office. And she should know: Her parents rented the house when she was born. Motycka laughingly qualified her statement, saying she was born at Castine Hospital and not at the house itself.

The property on Dyce Head is accessible to the public, but the house and tower are not.

That is not the end of Castine's lighthouse. In 2007, a destructive storm hit the town, toppling many of its famous elms and damaging property. Also hit was the skeleton tower on the ledge. "When the microburst came through, it took the tower down," Mo-

tycka said.

The town lobbied the Coast Guard to activate the lighthouse light again, resulting in Dyce Head being recommissioned as an active light. "So we're back to where we were," Motycka said.

Castine also owns some forts, not surprising since the town's strategic placement at the mouth of the Penobscot River – along with its protected harbor – made it a sought-after piece of land by the British, French and Dutch. As far back as the early 1600s, the peninsula saw a number of fortifications constructed.

The most visible town-owned fort may be Fort Madison, located on the harbor side of the peninsula. At just over two acres, the site was first fortified in 1808 by the U.S. Army and named for the nation's fourth president, James Madison. However, during the War of 1812, the British captured the fort (in 1814) and did not return control to the United States until 1815. It was not active as a fort after 1819 until the Civil War, when it was rebuilt in 1863 as an "earthworks" fort, the mounds of which remain today.

Motycka said the town allows people to use the property for gatherings, requiring that they "put it in writing" to the selectmen and that there is a Castine connection, such as the family used to live in town.

The fort is free to the public, offering a spectacular view of the Penobscot meeting the Atlantic and providing access via stairs to the rocky beach below.

"I've been here all my life," Motycka said, "and even if you don't own waterfront, you have access."

What may be Maine's most iconic



Picture this? Yes, many times. It's Portland Head Light, in Cape Elizabeth. (Photo by Jill Brady)

image is a property owned by a municipality. The first lighthouse completed by the newly formed United States was Portland Head Light in 1791. In 1993, the property was deeded to the town of Cape Elizabeth, which included the house, the tower and Portland Head itself.

Already established a year prior to the transfer of deed was the Museum at Portland Head Light. Museum Director Jeanne Gross said the museum was incorporated as a separate 501(c) (3) organization that is self-maintaining from gift shop sales and the museum admission fee, which is \$2 per adult.

About \$45,000 a year is collected in admission fees, Gross said, with about \$500,000 in shop sales. "The special fund keeps building up over the years," she said, with money going to pay for repairs and maintenance on the structure, which is on the National Register of Historic Places.

The special fund pays the salary of the director, who is an employee of the town. There are four paid staff, as well, along with about 50 volunteers. The town takes care of mowing the lawn, Gross said, while other grounds maintenance is put out to bid.

Public access to the grounds

around the lighthouse is free, as is Fort Williams Park, the 90-acre piece of property bought by Cape Elizabeth as "surplus" from the government in 1964 for \$200,000. The fort is the entrance to Portland Head Light, requiring a parking fee only from motor coaches.

The park is undergoing a transformation, with various charities working on particular projects, Gross said. There is now an arboretum and children's garden at Fort Williams, along with playing fields, tennis courts and beach access. A number of special events are held at the park, including the TD Beach to Beacon 10K road race, which ends at the park. The race is the largest in Maine with more than 6,500 runners.

Gross said visitor estimates to this unique location vary from 500,000 to 1 million annually, with everything from cruise ships to foliage bus tours bringing tourists to the park and lighthouse. A trolley also runs daily in the summer.

"We are so fortunate that we're accessible," Gross said. "It really is known as a destination point in Maine." ■



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The Municipal RISK MANAGER

FALL 2015

A Publication of the Maine Municipal Association

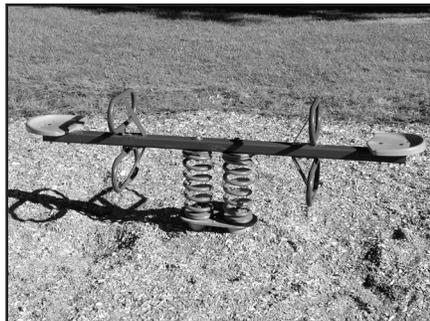
Certified Playground Inspector Safety Course Scholarships Available

Hosted by the Maine Recreation and Park Association (MRPA) and South Portland Parks and Recreation, a Certified Playground Safety Inspector (CPSI) Course will be held November 18-20, 2015 at the South Portland Community Center. The two-day course covers the material necessary to pass the CPSI certification exam on day three. The CPSI program offers the most comprehensive and up-to-date training on playground safety as well as certification for inspectors. The course is recommended for municipal parks and recreation department staffs, directors, school and parks maintenance personnel, playground installers or those responsible for doing so, child care facility operators and municipal safety/risk managers.

MMA, Risk Management Services encourages and supports this training

and has made available funds to reimburse attendees whose municipality participates in the Property & Casualty Pool. The reimbursement scholarships of \$250 will be provided upon successful completion of the course and exam, are offered on a first registered-first served basis and may be limited to one per P&C Pool member depending on enrollment.

For more information on the course



visit the MRPA website at <http://www.merpa.org>. For questions regarding reimbursement scholarships please contact the RMS Loss Control Department 207-626-5583. 🏠



Timely Reporting Benefits Employee & Employer

Failure to report a work-related accident promptly can have negative consequences for everyone involved – the employer, the employee, and the workers compensation carrier. It can delay an accident investigation, potentially leaving an unsafe condition that could harm another employee. The injured worker may suffer greater harm when proper medical treatment is delayed, and delays may lead to potential fines and a substantial increase in the ultimate cost of the claim.

The National Council on Compensation Insurance (NCCI) found that claims in which workers waited four weeks to report cost on average 50%

more than claims reported within the first two weeks of an accident. NCCI also found that claims with a more than two-week delay in reporting had greater attorney involvement and a lower rate of closure at 18 months.

No two accidents are alike, and every injury and employee is different. However, any delay in medical treatment is likely to result in increased medical costs. Early reporting and treatment enable medical providers to be proactive in treatment. For example, a minor cut left untreated could lead to serious infection requiring hospitalization, surgery, and extensive time away from work, all of which could have

been avoided with prompt reporting and medical attention.

Strains and sprains, or soft tissue injuries, are some of the most common injury types. Prompt attention is the key to successful treatment of these injuries, which are often treated conservatively with physical therapy. One study of patient outcomes at a rehabilitation center indicated that patients starting therapy four weeks or more post-injury required almost 50% more therapy visits than those starting treatment within the first four weeks of injury.

One of the ways we can ensure stabil-

Story Continued on Page 20

Social Media Considerations

The public is increasingly asking for municipalities to utilize social media to keep citizens informed of local government activities. Municipalities are using such social media websites as Facebook, Twitter, LinkedIn and YouTube to make government information more easily accessible and readily available.

If your city, town or public entity is thinking about or currently utilizing social media, there are potential exposures that require your consideration.

Defamation

As with any other form of publication, government officials and employees using social media must be careful not to publish defamatory statements about others.

