

Maine Townsgman

The Magazine
of the Maine Municipal Association

APRIL 2015

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winter of 2015 is
winding down

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Born to Plow



The winter of 2014-15 provided the ultimate test, and municipal Public Works chiefs say their crews met the relentless challenges head-on.

Two MMA conferences you should not miss are coming up: The annual Municipal Technology Conference, May 7 in Bangor, and our first Human Resources Conference, June 16 in Waterville. [Page 5](#)

Risk Manager: This quarter, our regular insert looks at concerns about flood loss, pothole responsibility and online training offerings. [Page 19](#)

Cover photo: Augusta Fleet Service Manager Scott Kenoyer is shown outside his city's equipment facility in this photo taken by MMA Website & Social Media Editor Ben Thomas.

More Municipal Collaboration

Most everyone in the municipal realm knows that collaboration among towns and cities is second nature. This month, we feature a Public Works job-share in Pownal and Durham. [Page 13](#)

Embracing the 21st Century

Maybe you're skeptical about investing in technology, including website development, social media tools and GIS mapping. These hands-on, local Maine leaders explain how certain tools can really help. [Page 15](#)

How Effective Is Your Board?

Do you lead or micro-manage? Are you reactive or pro-active? Does your board set policies and budget direction or dwell on details? This article offers tips on smart board performance. [Page 23](#)

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A MESSAGE FROM MMA

BY ERIC CONRAD / DIRECTOR OF COMMUNICATION & EDUCATIONAL SERVICES, MMA

Two conferences, one theme: Keeping you up to date

Change is inescapable, especially these days, and Maine Municipal Association has two major conferences coming up to address this head-on.

We view both conferences as “must attend” events for municipal officials and staffs. We hope that you agree, and that you will see how MMA is trying to keep members abreast of non-stop change in two key areas: technology and human resource management.

Municipal Technology Conference, May 7



Dr. Scott Sheperd

Bangor’s Cross Insurance Center will host MMA’s Technology Conference, which we hold annually in cooperation with the Maine GIS User Group and ConnectME Authority. This is MMA’s first major event at the Cross Center and we are excited to go there.

The keynote speaker is **Dr. Scott Sheperd**, a classical pianist with a doctoral degree in counseling who will speak on constant change, and the stress that comes along with it. Sheperd has a delightfully witty approach to the subject that will leave listeners feeling good but also possessing hands-on tools to cope with today’s fast-changing ways.

We know that two important issues to municipalities today are expanding broadband technology, primarily as an economic-development tool, and harnessing the communication potential of municipal websites and social media. The 2015 Tech Conference hits these head-on.

(See complete program on page 27.)

Working with ConnectME Authority, municipal broadband workshops will be presented throughout the day. Seriously, if your city or town has begun looking into expanding broadband capability or is just musing about it, you will want to attend the conference this year.



As is often the case, there are several “sides” to the issue. The daylong conference concludes with a workshop from FairPoint Communications, which has an important role in this issue and is the prime sponsor of our 2015 Conference.

(Inaugural) Municipal Human Resources Conference, June 16

A funny thing kept happening when we held stand-alone workshops around the state in recent years on performance management, labor and personnel law – basically, on anything that had to do with managing employees: The classrooms kept filling up.

On June 16 at Thomas College in Waterville, MMA will hold its first Human Resources Conference, a one-stop event at which elected officials, municipal managers and department heads can receive a ton of information about HR challenges and issues.

The kickoff speaker will be **Andrew Webber**, Chief Executive Officer at the Maine Health Care Management Coalition, who will speak on the federal Affordable Care Act and efforts in Maine to make health care services and benefits valuable to employees, yet affordable to employers.

We are still finalizing the program but it also will address: how to spot and deal with potential employee problems; the American Disabilities Act; preparing for a state Labor Department safety audit; and, building a positive workplace culture.

We at MMA want to thank one of our newest municipal Affiliate Groups, the Local Government Human Resources Association, for working closely with us already on putting this event and this program together. Please look for details on the HR Conference in your May Maine Townsman and at our website, www.memun.org ■



Andrew Webber



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Bitter cold, deep frost, lots of snow mark winter of 2015

While many towns exceeded parts of their Public Works budgets, overall officials were pleased with their results. One exception: Road salt proved no match for brutal temperatures.

By Douglas Rooks

While perhaps not quite over in some parts of Maine, the winter of 2014-15 was one for the record books.

The month of February was, for most, the coldest on record, and repeated snow storms – beginning with a three-day Nor’easter from Jan. 26-28 – piled up more than seven feet of snow in six weeks throughout much of Maine. The winter was the leading topic of conversation much of the season, and some of its residue – up to 5½ feet of frost in some locations – is still with us.

For municipal public works departments, it was a significant challenge, but nothing they couldn’t handle. Some outside help is available, however. President Obama declared the three southernmost counties a disaster area for the cleanup of a big January blizzard, and it’s unusual that snow removal qualifies under Federal Emergency Management Agency (FEMA) standards. Some other towns in Maine, specifically eastern Washington County along Cobscook Bay, think they should qualify, too.

Lubec, one of the easternmost towns in the U.S., saw snow piles beyond the memory of most residents. At some of the town offices in the area, they stopped keeping track at 100 inches. But Tammy Richards, whose husband is Selectman Dan Wagner, kept up her log. As of mid-March, it totaled 150 inches, she said. That’s more than double the average annual snowfall. In general, coastal areas were hit the hardest, as the proportion of big Nor’easter storms exceeded those reaching Maine from the interior



A backhoe in action this winter in Lubec. (Submitted photo)

states.

Up north, snowfall was also heavy, but it didn’t diverge from the norm quite as much. In Caribou, Public Works Director David Ouelette saw 152 inches last year, and, at 130 inches in mid-March, it seemed likely to top that figure by a significant amount; April is often a snowy month.

Long and stormy

The sheer length of storms was a significant factor and, because several occurred over weekends and holidays, overtime budgets often took a big hit. The record cold of February made some of the usual de-icing chemicals – salt, often with additives – less effective, and left roads snow-covered for longer than usual. An informal survey of public works directors and town administrators around the state shows how these factors played out in individual communities.

In Lubec, which has numerous

peninsulas, including the downtown across from Campobello Island, the streets are narrow – and they got narrower at the height of the January and February storms. Town Administrator John Sutherland said: “We had a night where we had to keep our crews at the firehouse. There were whiteout conditions, and it just didn’t make sense to continue.” Plowing resumed in the morning.

After the snow stopped, there was another problem. The streets downtown had snow banks 10 feet high; only a single lane was passable. With help from Maine DOT and some contracted equipment, the banks were finally cleared. Sutherland said the winter maintenance budget has been expended and then some, so he’ll recommend not doing some of the regular spring maintenance work this year. After that, he’ll evaluate what will be needed next year.

One project he hopes will be done before next year is building a sand and

Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the *Townsmen*, drooks@tds.net

salt shed, a project that was due for a vote at the March 31 town meeting. Keeping access to the open piles “created a lot of issues this winter,” he said. Things should go more smoothly if a shed is authorized and constructed.

Caribou saw plenty of snow, but the biggest issue, according to David Ouelette, was the wind. On the wide-open plains nearby, the wind can be a problem. “For some reason, after every big storm we had, the wind came up,” he said.

One storm in early March, for instance, lasted 10 hours and left six inches of snow. But crews were out for another 24 hours clearing intersections where the wind-driven snow continued to pile up. “There were 10-foot banks, and you could see dirt on the edges of the fields. But the intersections were just backed up,” Ouelette said.

Another storm that lasted 12 hours required more than 30 hours of additional plowing. Twenty-four hour shifts were common, and Caribou saw overtime go about 15 percent over budget. The city buys all its salt and sand ahead of time and, fortunately, those supplies were likely to last through the season.

Second place in Bangor

Dana Wardwell, public works director in Bangor, has seen a lot of snowstorms in his 29 years with the department, including 11 years as director. In fact, he can remember back



Snow this deep was familiar across Maine. (Submitted photo)

to the snowiest winter ever recorded in Bangor, 1962-63, when 181 inches fell.

“I was shoveling snow back then, but I didn’t get paid for it,” he said. The 2014-15 winter, at 130 inches and counting, appears on track to be the second snowiest. It’s well above the 70-inch average.

Bangor’s snow removal budget is \$1.2 million, and it looks like costs for this fiscal year will reach at least \$1.6 million. But Wardwell still expects to be able to live within his \$10 million overall budget, which includes not only highways but sanitation and recycling as well.

There’s a lot of work to be done in

Bangor, geographically one of Maine’s largest municipalities, as well as having the third highest population. There are 193 centerline road miles and 80 miles of sidewalks. The department plows snow for 10 schools, 29 parking lots, and the Cross Center, which has a mammoth parking area that the city plows under contract. But snow removal isn’t such a big deal. “It’s what we’re here for,” Wardwell said.

Complaints from the public this winter are down, he said – perhaps because people realized just how difficult it was to keep things clear amid the wave of storms.

One concern, as in other northern locations, is that de-icing treatments were less effective than usual, so a lot of roads, and particularly sidewalks, were icy for days and even weeks at a time. “The combination of snow and cold was unusual,” Wardwell said. “That certainly kept us busy.”

In Rockland, one of the priorities is keeping the thriving downtown accessible, and the old, narrow streets mean that snow removal, as opposed to plowing, must begin soon after the end of the storm. An additional challenge this year is that the city decided to end the practice of dumping snow in the harbor, so additional time was needed to haul to the new snow dump, next to the town transfer station.

Greg Blackwell, director of Public Works, said most of that work was done at night, so nearly round-the-clock shifts continue even after the plowing is done.

Blackwell has a breakdown for each

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Public Works maintenance under way in Augusta. (Photo by Ben Thomas)

of the components in his winter maintenance budget. It includes: \$41,000 for plowing overtime; \$65,000 for salt; \$28,000 for sand; \$24,000 for equipment maintenance; and, \$14,000 for rentals.

All of those accounts, except salt, will probably run over budget this year, but he hasn't considered cutting back.

"It's an emergency service. We just

keep doing it," he said. Rockland has two sidewalk machines at work during storms, not waiting before the snow has stopped before getting to work.

One departmental consolidation, between the transfer station and public works, began to pay dividends this winter. Because the transfer station loader was added to the one public works has, snow removal downtown

and in parking lots went that much quicker, Blackwell said.

Pothole season

He's looking for a longer than usual pothole season this spring, in large part because, as the water department has discovered, frost has gone five feet into the ground. And the snow in Rockland? It was 112 inches by mid-March, almost double the 65-inch norm.

L.L. Bean is open 24 hours every day of the year, and downtown shopping is the biggest draw for Freeport. So, sidewalks get particular attention during storms, said Public Works Director Earl Gibson. The work is split between merchants and the town. Businesses are responsible for keeping sidewalks clear in front of the stores, while non-profits, including churches, get service from the town.

In the Village 1 and 2 zones, Gibson figures that's about a 50-50 split; in outlying areas, the town shoulders more of the burden. The two sidewalk machines go out as soon as four inches have fallen, and cleanup begins "as soon as the storm is over," he said.

