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of the Maine Municipal Association

SEPTEMBER-OCTOBER 2014

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The Nov. 4 election is critically important from a municipal perspective, which is why Maine Municipal Association's Executive Committee recently met with, and questioned, two leading gubernatorial candidates who accepted our invitations.

MMA's hallmark publication, this here Maine Townsman, has altered its look and format over the years. Editor Eric Conrad explains the thinking behind some recent changes. [Page 5](#)

Supporting Question 6: There are seven questions on the Nov. 4 election ballot. MMA's Executive Committee endorsed Question 6, a bond issue that would protect drinking water sources in Maine – and do much more. [Page 14](#)

Cover photo: This September photo from Bath shows the city's history and architecture, along with its downtown improvements. (Taken by MMA Website & Social Media Editor Ben Thomas.)

More than Buildings

Complying with the federal American Disabilities Act used to mean making sure new and renovated buildings were handicapped accessible. Now the rules have broadened to include downtown projects, curb cutouts and general community access. [Page 15](#)

Why Trees Matter

Trees wonderfully add beauty and tranquility to a neighborhood, downtown or public space. But did you know they can save cities and towns money? The three authors who collaborated on this article show you how. [Page 23](#)

MMA's 2014 Convention

From "leading with a heart" to a calculated look-ahead at the state economy, there is something for everyone – especially, elected officials – at the Maine Municipal Association Convention on Oct. 1-2. The program starts here. [Page 27](#)

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A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

Trying to make our hallmark publication better

When print newspapers and magazines “redesign” these days – meaning, when they change their formats and how they look – they try to tell us that less is more. Sure, the pages are smaller and there are fewer of them, they explain. But most readers should like the new look better.

In many cases, they’re right. Consumers today are so used to surfing television channels and reading things on laptops, ipads and cell phones, that smaller print publications with shorter articles and more visual aids often get good reviews.

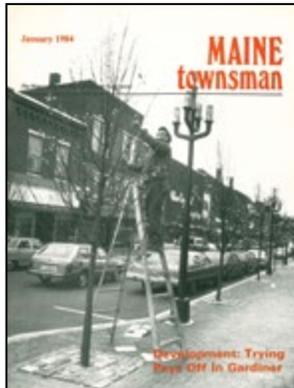
In recent months – and over the years – we at Maine Municipal Association have changed the look and format of the Maine Townsman, too. We hope you’ve noticed.

In our case, however, there is no “less is more.” The Townsman will offer the same number of pages and the same in-depth, objective articles that have been its hallmarks for many years.

Our readership isn’t dropping, either. The Maine Townsman is a member-service publication mailed to every elected municipal mayor, councilor or select board member in Maine. Municipal managers get it. Clerks often do, too. The Governor’s Office gets a copy, as do state legislators and many media outlets. The Townsman’s monthly print run is 4,400 copies, steady as she goes.

Here’s what we have changed recently and over the years:

1. Color photos dominate the front cover most months, and we try our best to get images from around our great state, north to south and west to east. This month’s cover shot is from the City of Bath. Two months ago, it was Lewiston-Auburn.
2. Articles are a bit shorter than they used to be but are still quite substantive, averaging 1,500 words. However, they run longer when necessary, such as a fairly technical piece explaining municipally important



January 1984



January 2009



January 2011



July 2014

General Accounting Standards Board changes that we published in the August edition.

3. Articles almost always come with “art elements” – charts, tables, graphs, more photos or websites that provide relevant resources. This is done to complement the written text.

4. And we’re always on the lookout for member photos. That one’s easy: People like to read about other people. Municipal officials and employees are no different.

In the end, however, it is the content that matters most. We know that the Townsman is a critically important source of information about municipal issues, challenges and trends facing our members.

At the conclusion of each legislative session, our State & Federal Relations staff compiles a complete analysis and listing of laws that were enacted and that will affect cities and towns, which many pieces of legislation do. We submit that it’s the most comprehensive and relevant list of laws that you will find – anywhere in Maine. We preview each legislative session as well; we’ll do that this December, as a matter of fact.

Our focus on improving a premier print publication dovetails with efforts to keep up with our digital times. We recommend that you

visit our website (www.memun.org), which contains a wealth of information about municipal governance, and which also was recently redesigned. It is updated on a daily basis. We promote items and issues via social media as well, primarily via Facebook and Twitter.

And we want to do more. If you have suggestions about articles, sections of our magazine, website or anything else, feel free to contact me via email (econrad@memun.org),

Graphic Designer Jaime Clark (jclark@memun.org) or Website and Social Media Editor Ben Thomas (bthomas@memun.org). We can all be reached at the same telephone numbers, too: 1-800-452-8786 or 207-623-8428.

Let us know what you think. ■

Welcome to the Maine Resource Recovery Association

MRRA was formed with the intent to foster professional solid waste management practices in the recycling and solid waste arena.

MRRA is committed to the development of environmentally sound solid waste practices and other forms of resource recovery that will benefit Maine communities.

Some of the goals of the organization are as follows:

- Facilitate communication between Association members, recycling markets, equipment suppliers, State and Federal government, and national associations, as well as information exchange among members.
- Assist with the marketing of recyclable and reusable materials.
- Compiling information relevant to the education and technical needs of Maine recycling programs.
- Promoting market development and providing cooperative marketing opportunities.

A number of the presentations from the 2014 Maine Resource Recovery Association Recycling & Solid Waste conference are now available for download:

<http://www.mrra.net/publications/>

Our Mission

The Purpose of Maine Resource Recovery Association is:

- To foster professional solid waste management practices;
- To further the development of recycling and other forms of resource recovery as cost-effective components of environmentally sound solid waste management in Maine communities; and
- To assist with the marketing of recyclable and reusable materials.

The Goals of the Association

- Promoting communication and information exchange between Association members and markets, equipment suppliers, State and Federal Government, and other State and national associations, as well as information exchange among members.
- Compiling and development of other information relevant to the education and technical assistance of Maine solid waste management and recovery programs.
- Promoting market development and providing cooperative marketing opportunities.

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Gubernatorial candidates meet with MMA Executive Committee

They take on a wide range of municipal issues, from revenue sharing to K-12 education to infrastructure spending. Leadership style and tone also are discussed.

By Eric Conrad, Director of Communication & Educational Services, MMA

Unfunded state mandates. The status of Maine's bridges and highways. The proliferation of tax-exempt properties. And, of course, the ongoing practice of balancing the state budget by taking tens of millions of dollars a year from the Municipal Revenue Sharing Fund.

While death and taxes are sure things, there's also no doubt that Maine's next governor will inherit a slew of challenges affecting and involving municipal government, some of which have been festering for years.

With that in mind, Maine Municipal Association last May invited the three leading candidates for governor – Gov. Paul LePage, U.S. Rep. Mike Michaud and independent candidate Eliot Cutler – to meet with its Executive Committee over the summer, and talk on the record about local government issues.

Michaud and Cutler accepted the invitations. Cutler, a businessman and attorney from Cape Elizabeth who finished a close second in the gubernatorial election of 2010, met with Executive Committee members on Aug. 1. Michaud, a Democrat who is finishing his fifth term in Congress and running for governor for the first time, met with MMA on Aug. 28. Both candidates were asked questions on the same municipal topics.

The interviews were recorded and lasted a little more than 60 minutes. Edited versions of the interviews can be viewed via the MMA website (www.mmun.org). Unedited DVDs and printed transcripts are available for MMA members on request. What follows is a summary of both meetings.

ELIOT CUTLER

Cutler began his interview by emphasizing his family's origin in the

United States and his acumen in the private sector.

Cutler's grandfather fled Eastern Europe in 1889, coming to North America – and landing in Halifax, Nova Scotia – at age 12. Even before he left Europe, Cutler said, his grandfather had been advised to find his way to Bangor, as there were opportunities for him in Maine and in the United States.

That is what his grandfather did, working as a street peddler between Bangor and Calais for seven years before opening his own store in Bangor, which "he lost in the Great Depression."

Cutler's grandparents had three children, all of whom attended college and earned advanced degrees. Cutler's father, the late Dr. Lawrence Cutler of Bangor, was Chief of Medical Services at what is now Eastern Maine Medical Center from 1946-68. His mother, Catharine "Kay" Cutler, was active in many social causes, including women's rights, domestic violence and mental-health services.

Cutler worries that the opportunities afforded to young Maine residents from his generation and his parents' are becoming less available. Maine's economy has lagged New England's by 40 percent and the U.S. average by 20 percent for 10 straight years, he said.

"Behind those numbers are people, people who are living in your communities," he said.

He said a partnership that has linked the federal, state and local governments for generations "is breaking and we can see it breaking in this state right now. It is fundamentally broken between the Governor of the State of Maine and the governments of our towns and cities, which you all represent."



Eliot Cutler. (Photo by Ben Thomas)



U.S. Rep. Mike Michaud. (Photo by Ben Thomas)

Property taxes, municipal issues

Responding to a question, Cutler continued on that theme.

"I promise each and every one of you that (as Governor), I will be your partner," Cutler said. "I will not be your enemy. I respect Maine's 'home rule' Constitution. I respect and indeed highly value the fact that in Maine people who live in towns and cities have a great deal of responsibility, electing our own leaders and making their own decisions."

Cutler touted a property-tax relief plan that is at the center of his 2014 election campaign (<http://www.cutlerformaine.com/issues>). Under his plan, the revenue sharing currently in place would be eliminated and the Homestead Exemption for homeowners greatly expanded, creating a reimbursement system that would net municipalities \$185 million per year, instead of \$60 million as projected for revenue sharing in Fiscal Year 2015. Average property taxes will drop by 20 percent or more. To pay for this plan, sales taxes and lodging taxes would increase, possibly with a seasonal variation to enhance "exportation" of the tax burden to non-Maine residents.

The idea, Cutler explained, is to shift more of the burden of maintaining Maine's state and local governments from middle- and lower-income Mainers to out-of-state visitors, people who own second homes in Maine and, in some cases, wealthier Maine individuals.

"We can talk all we want about partnership, but until we reform our property tax structure, until we get more money to towns and cities, it's not going to happen. It's an empty promise," Cutler said.

Cutler also said the governor's job is to lead the Legislature, something that he feels neither Gov. LePage nor former Gov. Baldacci do, or did, very well. Legislators, by and large, are good people who run for their offices "because they want to solve problems. They want to help us all succeed."

By virtue of his independent status, and his experience as a businessman, entrepreneur and lawyer, Cutler believes he can unite people at all levels, including in Augusta. Cutler said he played an instrumental role in building an airport in Denver, Colorado, which opened in 1995.

That project, which cost \$4.8 bil-

lion, affected six municipal councils, a county commission and involved three lawsuits along the way. Eventually, the airport opened and it is now the 15th busiest in the world. "We got there," Cutler said. "We need to do that in the State of Maine."

Gubernatorial tone, GA benefits

Cutler was asked about his leadership style and whether a Governor sets a tone that can affect Maine's image outside its borders and its chances for economic development. Cutler said leadership matters.

"When the CEO of a large corporation somewhere in America has listed ultimately the three states that she's considering moving her company to, or expanding or enlarging her business operations, and that CEO decides that she wants to interview the governors from each of those three states ... ask yourselves: Who do you want to send?" Cutler said.