Sensitive and Confidential Data

Although most municipal documents are generally considered open to the public and within the Maine' Freedom of Access Act, municipalities do hold information that may be considered confidential, such as personal medical records and identifying data including Social Security numbers. It is critical to develop a policy to restrict access to sensitive information and restrict the posting of protected data.

Is It a Meeting?

If members of your Council or Board of Selectmen have a discussion about town business on social media, they may be accidentally holding an improper meeting. The municipality should have provided advance public notice (see 1 M.R.S.A. § 406), and the meeting must be open to public attendance and recording (see 1 M.R.S.A. §§ 403, 404). Furthermore, if the conversations are deemed to be meetings, the communications would need to be retained in accordance with the municipality's Record Retention Policy.

Copyright Protection

Employees must avoid posting content that is protected by copyright, and governments should protect their own

copyrighted documents from being used by citizen posters. In addition, various state and federal statutes, for example the Americans with Disabilities Act, Fair Campaign Practices Act, and Communications Decency Act; can easily be violated if you're not careful using social media.

So what should your city or town do before establishing a social media site?

- Decide whether social networking is a feasible method for reaching out to citizens and, if so, how your city or town will use the site or sites.
- Think about what information you want to share, how often it will be updated, who will be responsible for maintaining the page, and whether you want employees to use social media. Consider assembling a working group of representatives from management, public relations/communications, information technology, and human resources.

- Think about the circumstances, if any, under which you would use social media to investigate employee misconduct or conduct other human resources functions, weighing any benefit you may gain against any legal liabilities you incur.

- Decide if you only want to share information or if you want to accept public comment, and find out whether the particular site allows you to "turn off" public input.

- Many municipalities direct social media viewers to their website for most of the content they wish to disseminate. Before you do so, ensure that your website is current and accurate.

- After your municipality has formally adopted a Social Media Policy, take steps to train all elected officials, management, and employees who will be using social media on its behalf. 🏠

Timely Reporting *(cont'd)*

ity for the Workers Compensation Fund is through prompt reporting of claims. Timely reporting allows RMS's claims staff to effectively manage your claim and coordinate communications between the physician, the injured employee and you. Please note that if there is medical treatment or lost time from work due to an injury, the employer is statutorily required to report the claim – there is no discretion. *If an injury results in lost time from work the Workers Compensation statute requires that a First Report of Injury be filed within 7 days of notice given by the Employee. Failure to report timely will result in a \$100 reporting violation/fine imposed by the Workers Compensation Board.*

Timely reporting is also essential for accident investigation. During the investigation, the claims adjuster may determine that recovery can be made from another party that was at fault, or

they may find evidence of a violation or factor which could result in a denial or reduction in workers compensation benefits. It's important to investigate accidents as soon as possible before the details are forgotten and evidence is discarded or lost.

The keys to an organization's timely claims reporting are the presence of an active safety committee, proper accident and injury documentation, clear instructions on how employees are to report accidents and injuries, and specific directions on how to submit a claim to the workers compensation carrier. MMA Workers Compensation Fund members can easily file claims online at www.memun.org. If you would like guidance for starting a safety committee or implementing policies and procedures, contact your Loss Control Consultant at 1-800-590-5583. 🏠

The Importance Of Certificates Of Insurance

Certificates of Insurance are becoming a regular requirement for doing business these days. You may request a certificate from a vendor or contractor to show proof of insurance or you may be required to produce one for someone else, such as a bank or leasing agency.

Many of you already know that MMA Risk Management Services (RMS) will issue Certificates of Membership/Insurance that you are required to provide to other parties by a written agreement. But, did you know that RMS will also review certificates you receive from others? We can verify limits, confirm the status of being named as an additional insured and review coverage terms and expirations.

Certificates are used to prove that any insurance obligations described within a contract or agreement are being upheld. You do not want to discover after a large loss that adequate insurance was not in place. If proper protections were missing, your entity may be forced to pay for claims that you thought were transferred to the other party. For example, you are leasing a building you own to an outside third party. A provision within the lease agreement requires that the lessee (third party) carry the property coverage on the building to protect the location from fire damage. The best way to ensure that the requirement is met is to request and obtain a current Certificate of Insurance which indicates that your

property is covered adequately. If a loss occurs to that property and you find out after the fact that the lessee did not have insurance, your entity may have to pay for the loss out-of-pocket and may have to bring suit against the lessee to try to recover the financial loss.

Certificates of Insurance can be confusing, even for people who deal with them regularly. Some of the questions that should be addressed include the following:

- Does the Certificate list the correct coverage(s)?
- Are the limits acceptable?
- Is the correct Certificate Holder named?

Thanks for Visiting

Risk Management Services was again pleased to participate in the Maine Water Environment Association (MEWEA) Fall Convention held September 16-18th at Sunday River. The RMS booth, staffed by Senior Loss Control Consultant Lance Lemieux and Loss Control Manager Ed MacDonald provided an opportunity to visit with many water/wastewater professionals that participate in MMA self-insurance programs. Ed MacDonald, a long time member of MEWEA's safety committee, also presented training "How We Get Hurt and Yes, most of the Time, It's Your Fault!

The lucky raffle winners of \$50 L.L.Bean gift certificates provided by HUB International New England, exclusive broker for MMA Risk Man-

- What does the endorsement attached to the Certificate mean?

These are all important questions that we can help you answer.

Because a Certificate of Insurance is used to provide proof of coverage required by a contract, your RMS Underwriting representative will need both a copy of the contract/agreement and the Certificate of Insurance to review. We are here to help you review your Certificates and eliminate any potential issues. Please send the documents to your assigned underwriting representative or call (800)590-5583 with any questions you may have regarding your entity's Certificates of Insurance. 🏠

agement Services, were Brian Kane, Chief Operator, Bar Harbor Wastewater Treatment Plant and Philip Tucker, Collection System Foreman, Sanford Sewer District. 🏠



The Municipal Risk Manager

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

Publisher: Risk Management Services

Editor: Marcus Ballou

Layout Designer: Jaime G. Clark

P.O. Box 9109, Augusta, ME 04332-9109

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Workers Compensation Renewal Reminder

It is renewal time again and we are here to help. The renewal applications for the Workers Compensation Fund are due by October 16, 2015, and we want our Members to know that we are available to assist you. If you would like help with the completion of your application or just have questions, please contact Marcus Ballou (mballou@memun.org) or Judy Doore (jdoore@memun.org) at 1-(800) 590-5583.

Serving Maine Communities Is What We Do And All We Do 🏠

Did You Get Yours? RMS Delivers Dividends to Membership

All of us at MMA Risk Management Services (RMS) would like to recognize the extraordinary efforts and continued commitment of our membership. We are pleased to announce that the Property & Casualty Pool and Workers Compensation Fund have awarded dividends to those members who have met the dividend criteria. Because of the efforts of our members, their sound management, responsible underwriting and favorable loss experience in the Property & Casualty Pool and Workers Compensation Fund, RMS has awarded \$1,198,485 in dividends to its members in 2015.