For Freeport, the salt account is

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overdrawn by about \$3,000 and the overtime budget is “right at the maximum.” But, overall, the finances have been manageable, Gibson said. The unusual thing this year was simply the length of the storms. The January blizzard had crews going for 48 hours, and there were two more storms that required 24 to 36 hours of plowing. Considering that most were on weekends, “that really eats into the budget,” he said.

Residential streets had to wait

In Skowhegan, Public Works Director and Road Commissioner Greg Dore found he’s had to do a bit of triage in terms of keeping an extensive road system clear. There’s been so much clearing and hauling that the major routes and downtown required a lot of time, and residential streets had to wait.

Another unusual factor is that his maintenance costs are higher than normal, requiring a lot of plow blade replacements. His theory is that “plowing all that light, fluffy snow makes them scrape a lot more than if it starts packing down.”

The winter of 2014-15 won’t likely

be the snowiest of his 24 years with the town, “but it will be right up there,” Dore said. Skowhegan is one of the largest municipalities in Maine that still elects its road commissioner, so Dore is particularly careful about his budget. Though plowing hours are well above normal, he compensates by giving some of his crews a day off during the week – if he can.

“It’s a long time since we’re had to do that,” he said.

Salt use was up simply because it

wasn’t as effective in the bitter cold, Dore said. The town sprays its salt with an “ice be gone” additive, but even that didn’t always work in February.

The winter was long, but that’s something municipal public works crews prepare for. In Bangor, Dana Blackwell says he can’t recall an employee leaving in the last 12 years. Finding steady, year-round work in this field isn’t always easy. Morale is good, he said. “The crews really rise to the occasion.” ■

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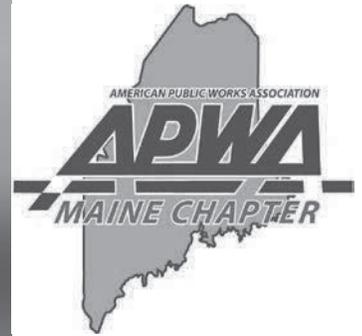
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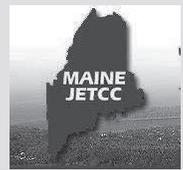


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Vacancy sparks Public Works job-share in Durham, Pownal

Leadership within the 'department' has been strong, a definite plus. Officials also say transparency about spending and specific job duties goes a long way.

By Douglas Rooks

As with many experiments in municipal collaboration, it began with a staff vacancy.

Durham – where the town meeting had recently decided to switch to an appointed road commissioner from an elected one – was looking in 2012 for someone to direct the town's winter and summer roads effort.

Neighboring Pownal, where Shawn Bennett had been working as public works director for nine years, had its own trucks and crews, while Durham still contracted for service. After some exploratory discussions, Durham decided to contract for Bennett's services for a year – an arrangement that has now been extended for two additional years, and is up for discussion again in March.

Selectmen in both towns are pleased about how it's worked. "There really haven't been any pitfalls," said Jeff Wakeman, chair of the Durham board, who's served five years on the board and is in his third year as chairman. "It's worked out just the way we've planned."

Tim Gidding, who chairs the Pownal select board, said, "We saw the opportunity to get the communities working together and save some money. Every time we have that chance, we're willing to try it."

Under the current agreement, Bennett remains an employee of Pownal but works under a coordinated contractual arrangement with Durham. The contract deals specifically

TOWNS AT A GLANCE

Durham

Population: 3,848

Board of Selectmen: Five

Form of Government: Selectmen/
Town Meeting/AA

Pownal

Population: 1,474

Board of Selectmen: Three

Form of Government: Selectmen/
Town Meeting

with Bennett. If, for example, Pownal were to change public works directors, Durham would not be obligated to continue, according to Janet Smith, Durham's former administrative assistant, who helped write the contract. Smith left Durham last September to become town manager in Richmond.

Not that anyone expects that to happen. Bennett, who says he enjoys a challenge, has gone the extra mile to make sure the position-sharing works.

"Shawn puts in his 40 hours, and then, when we were getting started, put in another 20 to 30 hours," Wakeman said. "He's committed."

The stability of a three-year sharing agreement was a key factor, Wakeman said, in convincing Durham voters to approve another transition from contracted road maintenance to a public

works department comparable to Pownal's. The voters also approved bonds necessary to buy a garage and startup equipment.

"The purpose wasn't necessarily to save money," Wakeman said, "but to get more for our money."

Durham now has fixed assets, a stable repayment plan and greater reliability with its own crews. Even for operating expenses, the situation looks favorable. The last year of contracting required a plowing budget of \$702,500. For 2014, Durham's total public works budget totaled \$776,095, while Pownal's is \$581,559.

No complaints

Public reaction, in addition to the supportive town meeting votes, has been uniformly favorable. "To be honest, I haven't heard even a single complaint," Wakeman said.

Operationally, Bennett sees the prospect of significant financial savings, and, long-term, sharing equipment also looks promising.

"Pownal has a lot more dirt roads than Durham," he said, "so it also has a newer and larger grader." The grader has been used in Durham too, and such use is routine for stretches of road that cross the town lines.

An example of an advantage for Pownal is in equipment maintenance, Bennett said. Both towns now have a full-time mechanic, but Durham's has more experience and has helped overhaul some of Pownal's equipment.

Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the Townsman, drooks@tds.net

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

Bennett says he sees another possibility in Durham's new garage, which is larger and better-equipped than Pownal's. Adding a wash bay there would ultimately benefit both towns, he said.

At this point, accounting for equipment and personnel sharing is relatively informal.

"We do keep track of how many hours are used in the other town," Tim Giddinge said. "We set the dollars at FEMA rates. We generally try to keep the differences within the thousand dollars."

So far, it hasn't been necessary for one town to bill the other, though it could happen. "Shawn helps us keep things balanced," Giddinge said.

The director position cost sharing is based on town road mileage, which means that Durham pays 60 percent of Bennett's \$60,000 salary while Pownal pays 40 percent. That has been the major savings for Pownal.

"We have access to a full-time director at less than it would cost us otherwise," Giddinge said.

Bennett likes the fact that both public works departments are mostly self-sufficient when it comes to winter and summer maintenance. "About the only exception would be a major reconstruction project, but those are almost always bid anyway," he said.

Janet Smith said that some benefits may not be as evident from a quick glance at budget lines, but they should be substantial.

Purchasing power

"Joint purchasing will allow both towns to get better deals" on commodities like salt and sand, she said. Having two crews cooperating "provides more flexibility, and more backup," she said.

Bennett said that having both towns using the same department structure will also pay dividends. "As we learn more, we can be more efficient and create more bang for the buck," he said.

With coordinated oversight, it's also easier to make sure work is scheduled appropriately, whether it's equipment maintenance, ditching and drainage work or road patching, he said.

Durham and Pownal haven't been strangers to each other, but the cooperative venture at the municipal level is new.

The two towns are, with Freeport,

members of a regional school district formed under the state's 2007 consolidation mandate. RSU 5 got off to a rocky start, however, Giddinge acknowledged. Within two years off its inception, Durham investigated withdrawing from the district, but abandoned the effort when it became clear its school costs would rise substantially as a stand-alone district.

Last November, Freeport voters narrowly turned down a withdrawal referendum question, leaving RSU 5 intact, but with more work to be done in getting the three towns to pull together.

The Durham-Pownal public works collaboration has gone much more smoothly, in part, Jeff Wakeman said, because it's been approached incrementally.

While Bennett's leadership in public works has been a plus, the transition for Durham from an elected to appointed road chief, then from contracted services to a public works department, made the one-year contracts advisable, Wakeman said.

Longer commitment?

Now, the towns may be ready for a longer commitment. Though it hasn't been formally discussed, Bennett said he'd be open to a three-year agreement when the topic comes up in March. The two boards of selectmen have committed to meeting quarterly, though with Durham's public works startup demands, it will have been six months since the last session.

Wakeman and Giddinge both said that joint meetings are less essential because there have been so few issues arising from the contractual arrangements.

But Bennett says they continue to be valuable. "We've got a tremendous amount of work done in a short time," he said. And consistent oversight is a big part of continuing to make improvements, he added.

Neither town currently sees the need for a more formal realignment that would, for instance, lead to a combined public works department. As Wakeman points out, "This is all pretty new for us," and it's unlikely further steps would seem desirable in the near future.

The selectmen have raised other possibilities for job-sharing at their joint meetings. A combined admin-

istrative assistant position might be possible in the future, though not now. Ruth Glaeser was hired as Durham's AA in November, while Scott Seaver continues to serve in that post in Pownal.

Wakeman said that administrative cooperation is generally a lot easier to pull off than formal consolidation. "There are town identify issues involved, to begin with," he said.

And, Giddinge said, "There's always the question of whether one town is benefiting more than the other" — though he added that the public works project is a good example about how to minimize those risks through transparency.

Giddinge said the two boards are "understandably hesitant to make too much of a jump," but that he's more than willing to consider proposals, "wherever we see possibilities for improvement."

He doesn't see current financial pressures easing any time soon. "As the Governor takes more and money away from the towns, we have to see if we can find new ways to save," he said. "We really don't have a choice." ■



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By Janine Pineo

What is technology? History and dictionaries cannot settle on terms to describe the ever-evolving concept, which has changed substantially over the centuries since the word first appeared, a transformation initiated by advances in technology itself.

“That’s a good point: What is technology?” said James Chaousis II, Rockland’s new city manager. Most recently town manager in Boothbay, and before that in Livermore Falls, Chaousis describes himself as a technology enthusiast.

It has led him to look for innovative ways to do municipal business more efficiently and effectively within each town in which he has worked, finding solutions that were a “significant investment in technology.”

“A lot of the time, we didn’t have to make the proposal (to the board) to make the investments,” he said. “We would re-purpose the savings into another investment.”

The result created better service, Chaousis said, which made the case for more technology.

The internet and its possibilities are arguably the major source of technology in which a municipality should invest. It can offer residents access to pay property taxes and register vehicles online. Everything from the booking of marina slips to alerts on flooded roads can be managed electronically.

Websites as gateways

One gateway is a municipal website. It is its own form of technology that provides a platform for other technologies. Not only does it give resi-

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TECHNOLOGY CONFERENCE

Maine Municipal Association’s annual Municipal Technology Conference is coming right up, May 7 at the Cross Insurance Center in Bangor. Social media and municipal broadband expansion are among the key topics to be featured. The Maine GIS Users Group and ConnectME Authority are important partners in this event. For details, see our complete program on P. 27.

dents 24/7 access to town information, it can engage more people if it offers an array of content.

Chaousis said Boothbay decided to offer online streaming video of its meetings.

“We went 100 percent live on every single committee in Boothbay,” he said. Afterward, each meeting was available for viewing at any time. “We thought that expanded the transparency of government,” he said.

Between the town’s municipal Facebook page and its website, the analytics showed that the ages of visitors and viewers started to skew between 25 and 50, substantially younger than those who typically showed up at meetings, Chaousis said.

“We’ve reached a whole different audience,” he said. “The beauty of it... was that we didn’t change the historic way we did business.”

Calais recently has seen its website traffic increase “exponentially,” said Jim Porter, Calais city manager. “We just did a rebranding and website.”

One key addition to the site was a directory that lists every business in the city. Porter said the next piece is to

help each business create a YouTube video that will be linked to the company’s profile.