A recent issue involving some of Maine's larger municipalities and state government involved General Assistance and whether municipal officials should be required to verify applicants' immigration statuses prior to deciding to award benefits. Cutler was asked what, if any, changes to the state's General Assistance program he would propose.

Cutler said there are "legitimate issues" on both sides of the GA/immigration issue. He said immigration is largely a federal issue and he hopes "that the Congress of the United States

makes some progress but today, I don't have a high degree of confidence."

Decisions about changes in who should receive state and local benefits and who should not must be made carefully and legally, Cutler said. "If a child is here legally and his family is here illegally, I don't believe that you exclude that child from any form of assistance," said Cutler.

Having said that, there will be cases where people come to Maine illegally just because they feel there are more opportunities here. "I'm not sure we have an obligation to provide assistance to those people," he said.

Cutler suggested municipalities have not been well-served by Gov. LePage, a Republican, nor by Maine Attorney General Janet Mills, a Democrat, on this issue. He referenced a lawsuit that MMA filed in Maine Superior Court asking if Gov. LePage's recent changes to the GA program – issued via a state agency directive – were adopted legally and if they are enforceable.

The MMA lawsuit shows there has been a breakdown of leadership at the state level, said Cutler.

"The Attorney General and the Governor ought to put aside their red shirt and their blue shirt and sit down with the federal government and figure this out," he said. "I don't think it's ... a question that ought to be ultimately decided in a courtroom."

Revenue sharing, K-12 education

Cutler views his property-tax reform plan as a strength of his candidacy.



Eliot Cutler makes a point to MMA's Executive Committee.. (Photo by Ben Thomas)

"I am 68 years old and in my memory there has not been a candidate for governor in the State of Maine who has come to the voters before an election and said, 'Here is a reform of our tax structure that is, in this case, urgent,'" he said.

The plan is a bit complicated but it would: Change the revenue-sharing program with regard to municipalities, creating a reimbursement system that he pledges will mean \$185 million a year for towns and cities. Property taxes for most Mainers would drop by 20 percent or more. And, some sales and lodging taxes would rise.

On K-12 education, Cutler doesn't want to meet the 55 percent state funding level that also is required by law – he wants to exceed it. Cutler noted that, statewide, 65 percent of all property taxes collected pay for public schools.

He describes that as an antiquated formula, based on a time in America when owning property – buildings and land – roughly equated to personal wealth. Today, with investments and other paper holdings being commonly held, property ownership is less directly tied to wealth.

One problem Cutler sees with the current system is that affluent communities can afford higher property taxes, thus they have more to spend on public schools.

"I don't believe that public education, the quality of public education, should be a function of zip codes or affluence," said Cutler. "I really do believe in substantial equality of opportunity. I wouldn't be here if my parents and grandparents hadn't had it. And you can't achieve it solely on the backs of towns and cities and the property tax."

Cutler feels focusing on the 55 percent threshold is a mistake. It may keep Maine leaders from re-envisioning the entire tax code and the way public education should be organized and funded.

Highways, bridges and local options

Cutler laughed when he was asked about the status of highways and bridges in Maine, and whether he thinks the state's system of maintaining them is working.

"I'm just laughing because if you've traveled on as many Maine roads as I

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have over the course of the last couple of years, the answer is self-evident,” he said, citing a few roads that he has found to be particularly bad. “If you come from out of state and you drive on one of those roads, you’re never coming back.”

He estimates that Mainers spend \$250 million on car repairs each year due to wear and tear damage caused by poor roads. Maine has spent 10 years “skim coating” roads and avoiding bridge repairs.

“Our bridges are among the 10 worst in America. And we have a lot of bridges; we’ve got a lot of rivers. It’s scary.”

One answer would be for the state to develop a capital budget designed specifically to address infrastructure needs. State government lacks a capital budget, said Cutler, yet most towns and cities have one.

Cutler criticized Gov. LePage for not bonding and borrowing enough money during his first term in office, one that witnessed historically low interest rates – rates that are now rising.

“Debt to GDP ratio in the State of Maine was the lowest in New England and below the national average, and we didn’t borrow a cent,” Cutler said. “That wasn’t fact-based, that wasn’t an evidence-based decision, that wasn’t rational, that wasn’t the result of good planning and good thinking. That was purely an ideological determination made by a Governor and a State Treasurer who, instead of looking at facts, instead of looking at our needs, reverted to a narrow ideology.”

The next question dealt with the local-option sales tax and online sales tax.

Cutler urged caution with the local-option sales tax, saying that he “is not closed to the idea at all” but that implementation needs to be carefully done and a regional approach is likely. (A concern about it is that municipalities with strong retail sales bases could benefit from local-option sales taxes, but smaller, rural communities would not.) He also said that formal incentives for municipalities and schools to collaborate and consolidate should be included in any discussion about local-option taxes.

Tax exemptions and ‘spreadsheet politics’

As municipal folks know, Maine law

provides blanket property-tax exemptions to many entities, ranging from shiny, new hospitals to private colleges to research facilities and land trusts. The next question: Should these organizations be required to make financial contributions toward the municipal services that they receive?

Cutler began by saying the notion of what is a tax-exempt institution “has been expanded beyond any historical bounds.” The key is not to look case by case and decide what is or is not truly worthy of tax-exemption status. Cutler

said towns and cities need “a lever” to pull, if they choose to do so, to make so-called charitable organizations pay for municipal services.

Unfunded state mandates are another topic that municipal leaders know too well, and Cutler used the phrase “spreadsheet politics” – meaning, too many special interests focus on preserving their pieces of a shrinking state and federal government pie.

To begin, Cutler reminded that his tax-reform plan would increase state revenue sharing to \$185 million a year,

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and “my guess is that if we got that level of funding flowing into towns and cities, there would be a little less anxiety over unfunded mandates.”

Overall, Cutler expressed distaste for unfunded mandates and appreciated that municipalities are “being squeezed into impossibility” as the state cuts revenues to communities *and* imposes unfunded mandates upon them. But the problems with property taxes and revenues are broader than specific mandates, he said.

“It doesn’t make any sense whatsoever that we’re driving fishermen from the shore, we’re driving farmers off their land. It’s a really, deeply detrimental effect on this state and we’ve got to fix it, we’ve got to fix it soon.”

Municipal employees and consolidation

In recent years, the Legislature has enacted some changes to the state Workers’ Compensation law – and considered other changes – that give special presumptions of work-related injuries and illnesses to municipal employees, without extending those same presumptions to similar state or private-sector workers. Cutler was asked what he thought about that.

“Not only will I veto a bill that does that,” said Cutler, “I will veto any bill that threatens to take us back to the workers’ comp circumstances that we faced in Maine in the 1990s and early 2000s. And, let me just say, with all due respect to my friend (gubernatorial candidate and U.S. Rep.) Mike Michaud, he’s a very nice guy, but this is where he will take us. There’s no question in my mind about it.”

The final question dates to the Baldacci Administration, when a law was enacted to shrink the number of public school districts from more than 200 to 26, later relaxed to about 80. It was noted that in the past few years, many towns have been withdrawing from the school units that they were prodded into joining in 2007 and 2008.

Cutler said the consolidation effort had exactly the wrong target. The municipalities with the greatest potential to gain from consolidation of services are in metropolitan areas: Portland and South Portland; Lewiston-Auburn; Bangor-Brewer-Old Town.

“You wouldn’t go to Maine’s most rural areas and say, ‘Ah ha! You’re the problem, and we’re going to make you

one,’ ” Cutler said. (Baldacci’s school-consolidation law aimed primarily at smaller school districts.)

Cutler said an agency that could gain effectiveness and perhaps save money by de-consolidating is the state Department of Health & Human Services.

“I have real questions about whether (DHHS) today is manageable,” he said. “There’s plenty of evidence that it’s not, at least not by the person who’s managing it now (Commissioner Mary Mayhew). But it may not be entirely her fault. It may be that there’s a point at which a department or agency becomes too big.”

U.S. REP. MIKE MICHAUD

Michaud’s opening statement to the Executive Committee called for a change from the “divisiveness, partisanship and failed policy” that, in his view, have characterized the Blaine House and Augusta recently. Michaud noted that, prior to his terms in Congress, he was a state legislator and Senate president. Cooperation and bipartisanship were much more common back then, he said.

“I do love the State of Maine,” said Michaud. “From what I’ve seen over the last three and a half years, with the current administration, it just tears me apart.”

Michaud also said collaboration has been his approach in Congress, where recent problems with the U.S. Veterans Administration resulted in

a major overhaul bill that Republican and Democrat members of the House Veteran Affairs Committee (Michaud is the ranking minority member) produced together.

“That’s the kind of leadership I’ll bring to the (Office of) Governor, bringing people to the table, and I can assure MMA that you will have a seat at the table, to really work out the differences in some of the policies that might be facing MMA and the state.”

Michaud was sharply critical of LePage’s approach to the state budget, saying that the Governor “brags about balancing the state budget” when every Governor in the country does so, because they are required to balance their budgets by law.

In its early years, the LePage Administration and Legislature approved a tax cut that lowered state income tax rate from 8.5 percent to 7.95 percent. Michaud said that tax cut “was done outside the budget cycle, and for the wealthiest individuals in the state.”

He added that there was no immediate attempt to reduce spending by a like amount. Instead, the Governor subsequently proposed eliminating state revenue sharing to towns and cities (by law, they should receive \$140 million a year; in FY 2015, the figure will be \$60 million) and shifting a significant share of state teacher pension costs from the state to local communities.

Michaud also believes that the Legislative Appropriations Committee deserves to play a major role in shaping



U.S. Rep. Mike Michaud takes notes during MMA Q&A session. (Photoby Ben Thomas)

the state budget. He also said the state has overlooked critically important infrastructure needs to Maine's highways, bridges and ports, systems that businesses rely upon.

State-municipal partnership

Responding to a question, Michaud said "self-induced budget instability" has made this a difficult time for state government and municipalities. As Governor, Michaud reiterated, he would make sure that towns and cities have a voice in his administration and that he asks officials at all levels of government how things can be done more efficiently and effectively.

"The other advantage I have is, as Governor, would be the fact that I have a good working relationship with the teachers, the state employees," he said.

Michaud recalled that forest practices were a hot topic when he was in the state Senate. At one point he was approached both by the Forest Products Council and the Maine Audubon Society about sponsoring their separate, competing bills to deal with forest practices. Michaud told both of them he would do so – and he did.

"I actually brought both sides in," Michaud said. "I said, 'So we're going to pass the Forest Practices Bill because I'm tired of year in and year out having to fight this issue all the time.'"

Getting the various parties to agree was difficult – Michaud said it took two days to find agreement on what a clear-cut area is – but it was worthwhile. "Over the last three decades," he said, "there's been very little change to the Forest Practices Act."

The first piece of legislation he will introduce as Governor, Michaud said, would be to align Maine with the federal Affordable Care Act, the health-insurance overhaul program that has been a controversial keystone of President Barack Obama's tenure in office. Gov. LePage opposes the ACA.

Michaud said it is immoral not to cover 70,000 Maine residents with health-care benefits available under the federal law and it costs the state \$600 million over 10 years because those people are not covered. Hospitals would receive \$348 million over that 10-year period as well, he said.