So. Portland Leadership Academy encourages employees to step up

City officials are hopeful that the training program expands to neighboring municipalities next year. Graduates appreciate the city's investment in the staff.

By Liz Chapman Mockler

If you're lucky enough to live and work in the City of South Portland, you're probably lucky enough. The ocean views are stunning. There's never a dull moment. The biggest mall in Maine is across the city and the biggest city in Maine is across the bay.

But it is the hard work and high standards the city sets for its work force of 300 that seem to challenge employees to succeed, excel and grow into new and more responsible jobs, according to Don Brewer, South Portland's human resources director.

It is the feeling of belonging, of being needed and valued, that make employees keep coming back to one of the state's most progressive communities.

"We want to recruit, hire and retain top-quality talent," Brewer said. "We believe our employees are some of the city's greatest assets. We try to create a working environment... so they don't want to leave.

"We'd like to be known as a destination employer," added Brewer, who was a 20-year recreation director in Brunswick and former deputy Portland HR director before taking the South Portland post in 2011.

Leadership Academy

City Manager James Gailey joined Brewer in building a germ of an idea into a thriving employee educational academy that, after just two years, may spread in 2016 to neighboring Portland, Westbrook and Gorham, among



South Portland City Manager James Gailey and Human Resources Director Don Brewer. (Photo by Denise Michaud)

other area municipalities.

This year's Employee Leadership Academy was just the second. In its inaugural year, 23 mid-level South Portland municipal managers were nominated by their bosses for the program and all graduated.

Last month, 24 South Portland employees and one from Cape Elizabeth, who works jointly for Scarborough, completed the course.

The academy teaches students such far-ranging skills as managing others' anger to how to fire people to self-awareness and ethics. The class is open to employees who: want opportunities to learn and grow personally and professionally; want to learn more about city government and other departments and functions; hope to win

promotions in the future and want to be prepared; or, who illustrate the skills and smarts needed to be successful present and future city leaders.

"I think that having leaders like we do is a big deal," said Derrick Stephens, a military veteran and now South Portland health inspector. "In the Navy, I worked for people like this, but I did not think that I would find a place that I would fit in. But, these guys believe in me enough to send me to this class, and to me that means they want me to be successful in the future."

The student selection process begins with the department directors who nominate two or three employees who are interested in attending and committed to completing the inten-

Liz Chapman Mockler is a freelance writer from Randolph and regular contributor to the Townsman, lizmockler@hotmail.com

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

sive seven-day academy.

The classes were held over consecutive Thursdays from April through June this year. The cost is several thousand dollars per student, not including in-kind and cross-coverage costs.

The academy syllabus is aggressive and the instructor, Faith York, is demanding – just what Gailey and Brewer wanted.

Employee demands

Just as the city has committed to paying for the in-depth educational and career training, employees must pledge to attend every class, complete all home assignment and graduate, Brewer said.

“You can only do so much in-house,” Brewer said of training programs, which typically last a day or two and focus on one issue or problem. “This is more in-depth. More meaningful. It offers employees more tools to deal with special situations in their jobs.”

Academy nominees are most likely to be chosen if they display an innate desire to learn and the ambition to do follow through.

“When I’m hiring,” Brewer said, “I look for people with enthusiasm and ambition. You can’t teach that. But if the employee has a can-do attitude and a desire to step up, I think you can train the other skills you need.

“And when that happens,” he added, “you really can develop the employee and they really strengthen your organization.”

Susan Samberg, deputy South Port-



Matthew Sturgis



Derrick Stephens



Susan Samberg

land library director and academy graduate, agrees.

“I think it is very telling and forward thinking on the part of the city’s leaders. This training will ultimately raise the bar of services provided to our community,” Samberg said.

Stephens said the academy helped him learn that putting people at ease in difficult situations makes both his and the public’s experience better.

“The training in the class makes you think about everything that you do on a daily basis,” Stephens said. “In my job as the health inspector, I deal with many people who, in some cases, would not want to see me. So this class teaches you how to put people at ease when I show up, setting a relaxing tone while I’m there.

“This makes my job more exciting, because I get to use some of the training and techniques that I learned and it has help me more ways than I can count,” he said.

City commitment

Gailey and Brewer said city councilors were instant boosters of the idea. They funded the training budget to allow up to 25 employees to be off the work site one day a week for seven weeks.

Students were expected to keep up their weekly workloads and complete all homework assignments. There was no sloughing off.

Brewer said department leaders were tasked with ensuring that students’ jobs were covered each week and that employees understood the academy “was their job for the day.”

Brewer said he and Gailey were delighted to find York, who they described as disciplined, organized, responsive and effective.

“We give them to Faith and she shuts the door and they’re in there for seven hours” at a time, Gailey said.

Brewer added, “Jim and I said if the program could not be high-quality, it would be a waste of time. Faith has made all the difference. She was just who we hoped to find. The academy has been over-the-top positive. I have not heard one negative comment about it.”

South Portland Assessor Matthew Sturgis, who also works for the town of Cape Elizabeth, said he applied for the academy in part to meet other municipal employees and to build friendships across departments.

He found the classes challenging and meaningful in each study area.

“I would strongly recommend this academy to my peer,” Sturgis said. “Our instructor (York) is a dynamic teacher, with significant real world experience, and can strongly relate and interact with her students.

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LEADERSHIP ACADEMY SYLLABUS

“The skills learned in developing emotional intelligence skills are particularly beneficial to those of us who work in the public sector,” Sturgis added.

There are no raises with graduation from the academy. No promise of a promotion, either. But by graduating the course, the employees have proven city leaders right in their initial assessment that they could someday become a leading figure in the future and fate of the city.

While some students are interested in upward mobility, Samberg exemplifies the students who attend to hone their leadership skills with no intent to move on.

“I love my job just as much as I did before I started the academy,” she said. “As a result of the program, I believe I have more confidence and skills to be a better supervisor... I am staying where I am. I may get more involved on committees on a state level.”

Successful leadership

While Brewer focuses on ambition and raw talent in his search for new employees, York considers self-awareness – or the ability to learn the skill – the essence of good leadership.

“Success has to do with the willingness to look into the mirror and to know what you’re dishing out,” York said.

“You can’t shift anything unless you’re aware of what you are putting out there,” she explained. “Is there a gap between what people see and what you intended to come out of you?”

“Being open to the possibility that what you are doing and saying is not appropriate or is not what was intended, rather than putting your agenda forward, is huge” to finding success.

Gailey and Brewer are excited about the academy’s potential to grow into an accidental collaborative with a group of Greater South Portland municipalities.

Seats become open as South Portland exhausts the annual pool of applicants who meet the requisite curiosity, drive and time to attend the program.

Employees who would like to attend, and who would qualify, sometimes cannot because of special projects or sheer work responsibilities.