“We’re ready to do that,” he said. “It just needs the time to get the content on there. We do view it as an economic development tool.”

Another crucial piece for a municipal website is internal access by municipal employees. Calais, for example, maintains its own site.

Sometimes, it is a staffing issue, where tight budgets mean limited hours. Other times, maintenance is wholly dependent on whether the site’s programming allows easy access by anyone other than the programmer.

Lack of money, staff and access limits a more vibrant website for Livermore Falls, according to Town Manager Kristal Flag. “We actually have a person that we have to call,” she said. “We only post things like ordinances.”

The site is configured to allow residents to pay bills online, she said, which provides a benefit.

Social challenges

Facebook and other social media present their own challenges. While some municipalities embrace social media, others are hesitant to start. Sometimes, certain departments take the lead, such as police and fire departments, many of which use it as a public relations tool.

This is the case for Mount Desert, said Town Manager Durlin Lunt. The police and fire departments have been active on Facebook for several years. The marina is as well, using Facebook as a way to advertise its 70 slips and fueling a revenue stream for the town that adds up to \$750,000 annually.

“The administration is just sort of catching up to it,” Lunt said. For

a community such as Mount Desert, which nearly quadruples in size as summer residents return to the six villages, a Facebook page will be a way to keep in touch.

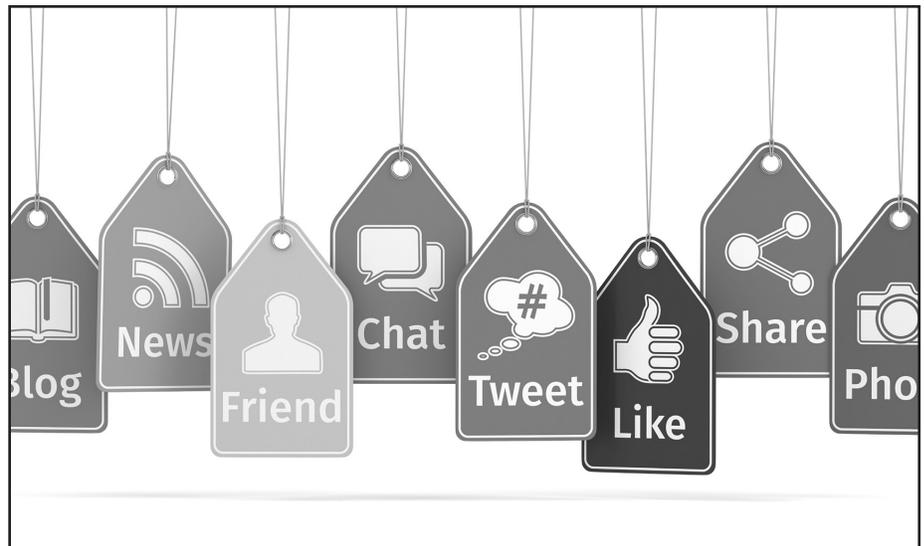
“The technology really is a chance to promote the community,” Lunt said.

Internet technology also can provide a less-expensive phone system than traditional land lines.

Voice over IP (VoIP) uses the internet to deliver calls and is the system of choice for Limestone. “We’re a very lean organization,” said Town Manager Fred Ventresco. “The reason we went this route was to save money.”

Calais also has gone VoIP, Porter said. “We’re happy with it,” he said. “All our buildings are connected with it.”

Boothbay ditched its land lines for the Public Works Department, according to former Town Manager Chaousis. The town went to iPads for the staff, which allowed employees to not only make phone calls but let them do email and take photographs, too. It is less expensive than maintaining land lines, Chaousis said, and the things that could be done were far less limited.



GIS technology's promise

Another area of opportunity for a municipality is in GIS, or geographic information system. It is defined as a system to present spatial or geographical data that can be manipulated, analyzed and managed.

Chaousis said Rockland has invested heavily in GIS with both time and money. Now, the city is looking for inexpensive ways to give the public

access to the data, including hosting a low-cost website.

“It’s just limitless the amount that we can make available to the public,” he said. City staff also would benefit from having all this data at their fingertips.

Lunt said Mount Desert’s tax assessor uses GIS data. “It’s really a great technology for him to keep the assessments in line,” he said.



Meet Our Attorneys Andrew Hamilton

Andy brings many years of experience to counseling municipalities. He has served as General Counsel for a number of Maine towns, and provides advice on economic development initiatives and environmental/land use matters.

Andy is committed to improving Maine communities through public and private investment, and has served in many leadership roles in the Bangor region and eastern Maine.

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"You have to manage your infrastructure," said Kevin Woodbrey, Raymond's network administrator. He gave an example of using GIS to analyze low points within the town to predict flooding. It gives the municipality a chance to address possible problems before a crisis happens, he said.

Woodbrey "got the GIS going" in Raymond back in 2000, according to Laurie Forbes, chair of the town's Technology Committee.

Raymond has had a unique situation with technology. "We're not typical at all," Forbes said. "We were one of the first to have access to high-speed internet."

That's because Time Warner selected Raymond as a test community back in the early 1990s.

That opportunity also sparked volunteer involvement. One of the volunteers was Woodbrey, who had been working in information technology since the early 1970s. His background brought insider knowledge to a group that knew little about personal computers, Forbes said, including herself as the library's representative.

Twenty years later, Woodbrey is Raymond's network administrator. His standard is simple: "Bringing the good procedures to running a data center."

Woodbrey's approach to problem solving and his IT background put Raymond ahead of its time for a small Maine municipality. "We have achieved a very high level of professionalism because of him," Forbes said.

For hardware, Woodbrey scouts around for what will meet the town's needs at minimal cost. The servers were obtained from state surplus, for example, and now are secured in their own air-conditioned space at the Town Office.

Woodbrey is a strong proponent of open source software, which is defined as software made by many people that can be used, changed and shared for free. Oftentimes, Woodbrey said, that model creates superior technology and powerful tools. "I think open source is as good as anything else," he said.

Systems choices

The town's website is powered by Drupal, an open source content management platform that Woodbrey said has more security than its competitors. "The security is phenomenal," he said.

It also has "lots of modules" that allow the town to build what they want for a website, which is now maintained by municipal staff.

Who else uses Drupal? The White House does for its website, whitehouse.gov.

The town's VoIP phone system is run on Asterisk, also open source software. "It is probably the base for most phone systems in the world," Woodbrey said. The town's 37 phones run on the town's virtual private network.

LibreOffice has replaced Microsoft Office software, Woodbrey said. He estimated that switch alone has saved the town \$40,000 in licensing fees.

Woodbrey is in the process of changing even the firewall software to another open source software, pf-

Sense. He especially likes the intrusion detection capability, which is the only part the town would pay for.

One of the crucial parts of Raymond's success with technology, Forbes said, is in the volunteers. "You have to find them," she said. "This town relies very, very heavily on volunteers. It's not just a cost savings, it's a way to engage people."

Not only does this create a sense of community, Forbes said, it also generates benefits for the town as a whole. "It's given us superior technology at almost no cost," she said.

That resulting dynamic reinforces what the Raymond Technology Committee has tried to promote: "Democracy through information," Woodbrey said. ■

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Mark Your Calendars!

1st Annual **Municipal** **HR** Conference

June 16, 2015
Thomas College Waterville, ME

Ever-tightening municipal budgets in Maine are creating increased challenges for municipal elected officials, managers, human resource directors, supervisors and department heads. As a result, municipalities are now more concerned than ever about uses of technology in the workplace, health-care and other employee benefits, initiatives aimed at reducing costs and services, optimizing employee performance and following all of the assorted laws that go along with these topics.

This timely conference is designed to be a “one-stop shop” – one day, very well spent, concentrating on HR-related topics.



KEYNOTE SPEAKER: **Andrew Webber**

Among the topics:

- More on the Affordable Care Act
- Preparing for a safety audit
- Having difficult conversations
- Managing an aging work force
- Creating a positive office culture
- Being HIPAA compliant
- And much more!

Information will be available soon on our website: www.memun.org

The Municipal RISK MANAGER

SPRING 2015

A Publication of the Maine Municipal Association

Protecting Municipal Property From Flood Loss

Working with Federal, State and local emergency management agencies in concert with local emergency response departments, most Maine municipalities are well prepared for protecting people and property during flood emergencies. However, this process sometimes falls short in the protection of municipally-owned assets. This winter has been particularly harsh, with record setting snowfall and extreme temperatures. Depending on the rate of snowpack melt and rainfall this spring, the potential exists for serious flooding conditions. Even without river or coastal flooding, it's reasonable to expect flooding of basements and of low lying areas. Now is the time to look at how we can mitigate damage to municipally-owned properties.

Do not consider the flooding of a basement or building a one-time set of unique circumstances. Chances are that, if a location has flooded previously and nothing has been done to change the conditions, it will flood again. To prevent localized flooding and limit damage to your municipally-owned building:

- Make sure that catch basins and storm drains are clear of snow, ice, leaves and other materials that might cause clogging.
- Shovel trenches through snow banks to direct runoff away from buildings and towards catch basins or natural drainage areas.
- Add extenders to downspouts and roof drains to move water away from the building and towards an area



where drainage can occur.

- Check sump pumps for proper operation. Have a back-up pump and a high water alarm system. Have a back-up plan for power failure.
- Relocate the contents of basements and/or lower floors so that when water enters the building there is little or no damage.
- Know how to shut off electricity, gas and water at main

Story Continued on Page 20

Online Training – Still Growing!

MMA Risk Management Services online training courses are available at no cost to participating members of the Workers Compensation Fund and Property & Casualty Pool. In partnership with FirstNet Learning Inc. since the fall of 2004, nearly 2,000 users have taken more than 116,000 courses. Our original offering of 13 courses has expanded over time to more than 65 titles. Most recently, in addition to upgrades and additions to employee safety courses, courses addressing liability exposures have been added. These courses include:

- Bloodborne Pathogens for Law Enforcement
- Ethical Decision Making
- Ethics in the Workplace
- Guide to Interviewing
- Hiring High Quality Diverse Candidates
- Information Security and Privacy Awareness
- Lawful Hiring
- Managing the Multigenerational Workforce
- Performance Evaluations
- Preventing, Slips, Trips and Falls (general)
- Preventing Slips, Trips and Falls (firefighters)
- The Power of Respectful Language
- Unlawful Harassment Prevention
- Workplace Bullying and Violence Prevention



The course offering will continue to grow, so watch the *Risk Manager* for announcements of new courses. Visit the website to preview courses and the online university or to register for courses at: <http://www.memun.org/InsuranceServices/RiskManagementServices.aspx> 🏠

Flood loss (cont'd)

switches and valves, so that utilities can be shut off if evacuation is necessary. Have a plan assigning responsibility. Only do this if it can be done safely.

- If flooding is inevitable, close the valve on the fuel tank (in the basement or outside). When a basement floods, the fuel tank can float and move, tear loose the fuel line and contaminate the basement with oil.

- Have sandbags or other devices available to block doors or other points where water might enter.

- During periods when buildings are unoccupied such as weekends or holidays, arrange for at least daily security checks.

- Relocate vehicles, equipment and records to elevated, accessible locations before flooding occurs.

If the building is already flooded, for your own safety!

- Be cautious when entering. There may be unseen structural damage, danger of collapse, holes, hanging fixtures, missing stairways, electrical hazards, etc.