The relationship between the Governor's Office and Legislature also would improve if he is elected, said Michaud. It is common for people

without much public-sector experience to say the state or any governmental entity should run like a business, Michaud said.

"They're used to saying, 'Well, you know, this is the way we do it in business. That's how we're going to do it.' It's a my-way-or-the-highway, attitude, which is wrong," said Michaud. "I know the problems that legislators have to face. They're there representing their constituency and they need that partnership with the executive branch."

Tone matters

Michaud said a Governor's tone and approach to leadership have real effects on the state's economy. He cited Norwegian company Statoil's decision not to invest more than \$2 billion in an offshore energy project in Maine as a direct result of LePage's confrontational style and skepticism about renewable energy. Statoil has said it plans to invest off the shores of Great Britain instead of Maine.

"I know he's against wind power but the fact of the matter is there was a company willing to spend millions of dollars here in the State of Maine that (LePage) drove away," Michaud said.

The Congressman also said he received a campaign contribution from a Maine business executive who he met an airport recently. The man described himself as a "moderate Republican" who does business with companies in India. The businessman said he will not try to influence his associates to invest in Maine while LePage is in office.

"He said, 'I'm embarrassed by this governor and we need a difference, and he actually, he and his wife, took out a check and wrote me a (campaign) check,'" said Michaud. "And he said, 'You gotta win this.'"

Michaud was less specific when asked about General Assistance benefits and whether towns and cities should provide them to applicants who cannot verify their legal immigration status in the U.S. He criticized LePage for putting towns and cities in the position of possibly losing their GA funding if they provide benefits to illegal aliens, knowingly or unknowingly.

"For the governor to actually put municipalities in that position is unconscionable, No. 1," said Michaud. "But as far as clarification or restructuring of the GA program, that's something I would have to sit down with

THE QUESTIONERS

The candidates exchanged ideas and opinions with MMA's Executive Committee, including President Peter Nielsen, who served as moderator. Also interviewing the candidates: Michelle Beal, MMA Vice President; Nicholas Mavodones, MMA Past President; Errol "Abe" Additon; John Bubier; Stephan Bunker; James D. Chaousis II; Linda Cohen; Michael Crooker; Marianne Moore; Mary Sabins; Laurie Smith; and, Patricia Sutherland.

MMA (about), to find out whether or not it should or shouldn't be."

Revenue sharing, education funding

Michaud pledged that he will end future raids on the revenue-sharing program, but he did not commit to restoring funding to the \$140 million a year that is required by the law that authorizes the program, which was enacted in 1972.

"You know, this governor has decimated the state budget," Michaud said. Many spending priorities – he named revenue-sharing, state funding K-12 public education at the required 55 percent, Circuit Breaker program and local road assistance program – must be examined in the context of the state budget as a whole, he said.

When asked a follow-up question, Michaud explained his position on revenue sharing and K-12 spending.

"This is a strong relationship that's been there for a number of years until recently, between state and municipal government, and I want to rebuild that partnership," he said. "The mistrust is there and it's going to take some time to build up that trust, and that's why I can't say yes on day one."

Michaud believes Maine can better fund public education by more fully tapping into federal financial resources that are available. Michaud has met with representatives of the Bill and Melinda Gates Foundation to see if it would be interested in making Maine a pilot program regarding pre-kindergarten education, to see if doing more with preschool children would save public education dollars later on.

Michaud agreed with candidate

Cutler that spending on state and local infrastructure is lagging and the state's consistently declining gasoline tax revenues cannot match current needs. He said the state's General Fund "has a role to play" with paying for road and bridge work and that precedent was set when he was on the Legislature's Appropriations Committee and former Maine Transportation Commissioner John Melrose ran that department.

There are exciting technological advances as well, Michaud said, some coming from the University of Maine, through which bridges can be built more cost effectively than in the past. Michaud said thinking five years ahead is inadequate with capital improvements – the time period should be 10 years.

"One of the problems we've seen, particularly with this administration, is that even when voters approve of bonds, the governor has held them up," he said. "I want to have a 10-year plan on bonding because the more planning you can do, actually the cheaper it will be. Then, businesses and municipalities will know in a 10-year time frame what to expect."

On local-option sales taxes, Michaud said he is open to them but he first would work toward restoring municipal revenue sharing and increasing the state's funding of public K-12 education. On Internet sales taxes – taxes assessed on goods sold through websites, rather than at stores – Michaud said that is a federal issue and, as Governor, he would work on the matter with the Maine Congressional delegation.

Mandates and property tax exemptions

Michaud identified non-profit organizations, municipalities, the state and businesses as all having stakes in whether tax-exempt institutions should be assessed fees to help pay for the municipal services that they receive. Again, he said, ongoing cuts to revenue sharing have sharpened this debate and there has not been an adequate effort to bring all sides together collaboratively to come up with a long-term solution.

Talk that municipalities can cope with revenue-sharing raids and new teacher pension obligations by simply tightening their belts at the local level is just politician speak, he said.

"My brother used to be a selectman in Medway and municipal government, you know you guys do tighten the belt," Michaud said. "I mean, you're there. You're closest to the people when you look at town hall meetings, school board meetings and you hear it day in and day out as far as taxes go. I know the budgets are extremely tight at the municipal level."

Municipal collaboration and consolidation are worthy goals in many cases, Michaud said, but the best efforts usually start at the local level. The state can play a leadership role and can offer incentives to make worthwhile ideas become realities.

"But by and large, municipalities are pretty frugal, reason being with the municipal form of government that's where a lot of the action is happening. You hear directly from the citizens of the municipalities being affected."

Michaud said the problem that cities and towns face with unfunded mandates from the state is a rather simple one to solve: If the Legislature wants to impose new requirements on local government, it must provide the funding for them.

"But we also have to look at some of the ones that have been passed on (already)," he said. "How do we deal with those as well?...I think every now and then it's a good idea to revisit those and find out whether or not that purpose is still valid today and, if not, should we eliminate or change it to some form or another."

Initially, Michaud said he wasn't overly familiar with efforts to consolidate Maine's 200-plus school districts to 26, a program pushed by former Gov. John Baldacci, saying that he was in Congress at the time and hadn't focused on it. After a follow-up question, Michaud said the state should have provided incentives for school systems to consolidate.

A big failure in Maine government is its inability to "think outside the box," Michaud said. That leads to federal funds not being applied for, to Mainers not having health-care coverage that is now provided by federal law, and for Maine seaports – which have excellent proximity to Europe – to be underused, he said.

"There's a lot of opportunity out there, we've just got to be aggressive in going after that opportunity."

The port communities of Eastport

and Portland should be joined by rail services – with Searsport in the middle – because it would be a good project for the National Guard to lead and because federal dollars are available to fund it, he said.

In closing, Michaud said his "Maine Made Plan" to grow the economy emphasizes the state's potential to grow its agricultural and fishing industries, and to become a leader in renewable energy and related technologies. He hopes to reduce Mainers' dependence on home heating oil by 50 percent by the year 2030, which would both lower energy costs and create jobs.

"First and foremost, what you need is a Governor who believes in the State of Maine, who has a positive attitude about the State of Maine. Maine's not perfect. There are ways to improve the state but you've got to at least start talking positively about it. I think that a positive attitude will actually help Maine grow (to) where businesses will say, 'Maine is a good place to do business and I want to locate my business there.' That's what's missing. I know. I was born and raised here. I plan on retiring in Maine." ■



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Executive Committee supports Question 6, authorizes active role

The question proposes a \$10 million bond to provide for clean drinking water, protect wetlands and create jobs by improving infrastructure. MMA took no position on other ballot questions.

By Eric Conrad, Director of Communication & Educational Services, MMA

Maine Municipal Association's Executive Committee unanimously endorsed Question 6 on the Nov. 4 election ballot, a \$10 million bond proposal that is backed by such diverse groups as the Maine Audubon Society, Associated General Contractors, Nature Conservancy, Maine State Chamber of Commerce, Sportsman's Alliance of Maine, GrowSmart Maine – and MMA.

The Executive Committee also authorized MMA's State & Federal Relations staff to play an active informational role in promoting Question 6 this summer and fall. Committee members briefly discussed the possibility of taking positions on other ballot questions this November – there are seven of them – but did not find them to be as municipally oriented as Question 6.

More specifically, the Clean Water and Safe Communities bond as authorized by the Legislature includes the following areas of funding:

- \$5.4 million to upgrade and replace stream-bearing culverts and other types of stream crossings on municipal roadways, which would improve public safety and reconnect habitat for fish, and other wildlife species.
- \$4.2 million to upgrade the state's drinking water systems and wastewater treatment facilities.
- And, \$400,000 to restore wetlands to provide increased flood mitigation, and wildlife habitat benefits.

The element of this bond proposal related to drinking water and wastewater facilities is estimated to leverage approximately \$21 million in federal funds for the purpose of capitalizing two respective revolving loan funds. Environmental bonds issued over the past years often included borrowing for this purpose. The \$5.8 million in this

Question 6: Bond Issue

Do you favor a \$10,000,000 bond issue to ensure clean water and safe communities across Maine; to protect drinking water sources; to restore wetlands; to create jobs and vital public infrastructure; and to strengthen the State's long-term economic base and competitive advantage?



bond proposal dedicated to culvert repair and replacement and wetland restoration, however, is what makes Question 6 different from past measures.

Supporters say that the bill builds on the belief that Maine's water resources are critical assets that support our economy and quality of life.

In addition to protecting sources of drinking water, they said the bond would allow communities to prepare for extreme storms and floods, create and preserve jobs in the areas of construction, tourism, fisheries and strengthen Maine's long-term economic base.

The economic-development aspect of the bond comes from construction-related jobs, especially in the infrastructure part of the program, but also from so-called "induced jobs," employment that is created or protected

when drinking water is kept clean and preserved.

The Clean Water and Safe Communities Coalition, which is the statewide group promoting Question 6, said the bond will increase Maine Gross State Product – and more.

From the municipal perspective, MMA's Geoff Herman, Director of State & Federal Relations, noted that several years ago an effort began in the Legislature to require all municipalities to repair and replace many of their road culverts in a way that would dramatically increase local road budgets. To protect the state's property taxpayers from an even higher burden, Maine's town and city leaders asked for two considerations.

First, there should be some effort to prioritize the stream crossings and culverts that need to be replaced for fish passage purposes, because it is not financially possible to rebuild them all at once. Second, municipalities asked those advocating for new and expensive construction standards to help secure some non-property tax resources to financially assist in the effort. Herman said that local government leaders support Question 6 because it addresses both requests straight up. "You can't ask for more than that," he said.

Initially, enabling legislation which ultimately led to Question 6 called for a \$50 million bond. That was winnowed to \$10 million as the bill made its way through the Legislature last session. Gov. Paul LePage did not sign the bond. It became law without his signature.

Other questions on the Nov. 4 ballot will address bear hunting, mosquito and tick research, genetics and cancer research, small business loans and support for the marine industry. ■

New ADA interpretation changes the game for public projects

When road, sidewalk and curb work needs to be done, fix it to 'the greatest extent possible,' one official advises. Maine's population is aging.

By Douglas Rooks

Compliance with the Americans with Disabilities Act (ADA), enacted in 1990, has long been part of the planning process for municipal public works departments.