By opening up the course to municipal employees in multiple towns, a large group of potential leaders, across

- Leadership and management, vision and organizational culture
- Self-awareness, leadership styles, emotional and multiple intelligence, effective communication
- Employee engagement, best practices in motivating and impacting employee behavior, conflict management, collaboration and teamwork, diversity
- Ethics, customer service
- Talent management, needs assessment, recruitment, firing, interviewing, employee coaching, supervision, evaluation
- Focus on outcomes, problem-solving, prioritizing, time management
- Resiliency, stress management, wellness

Source: City of South Portland

all spectrums of local government, begins to take form.

Brewer said one of the most “thrilling” outcomes of the academies has been the friendships and work bonds created among the students. Although they work in different areas of government, or for different bosses, they find mutual interests and various ways to help each other think through and resolve problems.

“The model works,” Brewer said. “It’s been very well received. It’s been a very successful program.”

Librarian Samberg agreed. “I made strong connections with other city employees through our discussions and practical exercises. What can be considered surprising is the similarity of concerns expressed across departments, be it dealing with employee or community member issues, resolving conflicts, making presentations, or a variety of other issues concerning leadership, supervision, and management matters.

“I place great value on having this group as a resource,” she said. ■

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Question and answer with Faith York, South Portland leadership trainer

By Liz Chapman Mockler

Q. What was your initial reaction to the idea of a public employee leadership course and why did you agree to lead it?

A. I was excited to work with this population. Having worked with a wide range of professionals over the years I have found that, even though each line of work has its own specific issues and each person is an individual with his/her own needs, most people share common concerns in terms of professional growth regardless of their employment setting. I felt confident this group would be similar.

That said, although the Leadership Academy content has broad applicability, I continually seek to align the best practices in behavior and business covered in the course with real and familiar situations. This program is designed to promote regular interaction within the group, which also helps keep the experience relevant and practical.

I was quite interested to learn of the particular challenges of this population, in order to expand my own understanding of the needs of public sector employees, so that I could continue to serve them well.

Q. Was there anything about local government that you learned by teaching the course?

A. I learned many things. Examples of daily challenges were frequently offered by Academy participants. After every class I came away impressed by the consistent, dedicated, creative effort demonstrated by these hard-working individuals. I was impressed by the commitment of so many to simply do the right thing in the midst of, sometimes, almost impossible circumstances. I have become much more aware of how hard these people work in order



Faith York

to provide myself and my fellow citizens with a better way of life.

Q. Would you recommend other municipalities invest in a similar effort? What are the returns?

A. Absolutely. Having worked through this curriculum a number of times with diverse groups, I am quite certain that most participants will experience many growth opportunities. The greatest returns, in my opinion, include broadened perspectives, greater and more specific self-awareness (and thus improved choices and responses), individualized goals and action plans and a number of practical hurdle-helps for dealing with common problems encountered in professional settings. In addition, beneficial connections with colleagues are established and supported throughout this program, connections that follow the participants as they go on their ways, connections which will continue to support their learning and growth.

Q. How might a leadership academy for public employees differ from an academy for private-sector employees?

A. Every grouping of persons differs from the next. Many factors contribute to those differences. While it is true that a collection of public sector employees tends to have a different orientation than a group from the private sector (especially fire and police staff), it more often depends on who the individuals are: personalities, experience, skill sets, philosophies, etc. I have had private sector groups who were very much like a public sector group, and others who were vastly different. I think individuals matter more in terms of group dynamic and culture than does work context.

Q. Not everyone aspires to become a manager. Are their contributions as valuable as those of their leaders?

A. Actually, yes, very much so. All of the Leadership Academy groupings have included a number of individuals who fit that description. These people tend to be very helpful in terms of keeping other participants' perspectives focused on the essentials. They continually bring the conversations back to the real world experience, and how all that we are exploring truly applies. While some portions of the content are more managerial in focus, there is still much of value for non-management staff to take away from those portions, and again, there is much of value that they add. ■

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Liz Chapman Mockler is a freelance writer from Randolph and regular contributor to the Townsman, lizmockler@hotmail.com

Veazie town manager, police chief, fire chief – and more

The man who leads this community of 2,000 people praises a capable staff, but also says limited family time is a drawback, caused by so many municipal commitments.

By Liz Chapman Mockler

The Town of Veazie, a suburb of Bangor and home to about 2,000 people, is led day-to-day by a single person who serves as town manager, clerk, treasurer, tax collector, welfare director, road commissioner, emergency management director, police chief and fire chief.

Mark Leonard, once just the town's police chief, stepped onto the multi-tiered work platform in January 2013 after the resignation of Town Manager Joseph Hayes.

While many Maine small towns hire administrative assistants who also specialize in other town office duties, they typically include volunteer fire departments with their own chiefs, appointed or elected road and emergency management officials and public works departments.

We recently asked Leonard to talk about the advantages and challenges of running the small Maine town while balancing so many interests and conflicting job duties.

Q. Why did you and town officials restructure the town's public safety operation in the way that you did?

A. The restructuring occurred after the retirement of the fire chief and the resignation of the former town manager. I have previous experience with fire service and offered to become the acting fire chief (in addition to police chief). After becoming the acting fire chief, the town manager resigned and I was appointed by the council to be the acting town manager. I served in the position for approximately nine months when the council appointed me town manager. I believe all of these



Mark Leonard's importance to the Town of Veazie is hard to overstate. (Submitted photo)

changes were driven by tight budget constraints and the ability to reduce personnel costs by having me lead the three positions.

Q. Why did town leaders decide to maintain a local police force for a town the size of Veazie?

A. Being a small town, this has often been looked at. It has been done specifically in the past two budget cycles. During both processes it was determined that we could not have the same service provided to the town for a lower price. From when I was a patrolman until now, I have worked very hard, and I expect the same from my staff, to provide a service that can't be replaced. This has been accomplished in several ways and I feel that the police department truly has the support of a majority of the community. Ultimately, I'm aware the cost will continue to be looked at. The most recent research shows the service level we provide couldn't be replaced at a

savings to the town.

Two fiscal years ago, the fire department received a \$60,000 cut during the budget process which forced us to look at outsourcing the department. After many meetings it was determined that we could not receive the same level of service for a lower price as well. I made a few management changes in the fire department and this ultimately kept the fire department intact and under the control of the town.

Q. Do you ever get criticized for wearing too many hats?

A. The council and I have received minimal comments regarding my multiple positions. When I was first appointed fire chief, some fire personnel were concerned I would not be able to be objective as both the fire chief and the town manager. This concern was quickly eliminated when I developed a plan to keep the fire department under the control of the town and not outsource the service.

Liz Chapman Mockler is a freelance writer from Randolph and regular contributor to the *Maine Townsman*, lizmockler@hotmail.com

Q. Do you worry that could be a problem?

A. No, I do not feel it will become a problem. If someone brings a concern to my attention it is addressed. If at some point a situation arises that causes concern, it will be addressed and resolved. Up to this point it has worked very well.

Q. Take us through a typical day at the office for you.

A. Managing so many positions, I do not have a typical day. Each day is different and, although I attempt to maintain a normal schedule, I'm very flexible. Having great staff in all of the departments allows me to be adaptable to the situations at any given time. If it wasn't for the staff the Town of Veazie has employed, this venture would not have been possible and seen the success it has seen.