- Do not enter an area of standing water where there may be downed power lines or electrically charged devices.

- Step carefully; walking surfaces will be slippery and will be littered with trip hazards.

- Flood waters may be contaminated with oil, gasoline, chemicals or raw

sewage. Clean and disinfect everything that will be reused. Use proper personal hygiene and treat all flood water as if it is contaminated.

For more information the FEMA publication series Protecting Your Property From Flooding: *Building with Flood*

Resistant Materials, Anchor Fuel Tanks, Raise Electrical System Components and Install Sewer Backflow Valves can be found on the MMA website at: <http://www.memun.org/InsuranceServices/Risk-ManagementServices/LossControl/LossControlAdvisories.aspx> 

Potholes and Municipal Responsibility

Within the local highway law there is what is commonly referred to as the "Pothole Law". When someone claims their vehicle was damaged because of a pothole or similar road defect, the issue is governed by the "Pothole Law", see 23 MRSA §§3651-3655. The Pothole Law requires municipalities to keep town ways (and State roads under municipal control) in good repair. The town's liability arises from the physical condition of the road itself, not the town's negligent use of the vehicles or equipment. Three facts must be established before a municipality will be held liable under the Pothole Law. First, the defect which caused the injury must be in a town way. Second, the injury or damage must be the result of a highway defect. Third, the town must have had at least 24 hours prior notice of the defect in question and failed to correct it.



The Property & Casualty Pool recommends that each municipality have a written process for recording when notice was received and when the road defect was fixed. The written process should include a well organized work flow of the reported defect. It may be advisable to have one person handle the incoming reports. The designated person should keep a log of the time the defect was reported and the location. After the notice is received, there

needs to be a dispatch for a reasonable repair of the defect within 24 hours of that report. The time of repair needs to be logged along with the type of repair (gravel, cold patch) and

any comments. This log should be retained for at least a 6 month period.

If there is more than one report for the same location and/or there is a recurring pothole from a problem area, the use of a sign and/or cone may help motorists to avoid the defect until a reasonably satisfactory repair can be completed. The statute does not specify what type of repair must be made, the repair will be judged on a reasonableness standard. The time of year when the frequency of defects is on the rise is usually March and April as the frost leaves the ground. They can also occur in the late fall. Potholes are usually more frequent during and after heavy rainfall for these same months.

The limit for any damage claim in which the municipality is found liable is \$6,000. There is also a 180 day notice requirement. The claimant is required to specify his/her claim for damages, nature of his/her injuries, and the nature and location of the defect which caused such injury within 180 days of the incident. The damage cap for any one wrongful death arising out of a road defect is \$25,000. 



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.

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IMPORTANT NOTICE – Requirements for Reporting Workplace Injuries and Fatalities

There has been some confusion on the requirements for reporting of serious workplace injuries and fatalities to the State and the timeframes for doing so. Most of this has centered on the definition of “serious” and if an employee was treated and released without overnight hospitalization. As the result of this confusion, it is likely that some injuries to public sector employees that should have been reported have not been. The Maine Department of Labor, Bureau of Labor Standards, has jurisdiction (MRSA Title 26), and responsibility to investigate injuries and fatalities of public sector (county, municipal, or state) employees.

Maine Title 26

§2. Reports of deaths and injuries

1. Reports of deaths. The person in charge of any workplace as defined in section 1 provided by the State, a state agency, a county, a municipal corporation, a school district or other public corporation or political subdivision shall, within 8 hours after the occurrence, report in writing or by telephone to the Director of the Bureau of Labor Standards the death of any person in the workplace or on the premises, stating as fully as possible the cause of the death and the place where the deceased person has been sent and supplying other information relative to the death that may be required by the director who may investigate the causes of the death and require such precautions to be taken as will prevent the recurrence of similar events. A statement contained in any such report is not admissible in evidence in any action arising out of the death reported.

[2003, c. 244, §1 (NEW) .]

2. Reports of serious physical injuries. The person in charge of any workplace as defined in section 1 provided by the State, a state agency, a county, a municipal corporation, a school district or other public corporation or political subdivision shall, within 24 hours after

the occurrence, report in writing or by telephone to the Director of the Bureau of Labor Standards all serious physical injuries requiring immediate hospitalization sustained by any person in the workplace or on the premises, stating as fully as possible the extent and cause of the injury and the place where the injured person has been sent and supplying other information relative to the injury that may be required by the director who may investigate the causes of the injury and require such precautions to be taken as will prevent the recurrence of similar events. A statement contained in any such report is not admissible in evidence in any action arising out of the accident reported.

[2003, c. 244, §1 (NEW) .]

3. Serious physical injuries defined. “Serious physical injuries”, as used in this section, means an incident that results in an amputation, loss or fracture of any body part or that necessitates immediate hospitalization.

[2003, c. 244, §1 (NEW) .]

For further clarification:

- Any hospitalization requiring an overnight stay must be reported.
- Loss of a finger tip, reattached and with no hospitalization is an amputation and must be reported.
- A “fracture” includes multiple or single bones or breaks and even though a

cast was placed with no hospitalization, must be reported.

While not specifically stated in number one above, incidents occurring in quasi-municipal entities (example – water or wastewater treatment plants) must be reported.

Reporting of a serious injury or fatality will not automatically trigger an investigation. Investigations are made at the discretion of the director (note the word “may” in Title 26.)

This reporting requirement is not for Worker’s Compensation purposes. Reporting is the responsibility of the person(s) in charge of the workplace.

This rule is not new and is not impacted by the recent change in Federal OSHA reporting requirements.

Incidents should be reported to MDOL:

Phone – 207.592.4501

Email – accident.bls@maine.gov

Welcome New Members

Property & Casualty Pool

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such risk management topics, please contact MMA Risk Management Services at 1-(800) 590-5583, so we can help. 🏠

Risk Management Services spoke at the Maine Town, City and County Management Association March 27, 2015 on various safety and loss prevention topics.

Risk Management staff provided education and guidance on controlling workers compensation costs, safety programs, on-the-job injury analysis and prevention. If your town would like to discuss

Maine Human Rights Commission Amends Complaint Procedures – Important Changes

Any employer that has ever been part of a Maine Human Rights Commission investigation has learned firsthand that the process can be long and frustrating. Due to chronic understaffing at the Commission, the investigation process can be agonizingly slow and drag on for up to two years.

On February 9, 2015, the MHRC announced new complaint processing rules which it hopes will speed up this process. These new rules may result in adverse consequences to employers who fail to pay heed. Under the new rules, employers will have eight weeks to respond to a MHRC complaint once served on them. Previously, employers had 30 days to respond, but were routinely granted extensions of that deadline. Now, extensions will not be granted except in emergency circumstances, and only then upon the approval of the Executive Director of the MHRC. In announcing the new procedures, the Executive Director stated that absent a true emergency, such requests will likely be denied. Failing to meet the strict response deadline could result in the employer being barred from making its case to the Commission.

In addition, requests by employers for administrative dismissal must be set forth along with the employer's response to the complaint. Previously, an employer could request administrative dismissal and if denied, then file its factual response, known as a "position statement." Employers must now do so simultaneously or risk waiving the chance to factually respond to the complaint.

What this means to you as an employer:

Do not sit on a MHRC complaint once



By Matthew Tarasevich
mtarasevich@bernsteinsbur.com or
any member of Bernstein Shur's Labor
and Employment Practice Group

it has been served on you. The eight week clock is ticking, and any extension to respond is unlikely.

Be sure to provide a copy of the MHRC complaint to your legal counsel and your insurer as soon as possible.

Unless you are confident in the grounds for administrative dis-

missal, include those arguments along with the position statement.

If you have any questions concerning your rights and responsibilities before the Maine Human Rights Commission, please call the Commission at (207) 624-6290, your local attorney, or contact Matt at (207) 228-7158, or mtarasevich@bernsteinsbur.com or any member of Bernstein Shur's Labor and Employment Practice Group. Matt is co-chair of Bernstein Shur's Labor and Employment Law Practice Group. 

Risk Management Services at the Maine Fire Chiefs Association Annual Conference

On March 25 – 27, 2015 the Risk Management Services (RMS) Loss Control and Member Services Departments staffed a booth at the Maine Fire Chiefs Association Annual Conference. RMS participates in this outreach event to provide education on risk management and loss prevention techniques.

As always, we enjoyed participating in the Annual Conference and seeing all of the Fire Chiefs who were in attendance. Congratulations to our booth drawing winners Chief Andrew Turcotte and Chief Marc Veilleux who received a gift certificate sponsored by the generosity of HUB International New England. We look forward to seeing you again next year. 



Property & Casualty Pool Renewal Reminder

We would like to thank our Members for their cooperation with the completion of the Property & Casualty Pool Renewal Applications. The Property & Casualty Pool renewal application was due by April 10, 2015 and we want our Members to know that help is available. If you would like assistance with the completion of your application or just have a question, please contact Marcus Ballou (mballou@memun.org) or Judy Doore (jdoore@memun.org) at 1-(800) 590-5583, so we can help.

Serving Maine Communities Is What We Do And All We Do

Public practices of ineffective councils and boards

The author of this article cautions board members from getting too involved in day-to-day operations, as that can lead to risk-management and other problems.

By Tami A. Tanoue, General Counsel/Claims Manager
Colorado Intergovernmental Risk Sharing Association

Some readers may be acquainted with various models for boards of public and nonprofit bodies. In this article, we will discuss the tough job of governing body members, and some of the ways in which a council or board can allow its effectiveness to be diminished or compromised.

For those who've labored in local government for any length of time, the book *Boards That Make a Difference* will provide some laugh-out-loud moments of self-recognition. It describes a number of common practices that are a drain on the effectiveness of the governing body and a source of frustration for both the body's members and the staff who serve it.

Do any of these ring a bell?

Spending time on the trivial. As the author, John Carver, describes it, "Major program issues go unresolved while boards conscientiously grapple with some small detail." How many times have you gotten mired in the tiniest detail of a purchasing decision, or the proposed budget?

Foreshortened time horizons. The board's decision-making time horizons should be the most distant of anyone in the organization. Yet, as Carver says, "We find boards dealing mainly with the near term and, even more bizarre, with the past." How many times have the pennies spent in the prior months, as reflected in the "bills for approval" portion of the agenda, received undue attention at your meeting?

Reactive rather than proactive stance. Is the idea that the board should make proactive decisions, rather than merely react to staff initiatives,

completely foreign? Would, as the author says, your board "cease to function" if it were asked to create its own agenda?

Going over what the staff has already done. "Reviewing, rehashing, redoing," is what the author calls it. Some boards spend a great deal of their time going over what the staff has already done. But as the author says, "Reviewing, rehashing and redoing staff work – no matter how well – do not constitute leadership."

Problem-based prescriptions. If you prescribe a specific solution based on the details of a specific problem that has occurred in the past, you may wind up with a "pendulum swing" that creates unintended consequences in the future. As Carver says, "Correcting insufficiencies by looking backward at what they have been simply invites the next, perhaps opposite error. It is like trying to drive down the highway with a firm grip on the rearview mirror."