The curb cuts, or “tip downs” to accommodate wheelchairs that flank intersections on urban street corners throughout Maine are familiar sights to the public. And “truncated dome pads” – the rectangles with raised dots that warn sight-impaired pedestrians of approaching intersections – are also well-known, even if the technical term is not.

These improvements, with an aging population, are an increasingly important part of community life in Maine. They are usually added whenever a major reconstruction project is planned along state and municipal roadways.

But now a new interpretation of federal rules, adopted in August 2013, means that even some smaller road projects require ADA upgrades. The guidance comes from the federal Department of Justice, and the Federal Highway Administration (FHWA), which are jointly responsible for enforcing the ADA.

The Maine Department of Transportation is trying to get the word out, since ensuring that everyone is aware of the new policy isn't as simple as sending out an e-mail. Theresa Savoy, director of the Civil Rights Office at DOT, says of ADA compliance rules over the years: “They're very complicated,” though the latest interpretation began with an attempt to simplify things.

According to a presentation from

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



A new curb cutout in the City of Portland.
(Submitted photo)

the Highway Administration released last summer, policies for road construction and maintenance were “inconsistent,” “confusing” and created “questions from stakeholders.”

So it set out, with the help of stakeholders, to focus attention on the goals of Section 504 of the ADA, which actually date to the Rehabilitation Act of 1973. It attempts to ensure “that pedestrians with disabilities have the opportunity to use the transportation system in an accessible and safe manner.”

The question was how to interpret the law's distinction between “alterations,” which require ADA compliance, and “maintenance,” which does not.

“Alteration,” according to the law, “is a change that affects or could affect the usability of all or part of a facility” – in this case, a road or sidewalk. But

that still didn't provide much practical guidance.

Routine or not routine?

Peter Coughlan, director of the Maine Local Roads Center at DOT, said that the distinctions most states, including Maine, made was that when a road was reconstructed, ADA rules applied. But when routine maintenance paving was involved, they did not, even though most public works departments look for opportunities to bring things up to standard.

That has changed.

Any overall repaving, even a “half-inch skinny coat,” in Coughlan's words, means that Section 504 standards apply. Crack sealing, pothole patching and other spot treatments are still considered maintenance, but everything above that level is now an “alteration.”

Coughlan said, “It's a mandate, no question about it,” but, as Savoy points out, “It's the law, and we're all trying to follow the law.”

Municipal public works departments are used to applying the ADA guidelines to road projects, and most of them agree they make sense.

“We have an aging population in Maine,” said Lesley Jones, Augusta's public works director, “and an increasing proportion of the elderly are living downtown.”

Augusta's Inn at City Hall, the old city hall across the street from the new one, will be joined soon by senior housing at the old Cony High School flatiron building and, possibly, a conversion of the Hussey School nearby.

For Jones, that means that accessibility will be an increasingly important part of public services, even though some of the changes can be expensive.

Compliance costs “depend on what needs to be done,” Savoy said. In terms of curb tip-downs, it’s simpler to alter bituminous sidewalks, which can be patched and re-graded, than concrete, which may have to be removed and replaced.

Over the years, ADA standards have changed several times; the slopes specified in the original rules, for instance, turned out to be too steep for many wheelchair users.

Even the truncated dome pads had to be re-engineered to make them more durable. “When the first ones were put down, the sidewalk plows just tore them up,” she said.

Focus has changed

There are reasons why it’s taken more than 20 years to figure out the ways in which the ADA affects public facilities, Savoy said. “When it was passed, the big concern was about buildings, how they were constructed and how they could be adapted for people with disabilities,” she said.

Roads and sidewalks were not exactly an afterthought, but they weren’t part of the original campaign that led to passage of the law during the first Bush administration.

Peter Owen, Bath’s public works director, said he got some insight into how accessibility works in practice when the city was designing access points along Front Street downtown.

“We decided to have a walkaround – a wheel-around, actually – with five different wheelchair users,” he said. What became clear, he said, was that different chairs had different capabilities.

ties.

“What was easy for a motorized chair user wasn’t for someone else,” Owen said. Models with smaller front wheels, for instance, could easily get stuck in storm grates and other obstacles.

The Front Street work last year was funded with an \$80,000 federal “freedom of access” grant obtained through



Cutout and improvements in the City of Bath. (Submitted photo)



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Maine DOT. It has definitely improved accessibility, Owen said.

But issues remain, “especially in an old downtown like this one,” he said. The slope of the street, the width of the sidewalks – quite narrow, in some sections – can continue to provide difficulties. The main thing, Owen said, is to do “the best we can with what we have. But it is a struggle.”

Owen and Jones both said that pedestrian issues extend well beyond what the ADA requires.

Bath, for instance, undertook a \$110,000 city-funded project to better define pedestrian routes across the street under the Route 1 viaduct, known as the Leeman Highway, which feeds into local streets.

“Before, people were walking all over,” when crossing from Bath Iron Works to the downtown, creating a safety hazard, he said. By adding sections of irregular granite blocks around crosswalks to alert drivers, access points are now better defined.

In Augusta, Jones said recent natural gas construction by Summit and Maine Natural Gas has created difficulties for accessibility, even if it’s short-term.

Wheelchair issues

“If you’re using a wheelchair and you get to a point where the pavement becomes gravel, you’re stuck,” she said. City employees are often bird-dogging the gas crews to make sure that repaving follows installation as quickly as possible.

ADA compliance isn’t cheap, and with municipal budgets unusually tight, that can lead to tough choices. A fully installed truncated dome pad, for instance, can cost up to \$3,000. “If you need 15 for a particular street project, that’s \$45,000,” Peter Owen points out.

Usually, the expense is just a modest portion of the overall job, Jones

said. Last summer, Augusta reconstructed the part of Water Street near the Hartford Fire Station for \$300,000, with disability access included.

But it can be tricky. Owen is currently working on a three-mile repaving project on High Street that was budgeted at \$1.5 million, but for which bids came in at \$2 million. “We’re trying to figure out how to scale it back to meet the budget. That’s where it gets hard,” he said.

There’s another section of new ADA compliance rules that could affect town and city planning that Savoy and Coughlan say municipal officials should be thinking about.



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Municipalities that have 50 or more employees will be required to write “transition” plans toward full ADA compliance, as well as maintaining the “inventories” of improvements all public agencies are supposed to maintain.

The difference, Savoy said, is that the “transition” plans should have dates and estimates of when improvements should take place.

The problem is defining which communities are actually covered. “If firefighters are counted as employees, then a lot of towns will have to comply,” she said.

If, on the other hand, the standard is more like the one contained in the Affordable Care Act – 30 hours a week – then fewer would be involved.

Kate Dufour, Senior Advocate with MMA’s State and Federal Relations staff, said “no conclusions have been reached” about how the rules apply to Maine, so towns should await further guidance on that issue.

As is often the case, there are no easy answers when municipal officials

have to decide exactly how much can be accomplished in improving streets and sidewalks.

“It would be a whole lot easier if sidewalks were only three inches high instead of seven inches,” Lesley Jones observed. But since seven inches is closer to the height of a normal step, that may be better for people walking downtown. Safety is not a matter only for those with disabilities.

Owen said that Bath tries to break the work down into manageable pieces. “Whenever we’re doing a sidewalk or a curb cut, we try to build in these improvements,” he said. “It’s a lot easier than trying to do a whole street all at once.”

ADA covers all projects

Savoy said that it’s important to remember that the ADA covers all projects, not just those that involve

federal funds. “Whenever alterations are involved in a public facility, the law applies,” she said. On the other hand, if a municipality is found not in compliance with ADA, it could lead to withholding federal funding for other projects.

But common sense will remain part of the equation, she said. If a town is writing a transition plan, for instance, it makes sense to prioritize sidewalks near schools, hospitals and other facilities where pedestrian use is common.

And there are always new challenges. MDOT had to learn about placing warning signs in construction zones, she said, to ensure that the signs themselves were not becoming obstacles.

The law’s standards will probably continue to evolve. When work is needed, she said, DOT’s advice is to “fix it to the maximum extent feasible.” ■

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Blanket Building And Blanket Personal Property Coverage

Many of the participating members of the MMA Property & Casualty Pool have blanket building and blanket personal property (contents) coverage. This means that at the time of any covered building loss, the total amount of the values listed for all of the buildings included in the blanket



coverage is added together and that total amount is available to draw upon for the reconstruction or repair of the damaged or destroyed building. By the same process, at the time of any covered loss to contents, the total amount of the values listed for all of the contents included in the blanket coverage is added together and that total amount is available to draw upon for the replacement or repair of the damaged or destroyed contents.

Blanket coverage for buildings and blanket coverage for contents gives the member additional protection against the possibility of inaccurate property value estimates. It is important to note that it is the responsibility of each member to provide accurate information about their building and personal property insurable replacement cost values. A requirement for each member that has blanket building and blanket contents coverage is a Statement of Values, signed by the member that stipulates that the building values shown on the property schedule are 100% replacement cost values.

The Loss Control Department through their use of the Marshall & Swift building valuation computer program is able to produce estimates of insurable value for member-owned buildings that

they have surveyed. The Marshall & Swift estimates of insurable value are provided to the Underwriting Department. The Underwriters then review the member's current scheduled building values and compare the two numbers. If there is a significant discrepancy, the Underwriter will work with the member to reconcile the values. It is important to remember that the Marshall & Swift computer program may not have a comparable schedule to suit buildings of unusual construction. Such buildings would need to be appraised by a licensed appraiser to determine the actual replacement cost. Overall, however, the program offers valuable assistance to the Underwriters

Story Continued on Page 21

More on Online Training

In the July Risk Manager we announced the three-year extension of a service agreement with FirstNet Learning, Inc. to provide online safety and risk management courses to participating members of the Worker's Compensation Fund and Property and Casualty Pool. The MMA Risk Management Services Online Training courses are provided at no cost to members of the Fund and Pool. Upgrades to the website are underway and courses addressing property, casualty and liability exposures will be added throughout the next three years, expanding the current offering of more than 50 courses. Titles that we expect to add include:

- Ethical Decision Making,
- Sexual Harassment Prevention (Supervisor),
- Harassment Prevention,
- Workplace Bullying and Violence Prevention,
- Discipline and Discharge,
- Guide to Interviewing,

- Ethics in the Workplace,
- Information Security and Privacy Awareness, and
- Lawful Hiring.

Watch the Risk Manager for announcements of new courses and visit the website to preview courses and the online university at: <http://www.memun.org/InsuranceServices/RiskManagementServices.aspx> ■

Welcome New Members

Property & Casualty Pool

Town of Sebec

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Is Your Town's Data Secure?

Municipalities need to develop sound policies to protect public information and their computer networks from a variety of threats

By Marc Pfeiffer, Assistant Director, Blaustein Local Government Research Center; member, NJ-GMI

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A security system is only as strong as its weakest link. Regular training is the only way to make sure all users understand the risks of improper computer use.



Why do we need information security? We need information security because in the digital world we trust data we know little about. Without protections, data can easily enter our computers from untrustworthy sources.

Are your computers protected? An unprotected computer is one that *does not*:

- 1) have antivirus or spyware protection software installed and updated regularly;
- 2) have installed hardware or software firewall to manage communications between and among networks;
- 3) require the user to use a password to log on (known as authenticating);
- 4) have operating system and software patches installed and regularly updated.