I enjoy reading quotes, and most recently read one by an unknown author that read: "Teach your employees so they can leave, but treat them so they don't want to." I try to do this every day. I thrive on having coworkers that want or are willing to do my job. It pushes me to be a better manager and

makes them better employees.

Q. What happens to your work day if there is a serious public emergency, crime, fire or road problem?

A. Emergency situations always take precedence. Again, the town has great staff that is capable of handling nearly any situation, but as the fire chief and police chief, I need to be on scene to make ultimate command decisions. I would never put my employees in a situation where they have to make a decision that is up to me to

make. That would not be fair to them or to the people that hired me to make the decisions.

Q. What takes precedence for you on a day when there is just too many items on the "to-do" list?

A. I'm very task-orientated and do well at prioritizing what must get done first. Sometimes this is accomplished by asking others to do something on my "to-do" list or by moving the item down on the "list." I always have a running list and try to accomplish the

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task as soon as possible so that the “list” doesn’t become overwhelming. I quickly learned that I’m not going to be able to do everything and it’s OK to ask others to help out when possible, but I still remain mindful that all employees are busy as well, but with a team effort the tasks always get completed in a timely fashion.

Q. *What do you enjoy most about your job and what do you like the least?*

A. What I enjoy most about my job is the people in the community and equally as important are the people I work with. I have worked in Veazie since 1995 and have come to earn the trust and respect of the citizens and employees. First, as a police officer, then as the chief of police and now as the fire chief and town manager. The citizens know I will always treat them with respect and dignity. I’m a good listener and try to resolve their concerns in a timely fashion. This holds true for my employees as well. I’m fairly confident it’s because of these traits I was chosen to fill these positions and it is why this venture has worked so well.

What I like least about this job is

the time it takes me away from my family. Although they have embraced my jobs and the added workload that has come with it, I’m also aware that I often have to say no, we can’t do this or that, because I have a meeting or other work commitments. I have been very cognitive of these times and I’m much harder on myself than they are, but no one likes to tell their children no, especially when it’s due to work.

This is probably what I have strived

most at trying to change with myself – making more time for my kids and moving stuff around on the “list” so I don’t have to say “no” so much.

Q. *What are the responsibilities you are comfortable delegating to others?*

A. I’m comfortable delegating anything if the employee I’m delegating it to is capable of doing it. Again, I want my employees to want my job. I want to teach them, I want to learn from them. There are certain responsibilities that

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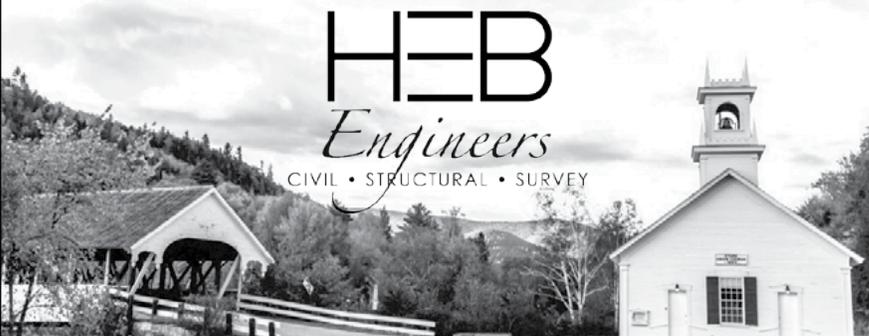
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I can't delegate, such as disciplinary issues, legal issues, etc. If I have an employee who wants to learn, and a project I can delegate to them, I will and provide them with the guidance needed to be successful.

Q. *Are you considering making any recommendations for change to the town council regarding the existing structure of town government?*

A. As my positions continue to evolve, I plan to recommend that we combine the police chief and fire chief positions into a public safety director's position. It's won't lighten my workload, but will more clearly define what my position is. This was discussed numerous years ago, but at that time the community wasn't ready for the change. I'm fairly confident now that I have proved to the community and staff that it will work. I understand, and will make certain the council and community understand, it's only a title change, but will more clearly reflect what the position is. Again, this wouldn't be possible without the staff we have in place in both public safety departments. ■

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Elected Officials Workshops

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

As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that the Jan. 28th course will be offered in two formats: In classroom and remotely at the Northern Maine Development Commission in Caribou. Attendees can participate via ITV Technology by viewing the presentation remotely. ITV broadcasting allows for live viewing as well as interactive participation with the attendees.

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

Course meet state FOAA training requirements (Right to Know).

Roles of Elected Officials & Municipal Managers

Who Should Attend:

This four-hour course is presented by the MMA and is designed for Elected Officials and Municipal Managers and Administrators that focuses on the differing roles and responsibilities of these positions. Topics include Key Responsibilities, Legal Requirements, Personnel Issues, Communication and Goal Setting. This is an excellent opportunity to come as a board along with your municipal manager.

Managing Freedom of Access Requests

Who Should Attend:

This timely workshop is aimed at helping municipal staffs, newly designated "Public Access Officers" and elected and appointed officials understand Maine's Freedom of Access Act, why FOAA requests are filed and how to handle them properly.

Course meet state FOAA training requirements (Right to Know).

Elected Officials

MMA is likely to add an Elected Officials Workshop before year's end, and there will be many more in 2016. Please look for future announcements.

Roles of Elected Officials & Municipal Managers

Date & Location:

Gray - 12/8/2015

Spring Meadows - 59 Lewiston Rd., Gray, ME 04039

Managing Freedom of Access Requests

Dates & Locations:

Saco - 10/20/2015

Saco City Hall Auditorium - 300 Main St., Saco, ME 04072



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It's no secret that Maine is one of the leading states when it comes to reported cases of Lyme disease, and the risks of contracting Lyme continues to increase as tick populations grow and spread. Preventative measures such as wearing long-sleeved shirts and pants, performing tick checks after venturing outdoors, applying repellent, and treating wooded areas with effective pesticide solutions are important to reducing risk of Lyme disease and other tick-borne diseases.

A proactive and effective approach to tick and pest management is integrated pest management (IPM), which protects communities by following a rigorous plan to identify, monitor and, as much as possible, prevent pest problems. IPM programs support all the tools needed to keep playgrounds, recreational fields, schools, yards, and other places where grass meets wooded areas healthy and safe.

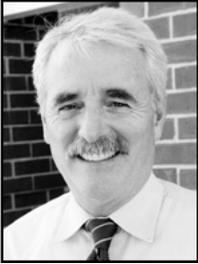
Pest control solutions are just one tool in the IPM toolbox, and when used judiciously and in accordance with label directions, they play an essential role in IPM programs by providing effective options for controlling the spread of Lyme disease and other health risks from invasive species, rodents, and insects making Maine their home.