Accountability being allowed to leak. Have you established a City/Town Manager or Administrator position? If so, great! But are you still continuing to encourage or allow council/board member interactions with subordinate staff, or subordinate staff members to bypass their supervisors and directly go to council/board

members with their issues or complaints? If so, you may be keeping the Manager/Administrator from being able to do his or her job, or you may be interfering in such a manner that you can no longer credibly hold him or her accountable for performance.

Diffuse authority. When the governing body's and staff's respective areas of responsibility are not clearly delineated, the staff's knee-jerk response for every issue in a gray area may be: "Let's take it to the council." If you allow this, you'll continually increase your own workload without ever clarifying the appropriate boundaries between council/board governance and staff decisions.

The "Approval Syndrome." Does your agenda call for the governing body's approval of documents containing a multitude of paralyzing details (line item budgets, detailed personnel and administrative policies, job descriptions, etc.)? How does this make you feel? The document has already been created and you are just reacting to it. Then, to avoid feeling like "rubber stamps," board members may start nitpicking. But as the author says, "No matter how much intelligence goes into playing this reactive role, it is clearly not leadership." Moreover, by its approval, the board has been

This article was reprinted with permission from Ms. Tanoue and CIRSA.

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co-opted into assuming ownership of the document, and staff is let off the hook in terms of accountability for the results expected from the document.

The “seductive intrigue of organizational activity.” You know how, when you’re faced with a huge project, sometimes the easiest way to procrastinate is to divert your attention to desk-cleaning or some other trivial task? That’s the “seductive intrigue” that can pull you into involvement in the organization’s internal minutiae. It can be a lot easier to divert your attention to those details than to grapple with the big issues involved in governing your entity. But governance shouldn’t be about bringing the council/board more knowledgeably into the process of administration. A governing body need not and should not tag along behind management, or try to become “super staff” in a “conscientious attempt to tag along more professionally.” You have grander things to do as the governing body.

What’s the answer?

Here are a few suggestions from *Boards That Make a Difference* to ponder.

- **View your board as an extension downward from ownership, rather than an extension upward from management.** As mentioned, your job is not to be “super staff,” much less “super management.” As the representative body for the citizens – the true “owners” of the community – your job is to exercise ethical and trusteeship responsibilities on behalf of the owner-

ship. Viewed in that light, it becomes apparent that neither the championing of management decisions, nor substituting your judgment for that of staff, are part of those responsibilities. To be true leaders, you need to “develop a taste for the grand expanse of the larger context,” as Carver says.

- **You determine the “ends.” Leave the “means” to the staff.** Briefly, “ends” are the results or outcome to be obtained, or the impact to be made, for whom, and at what cost or relative worth. You could call the “ends” the

“what and the why.” Everything else falls into “means” or the “how.” Once you determine the “ends,” give staff the latitude to determine the “means.” After all, they were hired for their skill and expertise in means, weren’t they? Aren’t they in the best positions to determine the means? If the governing body becomes involved in means, you may be simultaneously impairing your staff’s ability to exercise their best judgment, and crippling your ability to hold them accountable for the achievement of the ends. Who’s to



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blame if you dictated the “how” and the result was a shortfall in achieving the “what”?

• **Set appropriate boundaries on the “means.”** Leaving the means to staff doesn’t mean unbridled discretion. We all know there’s a limit to the idea that the ends justify the means. Carver maintains that the governing body’s legitimate involvement in means is to prohibit any means that are imprudent or unethical. But the way to do that is not with a set of *prescriptions* – what must be done. Rather, the right way to do that is with *proscriptions* – what must not be done. Why? Well, there aren’t enough hours in the day or enough specialized knowledge on the board to define all the things that must be done. But the board certainly has a legal, moral and ethical compass. That’s why defining what’s prohibited as imprudent or unethical is a more effective and efficient means of putting a boundary past which means cannot go.

• **Govern yourself before governing others.** Carver recommends that the governing body take the time to design and codify its own processes, including a board member code of conduct.

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



60 Community Dr., Augusta, ME 04330

One of the many helpful examples in *Boards That Make a Difference* is a sample code of conduct. Anyone who’s experienced dysfunctional behavior within a governing body knows that negative interpersonal dynamics can destroy the governing body’s effectiveness as well as its credibility with its constituents. But how can a board deal with inappropriate behavior among its own if it hasn’t first determined what constitutes appropriate behavior? With a sound and mutually agreed process, personality need not become the dominant force in shaping issues and dealing with disagreements and confrontations.

Liability concerns

The problem identified by Carver as obstacles to good governance are

also problems that can lead to increased liability for elected officials. For instance, if your role in relation to staff’s is unclear, how are you or staff going to know what is within the scope of your authority and what is within the scope of theirs? Falling outside the scope of your lawful authority is one of the sure ways to lose your liability protections. And it follows that Carver’s approach to good governance also provides excellent risk management suggestions. Both board and staff can flourish within their respective spheres of authority without stepping on one another, maintain appropriate accountability and ensure that the work of the public entity will be carried out within the boundaries of prudence and ethics. ■

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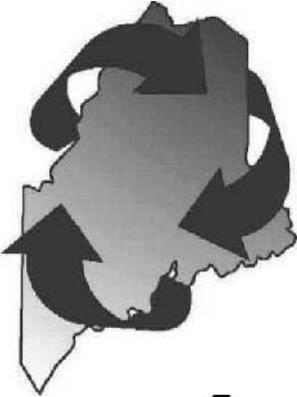
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Disappearing Waste: Rhetoric or Reality?



The 22nd Annual Maine Recycling & Solid Waste Conference & Trade Show

presented by the

Maine Resource Recovery Association

Monday & Tuesday, April 27-28, 2015 Point Lookout Resort, Northport, ME



Conference Highlights

Presentations by

Maine Department of Environmental Protection Commissioner Patricia Aho

Dr. Bill Sheehan, Executive Director, Upstream, a policy expert and big picture thinker who has been at the forefront of two U.S. sustainability movements - Zero Waste and Extended Producer Responsibility - over the past two decades.

Dylan de Thomas, Editorial Director, Resource Recycling, E-Scrap News & Plastics Recycling and a chronicler of all things recycling, scrapper.

Dr. Cindy Isenhour, University of Maine Assistant Professor of Anthropology & Cooperating Faculty, Climate Change Institute a researcher of the issues of sustainability, environmental movements, governance and policy, environmental risk perception and decision making.

These eminent keynote speakers and a full slate of breakout sessions with extremely knowledgeable presenters promises to make this our best conference yet! Sessions will cover just about every aspect of recycling and solid waste management including: **DEP Transfer Station Operator Certification, safety, product stewardship, the latest recycling market developments, user fees / pay-as-you-throw, public education and outreach, organics management, product bans and what could/would/should happen in 2018.**

Plus an Exhibit Hall with a wide selection of equipment & service vendors

Why should you and/or your staff attend?

- * **DEP Training** - do it right to avoid fines and the cost of after-the-fact cleanup
- * **SafetyWorks! Training:** Avoid lost work hours, lost wages, pain and suffering from injuries, lawsuits, and increased workers compensation premiums
- * **Increased efficiency & productivity** - let the experience of others help you and your staff get more done in less time
- * **Nothing remains the same** - hear about trends & developments in recycling and solid waste!

Staying home might save a little but attending just might save you *THOUSANDS!*

Download the conference registration brochure at our website www.mrra.net

REGISTRATION NOW OPEN!

2015 Municipal Technology Conference



May 7, 2015

Cross Insurance Center • Bangor, ME

Sponsored By: Maine Municipal Association & Maine GIS User Group
In Cooperation With: ConnectME Authority



2015 Keynote Speaker

Dr. Scott Sheperd

Dealing with Stress? It Starts With You.

Join Dr. Scott Sheperd, a classical pianist with a PhD in Counseling, as he uses humor and insight to tell all of us the keys to dealing with stress and challenging times. Changing the way you think, he counsels, is a necessary first step in altering behavior, workplace culture – even how your citizens and customers view you.

2015 Municipal Technology Conference

“Highway to Help” – Program

8:00 – 8:45 Registration & Continental Breakfast/Visit with Partners

8:45 – 9:00 Welcome

The Honorable Nelson Durgin, Council Chair, City of Bangor

9:00 – 9:45 Keynote Address

Dealing with Stress? It Starts with You

Join Dr. Scott Sheperd, a classical pianist with a PhD and over 35 years' experience in counseling, as he uses humor and insight to tell us the keys to dealing with stress and challenging times. Changing the way you think, he suggests, is a necessary first step in altering behavior, workplace culture – even how your citizens and customers view you.

9:45 – 10:00 Morning Break/Visit with Partners

10:00 – 11:00 Concurrent Sessions

Five Key Principles in IT Budgeting

Whether your municipal office is large or small, you'd probably like to have a better handle on computer, software and related costs. Attend this workshop, and you've come to the right place. Often IT support is seen as large and complex, but it doesn't have to be with the right understanding and systematic approach.

Presenter: Chris Claudio, Chief Executive Officer, Winxnet, Portland.

Municipal Broadband: Gathering Needed Information

A recent trend in Maine involves towns and cities considering “municipal broadband” networks. Of course, an important first step involves doing all the necessary fact-gathering up front.

Presenters: Liza Quinn, Tilson Technology Management, Portland; Page Clason, Resident, Town of Isleboro.

Critical Importance of Cyber Security

Like it or not, we work in risky technological times. Every month, if not more frequently, we read about computer breaches involving businesses, health-care organizations – even the U.S. and other national governments. This workshop takes a practical look at what municipalities and other organizations can do to minimize their computer risks.

Lead presenter: Matthew Reiss, Underwriter, Professional Risk, ACE USA

Using LiDAR Data to Create 3D Building Footprints

More and more GIS professionals are utilizing LiDAR data to leverage the third dimension in their GIS projects. The increased availability of these LiDAR point clouds, combined with the development of powerful software to efficiently and effectively utilize this data, have provided the means for GIS professionals to create 3D data layers that were virtually unheard of a few years ago. We will demonstrate some of the advanced tools that automatically extract and delineate vector features, including buildings, from classified LiDAR points. Finally we will explore several 3D visualization tools for generating a realistic fly-through perspective of the 3D vector models

Presenter: David McKittrick, Senior Application Specialist, Blue Marble Geographics, Hallowell.

Asset Management and GIS

Managing assets such as storm water, water and wastewater systems and roads and facilities within a community is an increasingly important task for municipalities. However, communities are discouraged when presented with the costs and time required for incorporation of asset management systems. Without an accurate inventory system to track and manage assets, it can be difficult to mitigate potentially

costly and sometimes life-threatening impacts to infrastructure. This presentation will identify the key components of an asset management system and how communities can utilize a Geographic Information System (GIS) as a starting point for effective asset management.

Presenter: Rick Martens, James W. Sewall Co., Old Town.

11:00 – 11:15 Morning Break/Visit with Partners

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

Use Your Website to Improve Your Reach

OK, so you have a municipal website and you probably have limited resources to update it constantly. Here are some simple yet effective ways to improve your website's reach to citizens, visitors and seasonal residents.

Presenter: Nancy Marshall, Founder and Chief Executive Officer, Nancy Marshall Communications, Augusta.

Municipal Broadband: What Might Work for Your Community

Nothing teaches better than experience. Come listen to these presenters as they talk about what worked, and what they would have done differently, in considering and launching municipal broadband networks.