To be considered protected your computers and networks should meet all four criteria!

What can happen when we trust data from unauthenticated sources? We can unknowingly install destructive programs on our computer network or confidential information could be accessed. For example, if a

keystroke logger (a type of software that records keyboard strokes) were unknowingly installed (perhaps following a click on a link from a malware infested email), it could capture keystrokes with logons to websites, like a bank site, and then use your logon credentials to steal your money.

This type of information theft can be prevented by making sure any computer used to access bank accounts is only used for that purpose, and not for any other. That computer should not be used for reading email or web surfing. I recommend that every municipality take this precaution.

Hacker attack computer systems for many reasons, including political espionage, retaliation, internal threats, "just because I can," or more importantly, financial gain. And sometimes, "black-hat" hackers use tools used by "whitehat" security workers.

For example, popular websites have information that helps the good guys, but can be abused by bad guys. Some web sites include techniques on how to break into a password-protected computer (and how to prevent it from happening to you) and how to

crack a wifi password.

How can we protect our systems and ourselves? It's a never-ending process that begins with implementing a sound policy. Towns should also invest in quality "best of breed" anti-cyber theft technology solutions. Once the policy and technology is in place the final keystroke to cyber security is ongoing education of everyone who uses the system

What should we consider when developing cyber security policies? Every organization with computers needs a cyber security policy. The depth and detail of the policy depends on the scope and structure of organization.

Generally speaking, there are five things a cyber security policy should do. The first is to put someone in charge of cyber-security. This individual should be responsible for developing and implementing plans

We can unknowingly have destructive programs installed on our computer network or confidential information could be accessed.

and policies. Second, make sure you maintain and keep the plan up-to-date. Third, promote the use of security precautions and provide ongoing training. A security system is only as strong as its weakest link. Regular training is the only way to make sure all users understand the risks of improper computer use.

The fourth item is to communicate the critical role your organization and its employees play in protecting both public and internal information. Fifth, establish communication procedures so that everyone knows what to do when faced with

Story Continued on Page 21

Cyber Security *(cont'd)*

a cyber-security incident or problem. They must know how to react and to whom they should report problems.

What should be included in an effective cyber security plan?

There are many elements to a sound information security plan. One is an ongoing effort to identify risks, threats, vulnerabilities and consequences and take appropriate action to prevent or mitigate them. This effort includes enforcing password policies (including password strength and requirements for regular updates), and risk-manager review of appropriate insurance coverage. Another activity that has spin-off benefits is to ensure hardware and software asset inventories are maintained.

What about disaster recovery? Finally, prepare for the inevitable by supporting a robust disaster recovery planning process, including protecting the availability and recoverability of the organization's information.

What should you do? Unless your organization already has a sound plan, the first thing the person in charge of technology in your municipality should do is download: "Cyber Security-Getting Started: A Non Technical Guide" from msisac.cisecurity.org/

resources/toolkit/oct13/documents/Getting_Started_Print.pdf.

Read it; see how it applies in your municipality; adapt it, then implement it. Then talk to your risk manager to see what else you should be doing. If you like the guide, the MS-ISAC organization has additional non-technical information and guides at: <http://msisac.cisecurity.org/resources/guides/>.

If all this is done, will all security problems go away? No! No security system is 100 percent perfect, since threats are always evolving. Keeping up on viruses, malware, and intrusions through regular software upgrades and education is the cornerstone of stopping web attacks, bank theft, and key loggers. Keep your protection services and operating systems updated and design them to be easily updated and simply distribute them in your environment. Finally, if you run your own system with servers, etc., the folks in charge should join MS-ISAC, a federally sponsored organization focused on cyber security for government agencies (msisac.cisecurity.org). MS-ISAC also has links to sample government cyber-policies. 

Cyber Security Terms

Data electronically stored information, regardless of format

Authenticated - you know the source of the information. If you're not sure, it's unauthenticated.

Firewall a security system that uses hardware and/or software to prevent unauthorized users from accessing an organization's internal computer network.

Malicious Software software used or programmed by attackers to disrupt computer operation, gather sensitive information, or gain access to private computer systems. This includes spyware, adware, viruses and general malware.

Software Patches software that corrects a problem.

Blanket Coverage *(cont'd)*

and the members in estimating insurable values.

If you would like further information on the topic of Blanket Building and Blanket Personal Property Coverage or would like to have a review of your entity's coverage, please contact the Member Services Department at (800) 590-5583 and ask to speak with Marcus Ballou or Judy Doore. 

Basis Technical Safeguards

There is no single thing that can protect a computer or network from intrusion. Staying cyber-safe requires a combination of hardware and software tools. The following tools are used by most organizations.

Firewalls: Every computer connected to the internet needs its firewall turned on. What's a firewall? A system designed to prevent unauthorized access to or from a private network. A firewall is the first line of defense; just as, in another context, the US Border Patrol works to prevent unauthorized access to the country. All Windows computers have a built-in software firewall that should be turned on all times.

Anti-virus, - spam, and - malware software: These are programs that scan potentially suspicious emails and files the way the Border Patrol agents inspect vehicles or people acting suspiciously. Even the best anti-virus software will flag a good email from time to time because of possible suspicious behavior. All systems should have active and regularly updated anti-virus software, which includes anti-spam, malware, and related protections.

Every municipality that has its own direct internet connection needs its own "gateway" (similar to a border crossing) protecting its system. This can be done through software, hardware devices, or a third party service providing gateway protection. Each has its own advantages, disadvantages, and costs.



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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Readfield Town Manager Stefan Pakulski.



Fryeburg Rescue Shanna Walker and Bill Kane.



Fayette Town Manager Mark Robinson and Clarissa-Jean Herrin.



Kittery Town Manager Nancy Colbert Puff.

Cyber Liability Coverage Now Available

MMA's Risk Management Services is pleased to announce the introduction of Cyber Liability & Data Breach Expense coverage to members of the Property & Casualty Pool. Today's technology makes it easier to store, steal or lose personal information. An entire pickup truck of social security numbers, credit card numbers or health records can fit onto a pocket sized flash drive.

Cyber Liability Coverage:

- Covers liability arising out of the failure of network security, including unauthorized access or unauthorized use of municipal systems, a denial of service attack, or transmission of unauthorized, corrupting, or harmful software code to your computer system.
- Cyber Liability will cover losses arising out of your failure to protect sensitive personal information in any format.

Data Breach Expense Coverage:

- Reimbursement for expenses incurred due to a data breach, including but not limited to:
- Forensic services to determine the scope of the breach
- Notification of potentially affected customers
- Crisis management services
- Legal aid
- Credit monitoring services

Coverage Highlights:

- Cyber Liability - \$1,000,000 limit per wrongful act
- Data Breach Expenses - \$50,000 aggregate limit
- \$1,000,000 Aggregate limit per member
- \$1,000 minimum Deductible
- No additional cost (with completed application and subject to Underwriting review)

Please contact a member of Risk Management Services Underwriting staff at 1-800-590-5583 for questions or additional information.

YOUR MONEY IS WAITING Safety Grant Application Deadline Approaches

The Maine Municipal Association has been awarding safety grants to members of their Workers Compensation Fund since 1999. The grant program has assisted municipalities by bestowing **over \$2,000,000 to their safety programs** through the funding of Safety Enhancement Grants and Scholarship Grants.

Grants are awarded in May and October of each year. To be eligible for the **May awards**, your application must be received between **October 1 and April 30**. Applications for the **October awards** must be received between **May 1 and September 30**.

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

Urban trees: Good for people and municipal budgets

The authors say the City of Bath is a forerunner in realizing the importance of urban canopies. The city has been supported by a local cabinet maker.

By Ethel Wilkerson, Bob Moore and Jan Ames Santerre

Because Maine is the most forested state in the country, we seldom appreciate the vital role that urban trees and forests can play in Maine's economy and quality of life. Over 40 percent of Mainers live in developed areas where urban trees and community forests help make Maine a wonderful place to live and work.

Maine's urban forests add real value to our communities: Inventoried street trees can become financial assets that help reduce municipal borrowing costs; in-town residences with trees have greater property value and generate more local revenue; urban forests indirectly save communities money by helping to regulate runoff and reduce energy costs; downtowns with well-managed urban trees have been shown to attract more business customers; inventoried trees can be eligible for reimbursement by the federal government if damaged by storms and extreme weather; and, urban trees boost the beauty of our local communities, which can help establish a sense of community.

Yet, scarce financial resources, exotic pests and changing weather patterns all threaten urban forests and their contributions. In this article we take a closer look at one city in Maine, the City of Bath, which has found resourceful ways for taking on these challenges and expanding the value of its urban forests.

City of Bath: What municipalities can do

The City of Bath (9,400 people and 25,000+ trees) has a long history

Ethel Wilkerson (ewilkerson@manomet.org) is a scientist at Manomet Center for Conservation Sciences and Jan Ames Santerre (jan.santerre@maine.gov) is the director of Project Canopy.



Tree canopy in Bath. (Photo by Andy Whitman)

of having healthy urban forests. It provides interesting examples about the tangible benefits of urban trees that extend beyond beauty and aesthetics. In the last decade, Bath has stepped up efforts to inventory their forest resources, not only to gain a snapshot of their current forest resources, but also to better understand the benefits that trees provide and ensure its trees remain healthy into the future.

After the 1998 Ice Storm, the Federal Emergency Management Agency (FEMA) initiated a recovery program through which communities could be reimbursed \$400 to replace damaged trees. As part of that program, Bath Arborist Tom Hoerth appraised the replacement cost of Bath's 25,000 street trees at approximately \$10 million. Bath's tree resources are now seen as fixed capital assets, like fire hydrants

or vehicles.

"But where most capital assets depreciate in value over time," Hoerth said, "trees are the only class of capital asset that actually appreciate over time. The bigger the tree, the more benefits it provides, and those benefits along with the tree's financial value grow over time."

The inventoried trees are eligible for reimbursement if damaged by storms and extreme weather. "If everything is wiped out and we lose every tree, it's now a \$10 million price tag," said Hoerth.

However, the benefits to the city extend much further than just the replacement costs because municipalities consider all of their assets to offset debt service on municipal bonds. Bath's trees provide a \$10 million financial benefit to the city. As extreme storms become more frequent, the risk of tree damage increases, as do the costs for removing and replacing trees. The tree inventory has helped the City of Bath pay for potential removal and replacement of damaged trees to ensure a healthy urban forest over the long term.

According to the U.S. Forest Service, when all of the values of urban trees are summed up, they provide far more benefits than their obvious beauty and shade. Tools developed by the U.S. Forest Service can help quantify the benefits that trees provide to communities.

The City of Bath teamed up with its partners – the Maine Forest Service, Manomet Center for Conservation Sciences, and the U.S. Forest Service – to use a program called i-Tree. The i-Tree analysis determined that trees within the downtown and suburban area of Bath provide over \$780,000 in benefits

to the city each year. This analysis was funded by a grant from the National Urban and Community Forestry Advisory Council and showed that each year Bath's trees remove 16,000 pounds of pollutants from the air, produce 626,000 pounds of oxygen, avoid 756,000 gallons of storm water runoff and store over 1.4 billion pounds of carbon dioxide.