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PEOPLE



Stephen W. Gove

Maine Municipal Association's Executive Committee voted unanimously on Sept. 17 to hire **Stephen W. Gove**, an MMA veteran of 35 years who has served as deputy director since 2005, as the association's new executive director. Gove held a number of positions at MMA over those years, including as head of the Maine Municipal Employees Health Trust insurance division. Gove replaces Christopher Lockwood, who retired in August after 36 years of leadership at MMA.

When **Mary Ellen "Cupe" Gross**, longtime Penobscot treasurer, tax collector and town clerk, resigned due to health issues, her peers from neighboring towns helped take on her work responsibilities to be sure the town did not get behind on tax collections and recordings. When Gross resigned, after being on medical leave since mid-July, hundreds of tax checks poured into the Penobscot office just before the deadline to get a 2 percent tax discount. Chipping in to help were Castine, Blue Hill and Orland, as well as the School Union 93 administrative office. Deputy treasurer Elizabeth Hutchins will assume much of Gross's work, with assistance from former Blue Hill Treasurer Ann Stadden.

Warren "Bud" Steeves, a beloved Liberty selectman and former town clerk, died suddenly in late July at the age of 56. In his honor, town employees and residents hope to complete a special project that Steeves was working on at the time of his death: a not-for-profit mechanics garage where people could use the lift, learn mechanics from him and fix their vehicles. Steeves had completely framed the garage. Led by Road Commissioner Tammy Reynolds, the town held two "building bees" as of late September, with more than 100 volunteers. Steeves served as a selectman from 1996 to 2000, took year off and then worked 11 years as town clerk before being elected first selectman last January. He also served for years as a firefighter and ambulance driver.

Rockport firefighters and other city staff will sponsor a benefit dinner and auction on Oct. 17 to help firefighter **Lt. David Leighton**, who has been fighting cancer for months. He will undergo surgery in November. A self-employed business owner, Leighton has served the city fire department for 28 years. Leighton's young son also has joined the Rockport Fire Department.

Veteran Rockland Finance Director **Tom Luttrell** resigned in September to take a job with Rockland Savings Bank. Luttrell was named finance director in January 2007 after working five years as business manager for SAD 5. He twice served as interim city manager. Meanwhile, General Assistance Director **Samantha Mank** also resigned in August to accept the job of Unity town administrator.



Susan Mooney

Longtime South Portland City Clerk **Susan Mooney** announced in August she will retire after the November election, ending her 39-year career with the city. Mooney, 57, was hired as a temporary assistant to the city tax office staff in 1979. She then served as clerk cashier, payroll director for the school department and city, data manager, deputy tax collector and treasurer and, for the past 14 years, city clerk. Mooney, who has won many state and national awards and distinctions as clerk, said she wants to spend time outdoors and hone her hobbies when she retires.



Ryan D. Pelletier

Ryan D. Pelletier has been named Madawaska town manager, effective Sept. 1. Pelletier, 38, worked most recently for the Northern Maine Development Commission and also as executive director of the non-profit Leaders Encouraging Aroostook Development. Pelletier served as

St. Agatha town manager from 1999 to 2010. He was among 11 candidates for the Madawaska job. He replaces longtime Madawaska manager **Christina Therrien**, who was named manager of the Town of Machias in late August. Therrien worked for Madawaska for nine years and now returns to the town she managed from 2001 to 2006. Her first day in her new position will be Oct. 1.

Fairfield Town Manager **Joshua Reny** resigned effective Sept. 18 to accept the position as South Portland assistant city manager. He replaces **Jon Jennings**, who was hired as Portland city manager in June. Reny has worked as Fairfield manager for five years and is leaving the community in good financial condition, officials said. Reny also was recognized for his efforts to lead development projects and reducing the town budget while building up the fund balance by \$1.7 million.



Gary Fortier



Bill Bridgeo

Ellsworth City Councilor **Gary Fortier** and Augusta City Manager **Bill Bridgeo** have been named to the Maine Municipal Association Executive Committee. Fortier has served Ellsworth for 23 years, while Bridgeo has managed Augusta since 1998. Re-elected to the 12-member governing board were Calais Mayor **Marianne Moore** and Glenburn Town Manager **Michael Crooker**.

Holden Police Chief **Gene Worcester** resigned after serving the town for nearly 30 years, citing health reasons. Worcester, whose resignation was effective in early September, joined the Holden police force in 1987 and has served as its chief since 2003. **Sgt. Chris Greeley** has been named acting chief while town officials begin a search for a permanent replacement. ■

STATEWIDE

The Northern Border Regional Commission will award more than \$1 million to six Maine communities to help economic development and encourage job creation. Under the award, the Town of Jay will receive \$250,000 to upgrade a portion of a municipal road; an Old Town and Orono firm will receive \$250,000 to help fund a high-speed fiber network; the Lincolnville Sewer District will receive \$250,000 to upgrade its wastewater system; the Town of Kingfield will receive \$247,000 to upgrade aging wastewater pump stations; and the Town of Greenville will receive \$109,000 to help fund energy efficiency upgrades at a private manufacturer of fur products, expected to create 10 jobs over the next two years.

CASTINE

The town of 1,360 people, home to Maine Maritime Academy, is buying water from Bucksport, about 20 miles away in Hancock County, because its water system cannot meet current demand. Bucksport provides 24,000 gallons of water daily. Officials explained the water shortage is caused by drought, and nearly 1,000 MMA students beginning a new school year while summer residents have stayed longer than usual at their vacation homes. The drought is cited as the primary reason for the water shortage. The water costs Castine \$100 a day and is transported in trucks. Bucksport and Castine have an agreement that provides water to Castine in emergencies. It has been at least 10 years since the smaller town needed to supplement its water supply.

HAMPDEN

Former Mayor Carol Duprey lost her seat on the town council because she missed six meetings over the past year. Residents in 2013 approved an amendment to the town charter in hopes of prompting better attendance by councilors. Duprey will be replaced in a special election in November.

PORTLAND

Maine's largest city became the first municipality in Maine to approve a raise in minimum wage for city workers. The proposal was pushed hard by Mayor Michael Brennan and will lift the minimum wage to \$10.10 an hour beginning Jan. 1, 2016, and to \$10.68 an hour a year later.

NEW ON THE WEB www.memun.org

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

Municipal Broadband. The City of Sanford became the latest – and largest – municipality in Maine to venture into the field of municipal broadband. As with other communities, Sanford officials hope the project will foster economic development, but also serve residents, educators and non-profits in their area.

Concealed Weapons. Maine State Police are reminding local officials that, even with the recent law change, local permitting of concealed weapons is still a necessary task in some cases.

Solid Waste. Several statewide efforts are going on regarding solid waste disposal and the future of solid waste management. These efforts may play important roles in Maine's future and with legislative changes that can affect landfills, incinerators and recycling programs.

The federal and state minimum wage is \$7.25 an hour.

SACO-BIDDEFORD

Officials were joined by Gov. LePage in September to mark the twin cities' collaborative efforts to redevelop empty textile mills into housing, restaurants, commercial space and hotels. The redevelopment also included the River Walk Bridge, a new Saco River pedestrian crossing that connects walking trails on both sides of the waterway and cost about \$700,000.