Presenters: Chris Mitchell, Community Broadband Networks; Richard Bates, Manager, Town of Rockport; Chris Dumais, Director of Information Technology, City of South Portland.

Call for Action: 3D Elevation Opportunities for State, Local Governments

The Department of the Interior's U.S. Geological Survey and other federal agencies are launching a 3D Elevation Program (3DEP) designed to bring federal agencies, academia, corporate entities, states, tribes and communities together to develop advanced 3-dimensional mapping data of the United States. These data and related tools will be used in the areas of flood risk management, storm water management, mitigation of coastal erosion and storm surge impacts and as an essential component of supporting action on climate resilience and adaptation. The presentation will outline the results of the NEEA study and provide state and local officials the details they need to prepare for, support and take advantage of 3DEP.

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

Community & Regional Benefits (Think \$) from Geospatial Data

Even if you do not have GIS capacity, your community can gain important benefits from this technology. This session will explain the benefits and cost savings available to your community when you access current geospatial data or participate in state and regional initiatives. Whether you are extending a sewer line, building or renovating a road or courting economic development; current imagery, elevation data and other geographic information are required to determine feasibility, estimate development costs and evaluate return on investment. Regional and state data acquisitions save hundreds of thousands of dollars compared to each community purchasing data on their own.

Presenters: Joe Young, Executive Director, Maine GeoLibrary Board; Sam Moffat, Project Director of Geospatial Services, Woolpert; Claire Kiedrowski, Mapping Analyst, KAPPA Mapping, Inc.

12:15 – 1:30 Buffet Luncheon

12:45 – 1:30 Luncheon Address

Mapping the Great Indoors: Leveraging GIS to Manage Facilities

Our facilities represent one of our largest and most important investments, yet we only recently began applying the power of GIS to help manage and protect those assets. Stu Rich will describe how organizations large and small around the world are realizing new value from their GIS investments by bringing the map under the roof for a variety of purposes including space planning, maintenance operations, environmental health and safety and public safety.

Speaker: Stu Rich, Principal/GIS Practice Manager, PenBay Solutions, Topsham.

1:30 – 1:45 Afternoon Break/Visit with Partners

1:45 – 2:45 Concurrent Sessions

The Importance of Social Media

What is social media, how does it work and how important is it in your town or city's communication plan? These key questions will be answered, and additional strategies will be offered, at this valuable and insightful workshop.

Presenter: Ebb Walton, Online Marketing Specialist, Nancy Marshall Communications, Augusta.

Municipal Broadband: New England Success Stories

Other states are experimenting and pioneering with community broadband networks as well. There's always strength in hearing tales, lessons and strengths from people "from away." Come, listen and find out for yourself.

Presenters: Denzel Hankinson, Broadband Committee, Leverett, Mass.; Bill Gassman, Broadband Working Group, Moultonborough, N.H.; Joshua Broder, Tilson Technology Management, Portland.

Key Environmental Data at Your Fingertips

This session will provide code enforcement officers, planners, Realtors and many others a great overview of data available online from DEP websites. Maine Department of Environmental Protection (DEP) has more than 50 million data records, ranging from oil and hazardous waste contamination to biological sampling information to information on natural resources, water quality data, invasive plant locations, vernal pools, and wastewater facilities. Conference participants are encouraged to review information on its maps and data page, and come prepared to ask questions.

Presenters: Bruce Hunter, Environmental Hydrogeology Manager, Maine Department of Environmental Protection; John Lynam, GIS Analyst, Maine Department of Environmental Protection.

Streamline Workflow by Web-Enabling Spatial and Non-Spatial Data

Have you been thinking about ways to streamline your workflow and reduce redundancies? Have you been using only paper forms and files for a long time and worry about how those records would be re-created "if" something were to happen? Have you had your Excel spreadsheet go haywire one too many times? This presentation will cover ways to convert both non-spatial and spatial data into a hosted web-based platform, and will cover a variety of platform options both proprietary and non-proprietary. Municipalities of all sizes in the Bangor area are making the switch to hosted solutions – be it VoIP phones, web GIS maps, archiving paper documents or using an app on a smart phone to gather data or report issues. Is it time for you to consider this for your municipality?

Presenters: Gretchen Heldmann, GISP, LF – Senior Project Manager, Corson GIS Solutions; Ray Corson, Owner, Corson GIS Solutions, Portland.

2:45 – 3:00 Afternoon Break/Visit with Partners

3:00 – 4:00 Concurrent Sessions

Social Media: Municipal Dos and Don'ts

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

Presenters: Eric Conrad, Director of Communication & Educational Services, Maine Municipal Association; Amanda Meader, Staff Attorney, Maine Municipal Association; Detective Dorothy Small, City of Ellsworth Police Department.

Municipal Broadband: FirstNet and What It Means for Municipalities

FirstNet will be the first high-speed wireless, broadband data network dedicated to first responders. Come and hear where Maine is in the planning process, what public safety broadband means to local government officials and how municipalities can participate.

Presenters: Elissa Tracey, Tilson Technology Management, Portland; Clarence Young, James W. Sewall Co., Old Town; Elisabeth Madden, Winbourne Consulting.

Municipal Level Climate Change Planning

This session will cover work that the Maine DOT, Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries & Wildlife have been engaged in to develop tools to be used at the municipal level for climate change planning. The Maine Geological Survey of DACF has completed sea level rise inundation mapping for 4 sea level rise scenarios and potential hurricane inundation mapping for Category 1 and 2 hurricanes for the entire coast. Come hear how many of these programs, including the Municipal Planning Assistance Program of DACF can benefit your town or city.

Presenter: Elizabeth Hertz, Director, Municipal Planning Assistance Program.

MaineDOT's Online MapViewer

Maine DOT has a three-year work plan detailing all its planned transportation improvement projects. All this information and much more is available on MaineDOT's online Map Viewer. This presentation will provide an overview of functionality, features, and data sources, making this a valuable tool for municipal officials and managers, regional governments and partner organizations. All you need is a standard internet browser, some time and interest. Questions welcome!

Presenter: Nate Kane, Maine Department of Transportation.

4:05 – 5:00 Concurrent Sessions

Municipal Broadband: Nuts and Bolts to Ensure Your Development Project Succeeds

FairPoint and other presenters will discuss recent municipal broadband development trends, explore the impacts in Maine and review how municipalities should solicit proposals for broadband services. Learn how a municipality can best connect their constituents while considering the short- and long-term fiscal implications and evaluating the administrative and technical components of the decision.

Moderator: Mike Reed, Maine state president, FairPoint Communications. Presenters: Dan Boutilier, IT Director, City of Portland.

GovOffice User Group

Calling all GovOffice Maine clients: This annual meeting of the GovOffice User Group gives you the opportunity to meet with GovOffice staff to discuss advancement and new design solutions, as well as the opportunity to provide feedback and ask questions.

Presenter: Ross Heupel, Marketing Director, GovOffice

MEGUG Scholarship/Grant Recipient Presentations & Business Meeting

2015 Municipal Technology Conference

Thursday, May 7, 2015 – Cross Insurance Center, Bangor, ME

(Sponsored by: Maine Municipal Association & Maine GIS User Group cosponsored by the Maine GIS User Group • In cooperation with: ConnectME Authority)

ATTENDEE REGISTRATION FORM



Registration Type *(please check ONE):*

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

Billing Information:

Full Name: _____

Employer: _____

Billing Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

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

First Name: _____

Last Name: _____

Primary Title: _____

Employer: _____

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

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

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

Overnight Rooms:

An overnight room block has been set up at the Holiday Inn in Bangor for attendees and sponsors at the rate of \$99.00/night (plus tax) until April 20th. To make your overnight reservation, please call the Holiday Inn at (207) 947-0101 and reference the Municipal Technology Conference.

Questions & Cancellations

If you have any questions regarding registration, please call Educational Services at 1-800-452-8786 or 623-8428. Notification must be given at least 72 hours before the conference to receive a refund (minus processing fee). **All** cancellations are subject to a \$10 administrative fee for processing.

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



Maine Municipal Association

NOTICE

Seeking Nominations for MMA Executive Committee

Nominations

Nominations are being accepted for three seats on the MMA Executive Committee. The Vice President position is also open to municipal officials who have served at least 12 consecutive months on the MMA Executive Committee during the past five years. The Nominating Committee will interview Vice President candidates and selected candidates for the Executive Committee positions during their meeting in May.

What Is Involved?

The Executive Committee is the Maine Municipal Association's corporate board, consisting of twelve elected and appointed municipal officials representing the interests of member municipalities throughout the state. The Committee has overall governance and fiduciary responsibility for the Association, its annual operating budget, and the development of policy and priority initiatives. The Executive Committee meets 10-12 times per year and has a required attendance policy in place. The Association reimburses municipal officials or their municipality for travel related expenses incurred for attending meetings or authorized activities to represent the Association's interests.

Who Should Apply?

- Town and/or city managers or chief appointed administrative officials in an active member municipality; or
- "Municipal officers" (*mayor and aldermen or councilors of a city, the selectmen or councilors of a town, and the assessors of a plantation*)

What are the Qualifications?

- The ability to serve a three year-term;
- Basic knowledge and/or interest in the corporate operations of the Maine Municipal Association;
- Although not necessary, it would be helpful to have prior experience on other governing boards/committees and/or involvement in the Maine Municipal Association.

Timetable

March 19, 2015	Appointment of MMA Nominating Committee <i>(MMA Executive Committee appoints 2 MMA Past Presidents; 2 Elected Municipal Officials, and 1 President of Affiliate Group or Town/City Manager or Chief Appointed Administrative Official)</i>
March 27, 2015	1st Meeting of Nominating Committee — <i>Review of Nominating Committee Process</i>
April 2015	Notice in monthly magazine, MMA Townsman, and electronic newsletter, MMA This Month
April 1, 2015	1st Electronic Mailing to Key Municipal Officials — <i>Seeking Interested Candidates</i>
May 4, 2015	Deadline for Receipt of Statement of Interests & Support Letters of Recommendation <i>The Nominating Committee will then hold its 2nd Meeting by Conference Call to review all Statements of Interest and select candidates to be interviewed.</i>
Monday, May 11, 2015	3rd Meeting of Nominating Committee <i>Interviews with Selected Candidates and put forth Proposed Slate of Nominees</i>
May 18, 2015	2nd Mailing to Key Municipal Officials — <i>Proposed Slate of Nominees</i>
July 6, 2015 — 4:30 p.m.	Deadline for Receipt of Nominees by Petition
July 16, 2015	3rd Mailing to Key Municipal Officials — <i>MMA Voting Ballots</i>
August 14, 2015 — 12:00 noon	Deadline for Receipt of MMA Voting Ballots
August 14, 2015	MMA Election Day — <i>Counting of Voting Ballots</i>

For Further Information:

Please visit the MMA Website at www.memun.org for additional information on the MMA Nominating Committee process, timetable, overview of Executive Committee responsibilities and access to the Statement of Interest Forms for the MMA Executive Committee and Vice President positions. Please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or by e-mail at tchavarie@memun.org if you have any questions. (Please see *Statement of Interest Form for the MMA Executive Committee on back side of this Notice.*)

Maine Municipal Association
STATEMENT OF INTEREST FORM
SERVICE ON THE MMA EXECUTIVE COMMITTEE

Deadline for Receipt — 12:00 p.m. on Monday, May 4, 2015

**Please answer each question completely & submit letter(s) of recommendation.
Attach additional sheets if necessary.**

Name of Candidate: _____
Municipal Position: _____ Years in Position: _____
Municipality: _____ County: _____
Preferred Mailing Address: _____
Work or Office Phone _____ Home Phone: _____
Mobile/Cell Phone _____ E-Mail: _____

Professional and Municipal Experience — Please include work experience, appointments to municipal/agency/organizational boards, and volunteerism (provide position title and year(s) of service):

Previous Involvement With the Maine Municipal Association — Please provide info on your past involvement on MMA Legislative Policy Committee, Governance Boards, Ad Hoc Committees, Municipal Leadership Program, Convention Planning, etc., (provide dates of service, if available):

Other Information — Occupation, education, other activities of interest, awards, etc.