Hoerth was quick to see the value of iTree, because it allows people to better appreciate the link between urban forests and environmental quality, public health and community livability. Furthermore, translating those benefits into real dollars can help justify budgets for tree planting and maintenance, and strengthen municipal tree programs. With this information, the City of Bath is better able to understand how to use its urban forests to reduce storm water runoff, reduce impacts of extreme weather events and reduce energy use in public buildings.

Keeping trees healthy

Bath's tree inventory revealed that a large number of the city's trees were at risk to the spread of emerald ash borer, a non-native beetle that kills ash trees.

"The City of Bath has set a goal of 'zero canopy loss' across the city," said Hoerth, "but we know that we have about 1,200-plus trees that are at risk from the emerald ash borer." Understanding this threat ahead of time allowed the city to develop a plan to remove ash trees and replant trees that



Trees encircle a typical residential street. (Photo by Andy Whitman)

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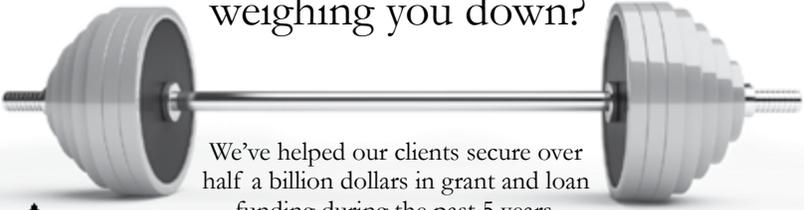
It also allowed Hoerth to establish an innovative partnership between the City of Bath and a local business, the Kennebec Company Designers & Cabinetmakers, to help reduce the costs of removing and replanting over 1,200 trees. The Kennebec Company will make cabinets from the wood of local trees cut down due to the threat of emerald ash borer and will also pay for replanting new trees across the city.

Ken Strainic of the Kennebec Company said: "We want to use local trees to make our hand-crafted cabinets and also ensure that Bath, our company's hometown, has healthy and vibrant trees throughout the city." This partnership will leverage support from existing grant programs such as Project Canopy, a program of the Maine Forest Service that provides funds to municipalities to purchase and plant trees. As the threat to trees from pest species increases, a street tree inventory allowed Bath to manage these threats and slowly change the species of trees within its urban forest mak-



Bath City Hall in the background. (Photo by Andy Whitman)

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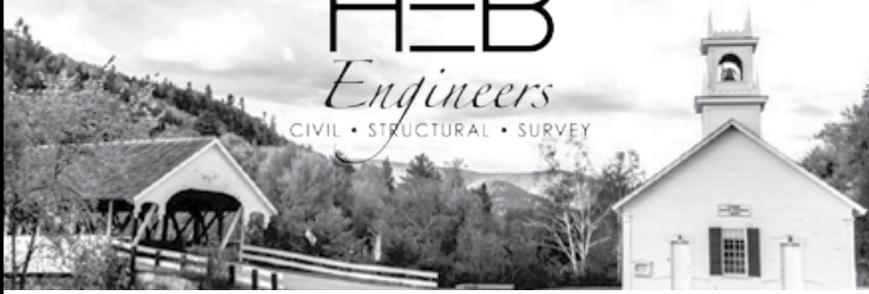
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ing it less vulnerable to damage from pests.

The importance of urban forests to Maine's towns and cities will increase as population growth in urban centers continues to outstrip growth in rural areas. Over the next 40 years, Maine's urban areas are expected grow from 1.1 percent of land area to 3.8 percent. This means that urban forests will play an increasingly important role in making our communities livable and our economy vibrant. Yet, scarce local financial resources, exotic pests and changing weather patterns will challenge the ability of Maine's towns and cities to maintain urban forests and the quality of life where we live and work.

The Maine Forest Service's Project Canopy has helped Bath, and many other cities and towns across the state, implement successful urban forestry projects. It may seem overwhelming to create or expand your community's tree programs, but Project Canopy recommends five basic steps to help get you started:

1. Get organized. Meet with relevant municipal staff and volunteers, your state district forester, Project Canopy staff and tree committees from nearby towns to understand your challenges and opportunities.

2. Get involved. Enlist community groups, such as the conservation commission, parks groups, schools, and garden clubs in your effort to establish a base of support.

3. Make a plan. Outline what's needed to start your program and put someone in charge. If necessary, start small.

4. Keep track of your trees. Develop or update your street tree inventory. This will help you estimate a budget, develop and prioritize planting plans, attract grants and donations, and much more.

5. Plant a tree, or more. Planting the right tree in the right place will help ensure success. Plant a diversity of species, avoid planting large trees under power lines, and avoid species susceptible to current and potential threats, like the emerald ash borer.

Project Canopy has cost-share grants available help communities plan, plant, and maintain urban trees and community forests. Details about the 2014 grant program were released in July at www.projectcanopy.me.

The City of Bath has shown that its trees have benefits that extend beyond just aesthetics. Hoerth believes that more Maine communities can use these strategies to expand their forest resources and that, "in the long run, it could end up saving more than just trees; it will save a lot of money."

(This article and related work was supported by a grant from the U.S. Forest Service, as recommended by the National Urban and Community Forestry Advisory Council. It does not necessarily reflect the views of the U.S. Forest Service.) ■

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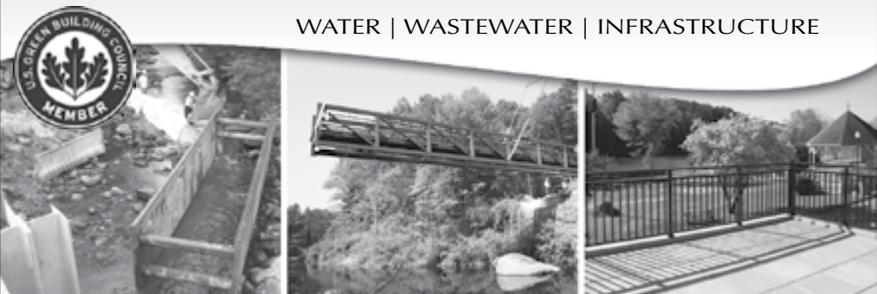
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DON'T MISS THESE SPECIAL FEATURES & EVENTS!

2014 MMA Convention

October 1-2, 2014

Augusta Civic Center, Augusta, ME



Keynote – Peter Kageyama

For the Love of Cities

Wednesday, October 1 – 9:00-10:15 a.m.

Our special guest is Peter Kageyama, a renowned economic and community-development expert who co-founded the first Creative Cities Summit in Florida in 2004 – and has been off and running, literally around the world, ever since.

An internationally recognized expert on community development and grassroots engagement and author of the book, *For the Love of Cities*, Peter will help you explore in detail the value of emotional engagement with our smallest towns and largest cities, how that connection is created and nurtured and how it can be turned into a development resource.



Leading at the Speed of Change

Thursday, October 2 – 9:00 – 10:20 a.m. – FEATURED SPEAKER

Our special guest is Roselyn Connor, a Chicago-based consultant, Northwestern University professor, author and – ready for this? – college-educated Astrophysicist and expert in Russian. Yes, she’s a rocket scientist.

Connor, who has worked with more than 70 police and fire departments over the years, as well as many schools, hospitals and businesses, will show municipal officials at all levels how to handle change with finesse and ease. Attendees will learn to confront situations and to modify approaches to keep ahead of the inevitable changes within and affecting any organization.



Showing Some Heart: Top Management Tips

Wednesday, October 1 – 1:30-2:30 p.m.

Continuing the 2014 Convention’s theme (“The Heart of the Matter”) two veteran municipal managers relate their experiences with citizens, employees and elected officials. Municipal officials at all levels need to respect one another’s roles, they say. And the best leaders listen to all sides, and even empathize with them, before major decisions are made.

James Bennett, City Manager, Presque Isle and incoming President, International City/County Management Association; Ruth Cushman, Retired Manager, Town of Jay, MTCMA Ambassador.



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2014 MMA Convention General Sessions & Events *(preliminary)*

Wednesday, October 1, 2014

7:30 a.m. Registration Begins

7:30 – 10:30 a.m. Continental Breakfast

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

Peter Kageyama – For the Love of Cities

Our special guest is **Peter Kageyama**, a renowned economic and community-development expert who co-founded the first Creative Cities Summit in Florida in 2004 – and has been off and running, literally around the world, ever since.

An internationally recognized expert on community development and grassroots engagement and author of the book, *For the Love of Cities*, Peter will help you explore in detail the value of emotional engagement with our smallest towns and largest cities, how that connection is created and nurtured and how it can be turned into a development resource for places.

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership, Elected Relations, Finance/Budget.

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

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

Lessons from the Penn State Scandal

Sometimes, valuable lessons arise from terrible circumstances. Many of us know about the child-molestation scandal that embroiled a fine university and revered football program at Penn State in 2012. This workshop will examine how the allegations, horrific as they were, could have been handled at the onset and what liability lessons were learned in the aftermath.

Presenter: Peter Lowe, Attorney, Brann & Isaacson, Lewiston.

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership, Legal, Human Resources.

The Future of Solid Waste in Maine

Over the last two years the Legislature has examined how best to address a significant financial issue facing Maine's waste-to-energy facilities due to expiring federal electricity subsidies, while also assessing Maine's overall solid waste management plan. The enacted legislation, LD 1483, directed Maine's Department of Environmental Protection to promulgate rules in support of Maine's Solid Waste Hierarchy. The new law was widely viewed as a step in the right direction but also a step short of plugging the looming financial gap. The Legislature is expected to revisit this issue in 2015, and input from municipal officials is being sought. To that end this panel will review the results of a 2014 solid waste survey co-designed by MMA and MRRA, allowing ample time to start a dialogue that will continue at the MRRA affiliate session at 1:30 p.m. on Day 1.

Presenters: George MacDonald, Director, Division of Sustainability, Maine Department of Environmental Protection; Hon. Tom Saviello, Senate Ranking Member, Maine Legislature's Environment and Natural Resources Committee; Hon. Joan Welsh, House Chair, Maine Legislature's Environment and Natural Resources Committee; Victor Horton, Executive Director, Maine Resource and Recover Association; Garrett Corbin, Legislative Advocate, State and Federal Relations, Maine Municipal Association.

Moderator: Geoffrey Herman, Director, State and Federal Relations, MMA.

The Maine Military & Community Network

Municipalities are uniquely positioned to welcome home veterans who serve

their country overseas and to tap the vocational and leadership experience that veterans accumulate while on deployment. Here's what your community can do to help.

Presenter: SFC Nathaniel Grace, Community Liaison, Maine Military and Community Services, Maine National Guard.

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

Noon – 1:30 p.m. Awards Luncheon

1:30 – 4:00 p.m. Wellness Fair

1:30 – 2:30 p.m. Concurrent Sessions

MMA Annual Business Meeting

Please join us as President Peter Nielsen, Vice President Michelle Beal and Executive Director Christopher Lockwood shed light on MMA's upcoming priorities and issues that arose in 2014, including the high-profile campaign to preserve \$60 million in state revenue-sharing funds.

Showing Some Heart: Top Management Tips

Continuing the 2014 Convention's theme ("The Heart of the Matter") two veteran municipal managers relate their experiences with citizens, employees and elected officials. Municipal officials at all levels need to respect one another's roles, they say. And the best leaders listen to all sides, and even empathize with them, before major decisions are made.