SOUTH PORTLAND

The city became the latest community in September to endorse a pay-as-you-throw program that calls for businesses to impose a five-cent fee for each plastic bag used by consumers. The vote in late September was unanimous. The program mimics neighboring Portland's PAYT effort to accommodate business owners and consumers who do business in both cities. The fee will go into effect next March 1. It is intended to help reduce the

city's solid waste disposal needs and to help increase recycling.

WESTBROOK

The city in September dismantled a makeshift campsite used by transients. The demolition was accomplished at a cost of \$14,000. Officials said the city-owned property included an unsafe building, where several people were living. City leaders also found unsafe and dangerous materials at the campsite, giving the council more reason to have it razed quickly. Some 35 tons of debris were removed from the site, which was located in back of an existing neighborhood. ■

CORRECTION

A story in the August-September *Townsman* incorrectly reported the cost to the town of Madison for contracting for police service with Somerset County. The annual cost is \$481,000, a \$90,000 savings for the town for police coverage.

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MUNICIPAL BULLETIN BOARD

OCT. 20

Managing Freedom of Access Requests: Saco

This timely workshop is aimed at helping municipal staffs, designated "Public Access Officers," elected and appointed officials understand Maine's FOA law, why requests are filed and how to deal with them appropriately. The afternoon workshop will be held on Oct. 20 at Saco City Hall. Registration begins at 1:30 p.m. and the workshop will conclude at 4:30 p.m.

Presenters include: Amanda Meader, attorney with MMA's Legal Services Department; Nathan Poore, Manager in the Town of Falmouth; and, Eric Conrad, MMA's Director of Communication & Educational Services. Cost for the workshop is \$35 to MMA members.

OCT. 29

Planning Boards/BOA: South Portland

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on Oct. 29 at the Best Western Merry Manor in South Portland.

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

NOV. 5, NOV. 12

Municipal Law for Tax Collectors & Treasurers

Attorneys from MMA's Legal Services Department will lead sessions on many topic areas that affect tax collectors and treasurers – oaths, bonds, tax payments, assessments and others. One session will be held on Nov. 5 at the Black Bear Inn in Orono. A second will be held on Nov. 12 at MMA's Christopher G. Lockwood Conference Center, in Augusta.

Cost for the sessions, which are sponsored by the Maine Municipal Tax Collectors' and Treasurers' Association, is \$50 for members and \$60 for non-members. The sessions will begin with registration at 8:30 a.m. and will conclude at 4 p.m.

NOV. 9

Fair Labor Standards Act: Augusta

Attorneys from the law firm Bernstein Shur will present an all-day workshop on the Fair Labor Standards Act and Public Employers. It will be held at MMA's Christopher G. Lockwood Conference Center in Augusta on Nov. 9, starting with registration at 8:30 a.m.

The workshop will focus on: applicable wage and hour laws; classification of exempt and non-exempt employees; defining "hours worked;" use of volunteers and on-call workers; and, special rules that apply to public employers. Cost for the session is \$85 for MMA members and \$170 for non-members.

NOV. 13

Foundations of Negotiations, Labor Relations

The Maine Local Government Human Resources Association will sponsor a seminar designed to benefit all management employees who are involved with collective bargaining and labor relations. The one-day training event will be held on Nov. 13 at Kaplan University in South Portland.

Topic areas will include: the negotiations process; the arbitration process and grievances; good and bad contract language. There will be plenty of real-life examples and ample time for discussion. The workshop begins with registration at 8:30 a.m. and will conclude at 3 p.m. Cost is \$65 for MLGHR members and \$75 for non-members.

NOV. 17

Social Media Dos & Don'ts: Augusta, Caribou (via video)

If your municipality has jumped into the realm of social media, or is just musing about it, this 2.5-hour workshop will provide important legal and hands-on advice on how to communicate via Facebook, Twitter, YouTube and the Internet. The class will be instructed by: Amanda Meader, an attorney with MMA's Legal Services Department; Detective Dorothy Small of the Ellsworth City Police Department; and, Eric Conrad, Director of Communication & Educational Services at MMA.

Social media can be effective communi-

cation tools for cities and towns, but they do carry some risk. Guidelines and strong management go a long way. The workshop will be held at MMA's Christopher G. Lockwood Conference Center in Augusta and video-cast live to the Northern Maine Development Commission office in Caribou. It starts at 2 p.m. on Nov. 17 and ends at 4:30 p.m. Cost is \$35 for MMA members and \$70 for non-members. ■

Statement of Ownership Management and Circulation (Required by 39 U.S.C. 3685)

Title of Publication: Maine Townsman.
Publication Number: 589-180. Filing Date: 9/23/15. Frequency of issue: Monthly, except month of September. No. of Issues Published Annually: 11. Annual Subscription Price: \$15.00. Complete mailing address of known office of publication: Maine Municipal Association, 60 Community Drive, Augusta, ME 04330; Kennebec County. Complete mailing address of headquarters or general business offices of publishers: Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Editor: Eric Conrad, 60 Community Drive, Augusta, ME 04330. Owner: Maine Municipal Association. Known bondholders, mortgages, and other security holders owning or holding 1% or more of total amount of bonds, mortgages, or other securities: None. Tax Status: Has not changed during preceding 12 months. Issue date for circulation data below: October 2014-September 2015.

	Avg. No. Copies Each Issue During Preceding 12 Months	No. Copies Single Issue Nearest to Filing Date
Total no. copies printed	4,300	4,300
Paid circulation		
Mailed Outside-County	3,672	3,673
Mailed In-County	299	295
Distribution outside the mail	0	0
Distribution by other classes of mail	0	0
Total paid distribution	3,971	3,967
Free or nominal rate distribution		
Outside County	239	237
In-County	47	45
Mailed at other classes through USPS	2	2
Outside the mail		
Total free distribution or nominal rate distribution	288	284
Total distribution	4,259	4,252
Copies not distributed	41	48
Total	4,300	4,300
Percent Paid	93.2%	93.3%

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

Eric Conrad, Editor

LEGAL NOTES

New Law on Write-In Voting

The Legislature has made three significant changes to the law governing local write-in voting (see PL 2015, c. 160, enacting 30-A M.R.S.A. § 2501(3), eff. Oct. 15, 2015).

First, a municipality may, by vote of its legislative body at least 90 days before the next annual election, opt to require local write-in candidates to declare their candidacy by filing with the municipal clerk at least 45 before the election, as now required for State write-in candidates by 21-A M.R.S.A. § 722-A. If this option is adopted, only write-in votes for declared candidates must be counted, unless there are no nominated candidates or all nominated candidates have withdrawn by election day, in which case write-in votes for undeclared candidates also must be counted. Once adopted, this option remains in effect until rescinded by vote of the municipal legislative body at least 90 days before the next annual election.