What Attributes Do You Believe You (or Your Candidate) Will Bring To The Maine Municipal Association?

Please provide a Municipal Reference that we may contact:

Name	Municipal Position	Telephone #
------	--------------------	-------------

For an understanding of the attendance policy, please see the MMA Executive Committee job description which is located on the MMA website. Based on this, do you believe that the time commitment meets your availability?

Yes No

If you are making this recommendation on behalf of someone other than yourself, please complete the following information so that we may contact you if more information is needed.

Name: _____ Daytime Tel #: _____ Email: _____
Municipal Position: _____ Municipality: _____
Address: _____

MMA Nominating Committee c/o Executive Office
Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330

FAX: (207) 626-3358
E-mail: tchavarie@memun.org

- 2015 -

Elected Officials Training Opportunities

Elected Officials Workshops

Who Should Attend:

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

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

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).

Online registration is easy!

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

Elected Officials:

Dates & Locations:

Lewiston – 04/30/2015

Ramada Inn – 490 Pleasant St., Lewiston, ME 04240

Machias – 05/14/2015

University of Maine at Machias
116 O'Brien Ave., Machias, ME 04654

Bethel – 06/30/2015

Bethel Inn – 21 Broad St., Bethel, ME 04217

Waldoboro – 7/29/2015

Soule-Shuman VFW Post #4525 – 50 Mill St.
Waldoboro, ME 04572-6128

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



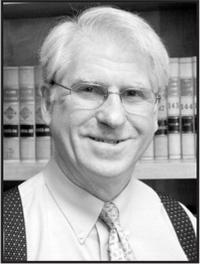
Maine Municipal Association

60 Community Drive – Augusta, ME

1-800-452-8786

www.memun.org

PEOPLE



Christopher G. Lockwood

Maine Municipal Association Executive Director **Christopher G. Lockwood** told his Executive Committee and staff last month that he will retire effective Aug. 21 of this year. Lockwood has led MMA for 36 years, a period during which he and his organization went through many changes – and challenges. MMA's Executive Committee has begun a national search for his replacement.

"From the outset," Lockwood said, "I viewed my role as that of a steward. The organization has changed significantly during this 36-year period as our programs evolved to assist our members in meeting new challenges. Yet, we have strived to keep our core mission the same, providing quality service to our members."

John Bibber, who served five Maine municipalities over a career that spanned 40 years, died March 16 at the age of 88. Bibber is a former president of the Maine Municipal Association, as well as a former vice president of the International City/County Management Association. He was active in countless groups and efforts during his nearly 30 years as Brunswick town manager. He retired in 1989 but would later help the town of Lisbon during a management emergency. Bibber, a Lewiston native and veteran, interned as a college student for the cities of Presque Isle and Auburn, where he grew up. Before taking the Brunswick manager's job, Bibber managed Islesboro, Berwick and Old Town.

"I valued John's support and counsel when I began my work as MMA Executive Director in 1979," said Christopher Lockwood. "He was highly respected by his peers who often referred to him as 'the dean' of municipal managers in Maine."

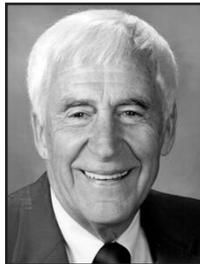
Former Westbrook Mayor **Bruce Chuluda** died March 15 at the age of 66. City leaders remembered Chuluda as unpretentious and "solid and steady." Chuluda served two consecutive 3-year

terms as mayor, from 2003 to 2010, and as a councilor prior to that. During his tenure as mayor, the city built a new public safety building, as well as a riverfront office complex. Over his lifetime, Chuluda worked in the health care field, as a chamber of commerce director and for the Maine Turnpike Authority.



Michelle Beal

MMA President and Ellsworth City Manager **Michelle Beal** has resigned to take the top administrative job for the Bangor law firm Rudman Winchell. Beal has served the City of Ellsworth since 1995, first hired as deputy treasurer. Her last day on the job was March 20. Beal was named city manager in September 2007. Councilors praised Beal as dedicated, ethical and deeply committed to the community and its residents. David Cole, a consultant and former state transportation official, has been named acting manager.



Ralph Baxter

South Portland residents and officials mourned the death of former Mayor **Ralph Baxter**, who died on March 20 at the age of 83. Baxter, an Ashland native, was remembered for his tireless community service and commitment, including nine years on the city council. A longtime teacher, Baxter was helping the city plan for high school renovations at the time of his death.

Voters in Chapman in Aroostook County expanded their board of selectmen to five members in March, just as the town begins celebrating its 100th birthday. Voters elected **Charles Beaulieu** and **Tim Scott** to join incumbents Isaac Braley, Mickey Maynard and Patricia Sutherland on the new bigger board. They were sworn in at March town meeting.

Acting Portland City Manager **Sheila Hill-Christian** withdrew her name as a

candidate for the permanent job. Hill-Christian, who has served as acting manager since the departure of Mark Rees last September, said she prefers returning to her deputy manager's post once a replacement is hired. Rees hired Hill-Christian in January 2013 as the city's first deputy manager. City officials hope to hire a permanent manager by July 1, the start of a new fiscal year.

Millinocket councilors in March hired Frenchville Town Manager **John Davis** as their new top administrator. Davis replaces retiring manager Peggy Daigle. Town leaders, still reeling from the loss of papermaking jobs – and the mill itself – hope Davis can lead the community at a stressful time. Davis was a millworker for 35 years before being laid off in 2003 from the East Millinocket mill. He was hired as Frenchville manager in October 2013. Davis also served as Millinocket town councilor from November 2004 until taking the Frenchville job.



Christine Landes

Christine Landes of Orrington has been named the new town manager of Bethel after serving for 20 years in various capacities in the towns of Warren and Veazie, the city of Brewer, and Clay County in Florida.

Landes was chosen from a field of 35 candidates from 19 states.



Susan Lessard

Longtime Hampden Town Manager **Susan Lessard** has resigned, effective at the end of June. Lessard has managed the Bangor suburb for nearly 15 years. Lessard worked as Vinalhaven town manager from 1993

to 2000, when she took the Hampden job. Her resume also includes work as Searsport town clerk, and town manager of Livermore Falls and Fayette. ■

If your municipality submits a news item for the Townsman, consider sending a corresponding photo to: Eric Conrad or Jaime Clark (econrad@memun.org or jclark@memun.org)

ALNA

The new board of selectmen will consider seeking a review of the property values of Central Maine Power Co. holdings, after neighboring Whitefield revalued the firm's property and increased their value. If the Alna reassessment ends the same way, other property taxpayers will get a small break. Selectmen will revisit the issue after collecting more information.

EDGECOMB

Town firefighters are used to battling blazes; fighting for more support and money is another skill department members are learning. As selectmen prepare another tight municipal budget for the new fiscal year, they are considering a request to convert the town fire chief's job to a full-time position. Although supportive of the need for more oversight and help, the board is worried about the impact on property taxes. Selectmen in March, however, signaled a willingness to draft a proposal that voters could decide at May town meeting.

HOULTON

Town councilors have endorsed changes to the traffic ordinance to reduce noise, particularly "jake" braking by big trucks, within the urban compact zone. Residents and visitors also will pay more if they park illegally or for too long in one place.

MADISON

Municipal officials will ask residents at town meeting this summer whether they want to contract for police services through the Somerset County Sheriff's Office. Town leaders are proposing saving money by contracting the service once Police Chief Barry Moores retires later this spring. The change is proposed at a time when the town of 5,000 has lost \$2 million in revenue after the revaluation of the Madison paper mill. Selectmen and other town leaders say the change would save the town \$130,000 a year. The department's secretary and five patrol officers would meld into the sheriff's office, selectmen said. Moores has assured residents he has full faith that the county can provide coverage for the town. Voters will decide in June.

PORTLAND

Residents want more of the new smart phone app that allows them to report

potholes, damaged street signs and other road issues. City crews already have repaired 100 road problems pointed out by drivers. The app is named "Fix It Portland" and was developed in January.

SCARBOROUGH

The city is considering joining a trend to charge residents a fee per bag for dis-

posing of their solid waste. The program would require residents to pay a fee for every bag of garbage they dump if they don't voluntarily agree to recycle. The town pays about \$1 million a year to get rid of its trash. According to published reports, 31 percent of Maine's nearly 500 municipalities already have pay-to-throw policies. ■



Former MMA President Michelle Beal with new MMA President Stephan Bunker, following his swearing-in last month. (Photo by Ben Thomas.)

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*.

Revenue Sharing Numbers. Plenty could still change between now and the end of the legislative session, but the State of Maine has released new projected revenue-sharing figures for municipalities in FY 2016.

Lockwood Retirement. Maine Municipal Association Executive Director Christopher Lockwood will retire in August 2015. Read what he has to say about his 36-year tenure and how some of MMA's leaders over the years view the association's evolution during his tenure.

Important Pension Changes. It may sound technical but changes from the Governmental Accounting Standards Board (GASB 68) could have a significant impact on municipal employee pensions – and municipal operating budgets.

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MUNICIPAL BULLETIN BOARD

APRIL 21

Planning Boards/Boards of Appeal: Waldoboro

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 April 21 at the Soule-Shuman Memorial Post VFW in Waldoboro.

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.

APRIL 22

Basic Excise Tax: Houlton

Gilberte Mayo, a lifetime member of the Maine Tax Collectors' and Treasurers' Association, will lead a one-day, basic course on the procedures of the excise tax on April 22 in the Town of Houlton offices at 21 Water St.

Among the topics to be covered: optional equipment; mil rates; commercial vehicles; transfers (what is allowed and what is not allowed); and, the watercraft excise tax. Cost for the workshop is \$50 for MMTCTA members and \$60 for non-members. Registration begins at 8:30 a.m.

APRIL 23

Vital Records Workshop: Augusta, Machias

The Maine Town & City Clerks' Association will hold a Vital Records Workshop on April 23 at the MMA Conference Center in Augusta. The day-long session will provide municipal clerks with an overview of the law, rules and regulations concerning vital records in Maine. This workshop also will be available via video conference at the Sunrise County Economic Council in Machias.

The instructors include: Kim McLaughlin, Town Clerk in Old Orchard Beach; Roberta Fogg, Deputy State Registrar; and, Jessica Hanscombe, a student teacher.