Presenters: James Bennett, City Manager, Presque Isle and Incoming President, International City/County Management Association; Ruth Cushman, Retired Manager, Town of Jay, MTCMA Ambassador.

Certification: Valid for 1.0 MTCMA Certification credit in the following categories: Leadership, Ethics, Elected Relations, Human Resources.

Keeping Up With Cemetery Maintenance

Taking into consideration the thousands of historic cemeteries that dot Maine's landscape, the charge to maintain the grounds, graves and monuments within can be a daunting task. In this session, participants will learn how municipalities, cemetery associations and restoration professionals work collaboratively in the process of preserving these important artifacts.

Presenters: Helen Shaw, Legislative Liaison, Maine Old Cemetery Association; Thomas Stevens, Owner, Thomas A. Stevens Cemetery Restorations; Matt Lutkus, Manager, Town of Damariscotta.

Moderator: Kate Dufour, Senior Advocate, State & Federal Relations, Maine Municipal Association.

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

2:45 – 4:00 p.m. Concurrent Sessions

Forecasting Maine's Future

Three experts in economics, economic development and demographic analysis will provide a region-by-region and sector-based forecast of the population shifts and economic trends in Maine over the next 25 years. Along with the forecasts, the program will provide advice to municipal officials in all forecast areas about how to prepare for the service delivery challenges that will be emerging in the years to come and the economic development strategies that could influence negative forecasts to trend in a more positive direction.

Presenters: Jim Damicis, Senior Vice President, Camoin Associates, Scarborough; Charles Colgan, Professor of Public Policy and Management,

Wednesday, October 1, 2014

Muskie School of Public Service, University of Southern Maine; John Dorrer, Director, Labor Market and Workforce Research, Jobs For the Future, Boston.
Moderator: Geoffrey Herman, Director, State & Federal Relations, MMA.

GASB 68: Public Retirement Costs, Important Rules

The federal government changes things and many employers adjust. In this case, the Governmental Accounting Standards Board has required state and local governments to change the ways that they calculate employee retirement costs. This panel will explain the changes and tell town and city officials how to implement the changes – and what they mean.

Presenters: Sandy Matheson, Executive Director, Maine PERS; Stephanie Fecteau and Sherry Vandrell, Maine PERS.

Moderator: David Barrett, Director of Personnel Services & Labor Relations, Maine Municipal Association.

Promise, Challenges of Municipal Collaboration

Collaboration. Consolidation. Regionalization. Teamwork. Call it what you want, but Maine is full of examples of municipalities working together – and deciding when not to. This session will examine examples of successful collaborative efforts, some that were explored and shelved or modified – and the lessons learned along the way.

Presenters: The Hon. Thom Harnett, Mayor, City of Gardiner; Scott Morelli, Manager, City of Gardiner; Matthew Pineo, Manager, Town of Brownville.

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership, Legal, Finance/Budget.

4:00 – 5:30 p.m. Member Appreciation Reception

Pigbee Band

Thursday, October 2, 2014

7:30 a.m. Registration Begins

7:30 – 9:15 a.m. Breakfast Buffet

8:00 a.m. – Noon Wellness Fair

9:00 – 10:20 a.m. FEATURED SPEAKER

Roselyn Connor – Leading at the Speed of Change

Our guest is Roselyn Connor, a Chicago-based consultant, Northwestern University professor, author and – ready for this? – college-educated Astrophysicist. That's right, she's a rocket scientist.

Connor, who has worked with more than 70 police and fire departments over the years, as well as many schools, hospitals and businesses, will show us how to handle change with finesse and ease – if we are viewed as being strongly aware. Attendees will learn to confront changing situations and to modify approaches to keep ahead of the inevitable changes within and affecting any organization.

Certification: Valid for 1.0 MTCMA Certification credit in the following categories: Leadership, Human Resources.

Bond Reporting: Follow-Up Requirements

Whether and when to issue municipal bonds are major decisions that many municipal officials will face. The decisions can affect a community's economic vitality, infrastructure and, of course, the town's or city's bottom line. Mandatory follow-up requirements can be overlooked, however, and they've changed recently.

Presenters: E. William Stockmeyer, Attorney, Drummond Woodsum, Portland; Gregory Im, Attorney, Drummond Woodsum.

10:20 – 10:30 a.m. Break/Visit with Exhibitors

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

Quebec & Maine: Linking Up for Rail Safety

(Co-sponsored by the Maine Fire Chiefs Association)

There may be no more pressing topic in the U.S. and Canada than rail safety, after the 2013 tragedy in Lac-Megantic, Quebec raised awareness of this critical issue. Our international panel will explore the current state of rail safety and what Maine and its cross-border colleagues can do to increase vigilance and improve safety.

Presenters: The Hon. Colette Roy-Laroche, Mayor, Lac-Megantic, Quebec; the Hon. Vicki May Hamm, Mayor, Magog, Quebec; Peter Nielsen, President, MMA and Manager, Town of Oakland.

Strategic Implications: A Lean-Thinking Municipal Workforce

This session will review several examples of municipalities that have trained employees to apply Lean Enterprise principles of process improvement, and the result strategic advantages. Learn the internal and external organizational benefits that come from creating lean environment in your municipality.

Presenter: Keith Gilpatrick, Co-Founder and Senior Vice President, Back in the Game, Camden, and co-author of the book, "The Elusive Lean Enterprise."

Effective Meeting Facilitation

Are your meetings forced, stiff, dull or indecisive? Worse yet, did you just answer "all of the above?" This workshop focuses on how to lead and guide effective meetings, a developable skill that can make a major difference to your town, city or municipal department.

Presenter: Merlene Sanborn, Assistant Dean of Graduate and Continuing Studies, Thomas College, Waterville.

Certification: Valid for 1.25 MTCMA Certification credits in the following categories: Leadership, Elected Relations, Human Resources.

MMA Legislative Policy Committee

The newly established LPC will meet at this time at the MMA Conference Center, to the rear and across the lot from the Augusta Civic Center. (LPC members will be served lunch at MMA. They are encouraged to return to the Convention afterward.

11:45 – Noon Break/Visit with Exhibitors

Noon – 1:30 p.m. Networking Luncheon

1:30 – 2:00 p.m. Dessert Social/Grand Prize and Exhibitor Prize Giveaways – Exhibit Hall

2:00 – 3:00 p.m. Concurrent Sessions

Overseeing Natural Gas & Other Private Sector Projects

This workshop will address critical issues for officials to consider or reconsider about natural gas and other major infrastructure projects within municipal boundaries. Appointed and elected officials will come away with important information about natural gas and other projects, as well as gain an understanding of regulatory and public safety issues.

Presenters: Shana Cook Mueller, Attorney, Bernstein Shur, Portland; Philip Saucier, Attorney, Bernstein Shur, Portland.

Certification: This session approved for 1.0 CMA/CAT re-certification credit through Maine Revenue Services.

Thursday, October 2, 2014

Marijuana: First Responder Challenges

Things used to be so easy. When police or fire-rescue personnel arrived on a scene and found marijuana present, it was a possible crime scene. Now, with medical marijuana cards and legal possession of small amounts of marijuana in Portland, more discretion is required. Come here to learn more.

Presenters: Kenneth Albert, RN, Esq., Director, Division of Licensing and Regulatory Services, Department of Health and Human Services, State of Maine; Marietta D'Agostino, Program Manager, Maine Medical Use of Marijuana Program, State of Maine.

Evaluating Municipal Managers

One of the most important things that many elected officials do – if it isn't the most important – is evaluate the municipal manager. This session underscores the importance of the position and gives valuable insight regarding what to include, and what not to include, in managers' evaluations.

Presenter: Rick Dacri, Dacri & Associates, Kennebunkport.

Certification: Valid for 1.0 MTCMA Certification credit in the following categories: *Elected Relations, Human Resources.*

3:00 – 4:00 p.m. Ask the Experts: Interactive Discussions

Updating the Affordable Care Act

The more things change, the more things – *change?* Since its passage in 2010, the federal Affordable Care Act has raised many questions as well as it has

offered promise. Come and hear the latest about the Act, its details and how it affects municipal employers.

Presenters: Stephen Gove, Deputy Director, Maine Municipal Association; Anne Wright, Deputy Director, Maine Municipal Employees Health Trust.

Certification: Valid for 1.0 MTCMA Certification credit in the following categories: *Finance/Budget, Human Resources.*

Right to Know

Attorneys from MMA's Legal Services Department offer Right to Know training that is required for both elected officials and municipally appointed Public Access Officers.

Presenters: Bill Livengood, Director, Legal Services, MMA; Richard Flewelling, Assistant Director, Legal Services, MMA.

Certification: This session approved for 1.0 CMA/CAT recertification credit through Maine Revenue Services.

Social Media Dos & Don'ts

This workshop will provide valuable information to help towns and cities plan for and implement a social media strategy. The discussion will include a sample policy, potential benefits and concerns, a review of key laws and "lessons learned" from one community.

Presenters: Amanda Meader, Staff Attorney, Legal Services Department, MMA; Det. Dorothy Small, City of Ellsworth Police Department; Eric Conrad, Director of Communication & Educational Services, MMA.

Affiliate Association Programs

Maine Association of Assessing Officers (MAAO)

Wednesday, October 1

10:30 – 11:45 a.m.: Using GIS to Update Wetlands Maps (co-sponsored with MCIAAO)

This session will focus on and discuss the categories of wetlands, how to identify them on GIS maps and will provide information about some of the valuation considerations.

Presenter: David Sawyer, CMA, Assessor, Town of Windham.

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

Maine Association of Local Emergency Managers (MALEM)

Wednesday, October 1

2:45 – 4:00 p.m.: Local Responsibility for Emergency Management

State statute identifies certain authorities and responsibilities for municipal governments regarding emergency management. This session explores and describes these responsibilities.

Presenter: Dale Rowley, EMA Director, Waldo County.

Maine Association of Planners (MAP)

Thursday, October 2

10:30 – 11:45 a.m.: Writing the Most Complete RFP

Do you get responses to your RFPs from people that are not qualified, have to publish a lot of addendums to your RFPs, have difficulties negotiating contracts with the firm who wins the bid, have cost overruns or add-on services from the project? Are you new to RFP writing or need a refresher? Then this session is for you! Come hear from the people that respond to your RFP to get their perspectives on replying to RFPs. They will discuss what they need in an RFP to best respond to your service needs. Learn the basic

format of an RFP to take back to your office as a template.

Presenters: Anne Krieg, AICP, Town of Bridgton Planning & Development (Session Moderator); Beth Della Valle, AICP, Planning Consultant; Stephen Bradstreet, Ransom Engineers; Dick Spencer, Esq., Drummond Woodsum.

Maine Building Officials & Inspectors Association (MBOIA)

Thursday, October 2

10:30 – 11:45 a.m.: Maine's Requirements for Erosion and Sediment Control

This presentation will discuss why the use of soil erosion control practices is important, the laws and regulations that require it, and some of the more common practices that are employed to meet regulatory requirements. It will further discuss the State's certification program in erosion control practices.

Presenter: Bill LaFlamme, Coordinator, Nonpoint Source Training and Resource Center, Maine Department of Environmental Protection, State of Maine.