Second, in a municipality that has not opted to require write-in candidates to declare, write-in votes must be counted only if there are no nominated candidates or all nominated candidates have withdrawn by election day or the number of write-in votes as determined by a machine count or an initial hand count exceeds the number of votes for nominated candidates. But even if none of these circumstances applies, write-in votes still may be counted (apparently at the municipal clerk's discretion).

Third, under no circumstances must write-in votes be counted for a fictitious person, a deceased person, or a person who is a non-resident where municipal residency is required, or a person who is otherwise not legally qualified (see "Qualifications for Municipal Office," *Maine Townsman*, "Legal Notes," May 2008).

Apart from these changes, the law on counting write-in votes remains the same as we described it in "Write-In Voting," *Maine Townsman*, "Legal Notes," April 2011. This includes the requirement that a write-in vote must be counted if voter intent is clear, even if the name is misspelled or a nickname is used, and the requirement that the box or square to the left of the name must also be marked, no exceptions. (By R.P.F.)

MUNICIPAL CALENDAR

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

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

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

PRIOR TO NOVEMBER 3 — Election Day. Registrars of voters shall accept registration prior to the November 3 election according to the time schedule of their population group (21-A §122[6]).

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

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

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

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

NOVEMBER 26 — Thanksgiving Day, a legal holiday (4 MRSA §1051; 20-A §4802)

FOAA Amendments for 2015

The Legislature this year enacted four new amendments to Maine's Freedom of Access Act (FOAA) or "Right to Know" law:

Receipt of requests. PL 2015, c. 317 amends 1 M.R.S.A. § 408-A(3) to clarify that for purposes of the requirement to acknowledge receipt of requests for records, the date of receipt is the date a sufficient description of the record is received by the agency or official at the office responsible for maintaining the record. Also, if a request is received by an office that does not maintain the record, but the record is maintained by another office of the same agency, the office that received the request must forward it without wilful delay to the office that maintains the record and must notify the requester that the request has been forwarded and that that office will acknowledge receipt within five working

days of receiving it.

Refusing requests. Current law requires that any agency or official refusing a request for a record must give a written notice of denial, with reasons, within five working days of receipt of the request. But it is sometimes impossible to determine within that timeframe whether a record is public or confidential. PL 2015, c. 249 amends 1 M.R.S.A. § 408-A(4) to allow the agency or official to instead issue, within five working days of receipt of a request, an expectation that the request will be denied in full or in part following further review.

Unduly burdensome or oppressive requests. PL 2015, c. 248 amends 1 M.R.S.A. § 408-A to allow a request for records to be denied if it is unduly burdensome or oppressive and the agency or official has sought and received an order of protection from the Superior Court. At least

LEGAL NOTES

10 days before filing with the court, the agency or official must give the party requesting the records notice of its intent to file. The court complaint must include the terms of the request and any modifications agreed to by the requester, a statement demonstrating the burdensome or oppressive nature of the request, with estimates of the time required to respond and the costs, and a description of the agency's or official's efforts to encourage the requester to modify the request to reduce its burdensome nature.

Disability variance medical records. For many years Maine law has authorized boards of appeals to grant limited zoning variances to persons with physical or mental disabilities (see 30-A M.R.S.A. § 4353(4-A)). PL 2015, c. 152 amends this law to make confidential all medical records or other documents submitted for this purpose and describing or verifying the disability.

The effective date of all of these amendments is Oct. 15, 2015.

For more on Maine's Right to Know law, see our "Information Packet" on the subject, available free to members at www.memun.org. (By R.P.F.)

New Concealed Handgun Law

A new law authorizes persons who are over 21 and who are not otherwise prohibited from carrying a firearm to carry a concealed handgun in Maine without a permit (see PL 2015, c. 327, eff. Oct. 15, 2015). Persons between 18 and 21 are also exempt if they are on active duty with the military or are honorably discharged and are not otherwise prohibited from carrying a firearm. The new law does not otherwise alter who may carry a firearm or where (firearms are generally prohibited in schools, court houses, federal buildings, state and national parks, etc.).

We expect applications for concealed handgun permits will drop dramatically as a result of the new law. For a detailed summary by the Maine State Police, click on the following link: <http://www.memun.org/DesktopModules/Bring2mind/>

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

MMA's services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs. For more information visit the MMA website: www.memun.org

[DMX/Download.aspx?Command=Core_Download&EntryId=8976&PortalId=0&TabId=204](#) (By R.P.F.)

High Court: Discriminatory Sign Code Unconstitutional

On June 18, 2015 the United States Supreme Court held that a Gilbert, Arizona ordinance imposing different restrictions on outdoor signs depending on whether they displayed a political or ideological message or gave directions to an event was a content-based regulation subject to the Court's "strict scrutiny" (which, like a Civil War stomach wound, is almost always fatal). As a result the ordinance was deemed a violation of the First Amendment's free speech protections.

This case has generated considerable uncertainty about the enforceability of sign controls in many jurisdictions. It may also impact other efforts to regulate speech-related activities, such as picketing, leafletting, panhandling and so on. We're reviewing this case carefully and hope to have a more detailed analysis and some practical advice for readers in the near future.

Meanwhile, for the Supreme Court's full opinion in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), go here: http://www.supremecourt.gov/opinions/14pdf/13-502_9olb.pdf (By R.P.F.)

Damaging Public Easements Now a Class E Crime

To reduce the abuse of roads that are still public but no longer publicly maintained, the Legislature has made damaging a public easement with a motor vehicle a Class E crime (see PL 2015, c. 258, amending 17 M.R.S.A. § 3853-D, eff. Oct. 15, 2015).

As for what may have prompted the legislation, it is probably revealing that "motor vehicle," at least for purposes of this law, expressly includes all-terrain vehicles or ATVs (but not snowmobiles).

The new law does not apply to law enforcement officers or emergency responders who are operating motor ve-

hicles in an emergency and in the performance of their duties.

A Class E crime is punishable by up to a \$1,000 fine and six months in jail. (By R.P.F.)

Selectman as Signatory on Town Bank Account?

We're sometimes asked if it's OK to designate a selectman as a signatory (someone authorized to make deposits and withdrawals) on a town bank account. We always answer no, because in the first place only a municipal treasurer is legally authorized to make deposits and disbursements of town funds (see 30-A M.R.S.A. § 5603).

But in addition making a selectman a signatory on a town account blurs the distinction between selectman and treasurer, a combination that is legally prohibited (see 30-A M.R.S.A. § 2526(8)). These two offices are supposed to serve as a check and balance on one another, and giving one (a selectman) authority to bypass the other (the treasurer) compromises this critical function.

If the selectmen just want direct access to account information, this may be possible to arrange with the bank without making a selectman a signatory (though a treasurer is obliged by law to report to the selectmen at least every three months, or more often if required, see 30-A M.R.S.A. § 5603).

Or if the selectmen just want to ensure that someone is available to make deposits and disbursements in the treasurer's absence, they can appoint a deputy treasurer if the treasurer has not done so (see 30-A M.R.S.A. § 2603(4)).

But making a selectman a signatory on a town bank account is a singularly bad idea. (By R.P.F.) ■

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