The history and integrity of vital records, certified copies, amendment of vital records and death and marriage records are among the topics on the agenda. Registration begins at 8:30 a.m. The workshop concludes following a Q&A session, probably at 4 p.m. Cost is \$55 for MTCCA members and \$75 for non-members.

APRIL 28

New Clerks Workshop: Waterville

Patti Dubois, City Clerk in Waterville, and Jessica Hanscombe, Deputy City Clerk in South Portland, will lead a workshop designed to familiarize newly elected and appointed municipal clerks with their duties and responsibilities. The workshop will be held at the Waterville Elks Banquet and Conference Center, with registration beginning at 8:30 a.m.

Many topics will be covered. The workshop is applicable to clerks from Maine's biggest cities and smallest towns. Cost is \$55 for Maine Town & City Clerks' Association members and \$75 for non-members.

APRIL 27-28

MWDA Spring Training Seminar: Bangor

Various speakers from the Maine Welfare Directors' Association, Maine Municipal Association, Maine Department of Health & Human Services and Maine Housing Authority will cover a wide array of topics and issues at MWDA's Spring Training Seminar April 27-28 at the Hollywood Hotel and Conference Center in Bangor.

State DHHS Commissioner Mary Mayhew is among the scheduled speakers. Costs vary based on number of days attending and whether registrants are MWDA members. Registration begins at 8 a.m. on the first day, Monday, April 27.

APRIL 29

Labor & Employment Law: Augusta

This full-day course is appropriate for any appointed or elected official or municipal employee who needs to stay abreast of the most up-to-date legal

and practical approaches to common personnel issues. Topics include: Legal Updates, Managing Leave Requests, Important Management Tips and Managing Personnel Information.

Presenters will include attorneys from the law firm Bernstein Shur and David Barrett, Director of Personnel Services at MMA. The workshop begins with registration at 8:30 a.m. and concludes at 2:30 p.m. Cost is \$75 for MMA members and \$150 for non-members.

APRIL 30

Elected Officials Workshop: Lewiston

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on April 30 at the Ramada Inn in Lewiston. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

The workshop is designed for newly elected officials, but veteran councilors and select board members may benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members.

MAY 5

Planning Boards/Boards of Appeal: Bridgton

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 May 5 at the Bridgton Town Office building in Bridgton.

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. ■

All of the upcoming workshops can be found on the MMA website. Use the following link:
<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

LEGAL NOTES

Politicking @ Town Meeting

Question: We know political activities are prohibited at secret ballot elections, but what about at traditional “open” town meetings?

Answer: That’s right – political campaigning, including asking for votes, displaying or distributing campaign materials, or otherwise attempting to influence voters, is strictly prohibited during secret ballot elections, both at the voting place and on public property within 250 feet of the entrance (see 21-A M.R.S.A. § 682; see also “Elections & the 250’ Rule,” *Maine Townsman*, “Legal Notes,” February 2010).

But there is no law against any of these activities at a traditional town meeting, where in fact political argument and advocacy are expected. Indeed, town meetings would be pointless if voters were prohibited from trying to persuade others – this is the essence of open debate (think “Freedom of Speech,” Norman Rockwell’s inspiring depiction of a Vermont town meeting).

But town meeting is not meant to be a free-for-all either. It is a deliberative body, with an agenda (the warrant) and a presiding officer (the moderator) whose role, mostly, is to ensure the orderly conduct of business. While carrying signs, handing out flyers and similar political activity is generally permissible at town meeting, the moderator has ample authority to prevent unreasonable interference or disruptions and to preserve order and civility (see 30-A M.R.S.A. § 2524(3)).

For more on town meetings, see *MMA’s Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

Distracted Driving & Municipal Employees

Question: Does the federal rule against distracted driving by commercial motor vehicle (CMV) operators apply to municipal employees with a commercial driver’s license (CDL)?

Answer: No. The January 3, 2012 rule issued by the U.S. DOT’s Federal Motor Carrier Safety Administration (FMCSA) prohibits only interstate truck and bus drivers and drivers who transport placardable quantities of hazardous materials from texting or using hand-held

mobile devices while operating their vehicles. (The use of a hands-free phone is not prohibited.) For more on this rule, go to <http://www.fmcsa.dot.gov/driver-safety/distracted-driving>.

According to the FMCSA, the odds of a “safety-critical event” (e.g., a crash, near-crash or unintended lane change) are six times higher for drivers dialing a mobile phone while driving. For texting while driving, the odds are more than 23 times higher!

Even though the federal rule does not apply to municipal employees, there is no legal reason why a municipality cannot prohibit employees from texting or using hand-held mobile devices whenever operating a municipal vehicle of any kind, for any reason. In fact, from the standpoint of public safety (not to mention potential liability), such a rule may be as compelling as banning employees from operating under the influence.

Speaking of OUI, for details on mandatory drug and alcohol testing for CDL holders, see our “Information Packet” on the subject, available free to members at www.memun.org. (By R.P.F.)

Can We Reject All Bids?

Question: We tried selling some tax-acquired property by sealed bid, but none of the bids we received were acceptable. Can we reject them all even if we didn’t reserve that right?

Answer: Yes, you can. Of course, it’s always better if an invitation to bid expressly reserves the right to reject all bids (that way, there can be no argument). But even if this right is not explicitly reserved, the Maine Supreme Court held some years ago that a seller of real estate by bid has the inherent right to reject all bids unless that right has been waived in the invitation.

In *Chevalier v. Town of Sanford*, 475 A.2d 1146 (Me. 1984), the town solicited bids for the purchase of some town-owned property; its notice did not reserve the right to reject all bids. Nevertheless, when the town did so anyway the highest bidders sued to force the town to accept their bid. The Law Court agreed with the trial court and found that the town’s invitation to bid was only a *request* for offers, not an offer itself, which would have obligated the town to

MUNICIPAL CALENDAR

MAY — Municipal officers shall meet as the “licensing board” to license innkeepers and tavernkeepers during the month of May (30-A MRSA §3812)

ON OR BEFORE MAY 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).

MAY 25 — (Last Monday in May) Memorial Day observed. A legal holiday (4 MRSA §1051); a school holiday (20-A MRSA §4802). Municipal officers shall direct the decoration of veterans’ graves. (30-A MRSA §2901).

accept the highest bid.

Analogizing to the rules governing auction sales, the Court held that sales by bid, at least of real estate, are always “with reserve” (with the right to reject all bids) unless the notice of sale expressly or by clear implication provides otherwise. Bottom line: Even if an invitation to bid on tax-acquired property is silent on the subject, a municipality still has the right to reject all bids.

Incidentally, in addition to expressly reserving the right to reject all bids, we recommend that invitations to bid on tax-acquired property include a minimum or “reserve” price and require a bid deposit (see “Tax-Acquired Property: Setting a Minimum Price,” *Maine Townsman*, “Legal Notes,” February 2013).

For more on tax-acquired property, see our “Information Packet” on the subject, available free to members at www.memun.org. (By R.P.F.)

Advisory Votes

Question: Are municipalities allowed to conduct non-binding advisory votes (aka “straw” votes), and if so, what procedures apply?

Answer: Maine law does not specifically authorize municipal advisory votes, but neither does it prohibit them, so we’re confident they’re permissible. (They are in fact fairly common.)

LEGAL NOTES

Because advisory votes are not governed by law, no particular procedures are legally required. However, we recommend that, if at all possible, the same procedures as apply to legal elections be used for advisory votes. In other words, if an advisory vote will be by referendum, the vote should be conducted in the same manner as a legal referendum, with preprinted ballots, absentee voting, polling hours, voting booths, and so on. If the vote will be at town meeting, it should be by the same process as for other legal business, with a warrant article, a motion and a second, debate, and a vote of the house. Using the same procedures as for legal elections is less confusing to voters and ensures that the results of an advisory vote are as reliable as possible.

Advisory votes can be very helpful for officials seeking public input on policy questions they must decide. Where a decision is for the voters but there are numerous options, an advisory vote can also help officials narrow the voters' legal choices to a manageable number.

Needless to say perhaps, advisory questions, whether warrant articles or ballot questions, should be clearly labeled as "non-binding" or "advisory" and should use advisory terms such as "should" rather than binding ones such as "shall."

Incidentally, any charge that an advisory vote is illegal is basically meaningless since an advisory vote, by definition, has no legal effect.

For all the details on conducting town meetings and referendum elections, see MMA's *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

Section 906 Orders & Unpaid Property Taxes

Question: Is there some way a taxpayer can be compelled to pay off the older taxes on a property before paying the newer taxes on it?

Answer: Yes, there is. It's called a "Section 906 Order" (after the statute – 36 M.R.S.A. § 906 – that authorizes it).

A Section 906 Order is a directive by the municipal officers (selectmen or councilors) to the tax collector and treasurer requiring them to apply any tax payment on a property in the order of the oldest unpaid tax first. It prevails regardless of the taxpayer's directions or intention. But there are two important limitations.

First, a payment can be applied only to taxes on the property for which the payment was tendered. Thus, a payment made on real estate taxes cannot be applied to personal property taxes owed by the same taxpayer. Nor can a payment made on one property by ap-

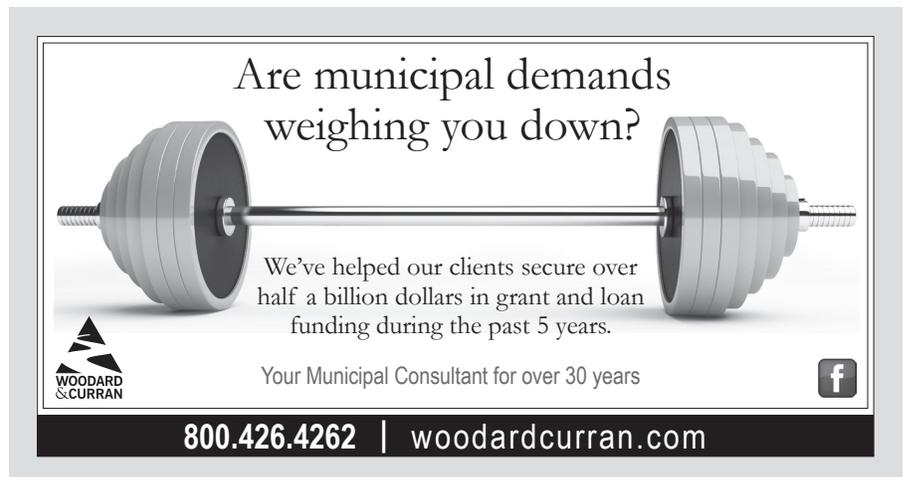
plied to another.

Second, a payment cannot be applied to taxes for which an abatement request or appeal is pending unless the taxpayer approves in writing.

Nevertheless, a Section 906 Order applies to both personal property taxes and real estate taxes (subject to the two limitations above). It also applies to unliened as well as liened taxes, so it can be especially useful where an older tax was not liened for some reason and the taxpayer is thus unmotivated to pay it.

Unlike some other statutory options for the municipal officers (treasurer's disbursement policies, for example), a Section 906 Order does not need to be renewed annually; it is valid and binding indefinitely unless the order itself provides otherwise.

For a sample Section 906 Order, see Appendix 1 of MMA's *Tax Collectors & Treasurers Manual*, available free to members at www.memun.org. (By R.P.F.) ■



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