Maine Chapter of American Public Works Association (MCAPWA)

Thursday, October 2

8:30 – 8:45 a.m.: Opening Remarks, Election of Officers & Presentation of By-laws

Presenter: Chapter President Rob Pontau, Assistant General Manager, Brunswick Sewer District.

8:45 – 9:30 a.m.: "Need to Know" ADA Regulations for Public Right of Way and Sidewalks

This presentation will focus on ADA requirements for state, county and local governments to ensure persons with disabilities have access to the pedestrian routes in the public right of way.

Presenter: Theresa Savoy, Director, MaineDOT Civil Rights Office.

Affiliate Association Programs

10:00 – 10:45 a.m.: Introduction of new MCAPWA Website

Presenter: Chapter President, Rob Pontau, Assistant General Manager, Brunswick Sewer District.

10:45 – Noon: What's Happening at MaineDOT? And 'Ask the Commissioner'

Presenter: David Bernhardt, Commissioner, MaineDOT.

Noon: Luncheon at the Augusta Elks Lodge *(pre-registration required)*

Maine Chapter International Association of Assessing Officers (MCIAAO)

Wednesday, October 1

10:30 – 11:45 a.m.: Using GIS to Update Wetlands Maps *(co-sponsored with MAAO)*

This session will focus on and discuss the categories of wetlands, how to identify them on GIS maps and will provide information about some of the valuation considerations.

Presenter: David Sawyer, CMA, Assessor, Town of Windham.

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

Maine Fire Chiefs' Association (MFCA)

Wednesday, October 1

10:30 – 11:45 a.m.: MFCA Annual Membership Meeting & Presentation of the Maine Fire Chief of the Year Award.

1:30 – 4:00 p.m.: The Impact of the ACA on Fire-Based EMS Organizations

This session will focus on sharing information from the IAFC EMS Conference on how the Affordable Care Act will change the way EMS service is provided, including how fire service will be compensated for providing it.

Presenter: Mike Thurlow, Fire Chief, Town of Scarborough.

Thursday, October 2

2:00 – 4:00 p.m.: Handling Transportation Emergencies Involving Flammable Liquids

This session will include an overview of current statewide mutual aid agreements, resources available and the integration with Maine Emergency Management Agency and trained responders from around the state in handling transportation emergencies. There will be a review of the modes of transportation common throughout the state to include trucks, trains and ships in Maine's harbors. Ethanol response will also be discussed which is a large concern for both fire service and environmental agencies due to environmental contamination.

Panel: Fire Chief Kevin Guimond, South Portland Fire Department; Bruce Fitzgerald, Director, Maine Emergency Management Agency.

Certification: MFCA sessions approved for MFCA Chief Fire Officer Certification Program.

Maine Local Government Human Resources Association (MLGHRA)

Wednesday, October 1

10:30 – 11:45 a.m.: Creative Ways to Control Health Care Costs

This session will focus on different and creative ways that Maine municipalities have been controlling healthcare costs including wellness programs, plan

designs, HRAs & FSAs and disease management. Participants will be encouraged to share others ways they have been tackling this very important topic – to help both their employees and their budget.

Presenters: Don Brewer, Human Resources Director, City of South Portland; Kristy Gould, Human Resources Director, City of Augusta; Betsy Oulton, Human Resources Manager, Kittery School Department and Town of Kittery; Stephanie Weaver, Personnel Officer, City of Saco.

Certification: HRCI Credits pending.

12:30 – 1:30 p.m.: MLGHRA Annual Meeting

1:30 – 2:30 p.m.: MMEHT Administrative Workshop

This presentation is geared towards those employer groups participating in the Maine Municipal Employees Health Trust. It is a brief overview of how to handle the administrative functions that offering employee benefits from the Health Trust entails. It will cover enrollments, terminations, and life changes; the forms required for each and the timeframes for submission to the Health Trust. Also discussed will be how to determine benefit effective dates, the retirement process, COBRA Administration and the Health Trust billing process.

Presenter: Linda Mack, Enrollment and Data Services Manager, Maine Municipal Employees Health Trust.

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

Wednesday, October 1

10:30 – 11:45 a.m.: Violence in the Workplace

The presentation begins with an overview of workplace violence. Behaviors of concern and other possible indicators that may suggest the potential for future violence will be discussed. Focus will be on awareness and action to be taken in order to prevent violence. The second half of the presentation deals with reacting to an active threat event and through awareness of dangers and developing a survival mindset. Different options for responding to an active event will be discussed, including what to expect from police when they arrive.

Presenter: Sgt. Jim Buckley, Bangor Special Response Team, Member of Bangor Bomb Team

Certification: The MMTCTA will allow attendance at MMTCTA co-sponsored events at the Maine Municipal Association Annual Convention to be used towards certification under the heading of "optional courses." Please refer to the MMTCTA Certification application for the number of points that will be allowed.

Maine Resource Recovery Association (MRRRA)

Wednesday, October 1

1:30 – 2:30 p.m.: Have Your Say: Improving State Support for Municipal Solid Waste Management

MRRRA will facilitate this session to solicit your ideas and formulate municipal input for the 127th Legislature as they consider changes to the State's solid waste policies & laws. These changes will happen with or without municipal input, and it is MRRRA's goal to identify changes that would benefit municipal programs by enhancing recycling programs and reducing cost.

Presenters: Ferg Lea P.E., AVCOG Retired; Audra Caler-Bell, Program Director, Midcoast Economic Development District; Ross Nason, Environmental Planner, KVCOG.

Maine Service Center Coalition (MSCC)

Thursday, October 2

Noon – 1:30 p.m.: Board Luncheon

Affiliate Association Programs

Maine Town, City & County Management Association (MTCMA)

MTCMA Certification: See general sessions for programs and sessions that offer MTCMA Certification points.

Maine Town & City Clerks' Association (MTCCA)

Wednesday, October 1

10:30 – 11:45 a.m.: Elections Update from the SOS Office

Presenter: Julie Flynn, Deputy Secretary of State, Secretary of State's Office, State of Maine.

1:30 – 2:00 p.m.: Update from Inland Fisheries and Wildlife

Presenter: Chandler Woodcock, Commissioner, Inland Fisheries and Wildlife, State of Maine.

2:00 – 2:30 p.m.: Update from the Office of Vital Records

Presenter: Roberta Fogg, Deputy State Registrar, Data Research and Vital Statistics, Vital Records Office, State of Maine.

2:45 – 4:00 p.m.: I've Had it Up to Here! Staying Positive When Things Get Tough

Municipal Clerks face many challenges. Some are internal, such as keeping up motivation when the going gets tough. Others are external, such as handling difficult people and situations. In this session, Janet will share how to increase personal optimism as well as the positivity in the work environment. This session will explore the research in positivity as well as hands-on ways to increase optimism, stop the worry, get a new perspective on difficult people and discover personal strengths. Attendees will walk away with practical tools that can be used immediately personally and professionally.

Presenter: Janet Edmundson, M.Ed., President & CEO, JME Insights, author of *Finding Meaning with Charles*.

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

Maine Welfare Directors' Association (MWDA)

Thursday, October 2

9:00 – 9:15 a.m.: MWDA Business Meeting

9:15 – 9:45 a.m.: Dave's Corner – What's Happening in General Assistance?

Presenters: Dave MacLean, GA Program Manager, Ellen Heath, Field Examiner II; Gerard Biron, Field Examiner II; DHHS, State of Maine & Staff.

9:45 – 10:30 a.m.: DHHS Programs and How They Can Work for You

Presenters: Dave MacLean, GA Program Manager, Ellen Heath, Field Examiner II; Gerard Biron, Field Examiner II; DHHS, State of Maine & Staff.

10:30 – 11:00 a.m.: Disability Advocates – Helping You and Your Client Through the Process

Presenters: Dave MacLean, GA Program Manager, Ellen Heath, Field Examiner II; Gerard Biron, Field Examiner II; DHHS, State of Maine & Staff.

11:00 – 11:45 a.m.: Property Tax Fairness Credit

Presenters: Maria French and Sandra Lind, Income/Estate Tax Division, Maine Revenue Services.

Certification: This session approved for .75 CMA/CAT re-certification credit through Maine Revenue Services.

Overnight Accommodations

There is a Room Block at the BEST WESTERN PLUS Augusta Civic Center Inn, Augusta, ME. 110 Community Drive, Augusta, ME 04330, (207) 622-4751 / FAX (207) 622-3108, info@augustaciviccenterinn.com

Rate: \$72.00/night (All prices are subject to Maine State Occupancy Tax – current rate is 8%) Check-in time is 2 p.m. Check-out time is 12 noon

All the reservations must be received at least two (2) weeks prior to your arrival date in order to insure availability. Registrations made after Tuesday, September 16, 2014 will be made on a space available basis.

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

Attendee Registration Form

MMA Convention – Augusta Civic Center – October 1 & 2, 2014

One registrant per form (please photocopy for additional registrations)

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

I plan to attend (choose ONE): Wed 10/1 Thur 10/2 Both Days **First Time Attendee?** Yes No

CONVENTION REGISTRATION FEES (For one or both days)		Cost
<input type="checkbox"/> MMA Members/Affiliate/Patron	Pre-Registration - <i>must be postmarked/received by 9-12-14</i>	\$ 70.00
<input type="checkbox"/> MMA Members/Affiliate/Patron	Registration - <i>after 9-12-14</i>	\$ 85.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Pre-Registration - <i>must be postmarked/received by 9-12-14</i>	\$ 140.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Registration - <i>after 9-12-14</i>	\$ 170.00
<input type="checkbox"/> Business Representative	Pre-Registration - <i>must be postmarked/received by 9-12-14</i>	\$ 105.00
<input type="checkbox"/> Business Representative	Registration - <i>after 9-12-14</i>	\$ 120.00
Registration Fee		\$ _____

WEDNESDAY LUNCHEON-OCT 1	Location	Cost
Awards Luncheon (Buffet)	Civic Center (North Wing)	\$ 17.00
Wednesday Meal		\$ _____

THURSDAY LUNCHEONS-OCT 2	Location	Civic Center Luncheons:	Cost
<input type="checkbox"/> Networking Luncheon (Buffet)	Civic Center (North Wing)	<i>Due to ticket demand, there are two luncheon rooms - assigned on a first-reserved, first-served basis. There will be a live video feed of the presentations in the 2nd luncheon room.</i>	\$ 17.00
<input type="checkbox"/> Maine Chapter of American Public Works Association (MCAPWA)	Augusta Elks Lodge		\$ 17.00
Thursday Meal			\$ _____

TOTAL (Registration Fee & Meals)	\$ _____
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SPECIAL EVENTS - for Wednesday, October 1 and Thursday, October 2

For planning purposes, please select which complimentary activity you plan to attend:

- I plan to attend the complimentary Continental Breakfast on Wednesday 10/1.
- I plan to attend the complimentary Member Appreciation Reception on Wednesday 10/1.
- I plan to attend the complimentary Buffet Breakfast on Thursday 10/2.
- I plan to attend the complimentary dessert social on Thursday 10/2.

Signature: _____ Date: _____

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

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

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

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

Please keep a copy of this form for your records.

PEOPLE



James Gailey

James Gailey, Perry Ellsworth and Christy Sirois were honored recently at the Maine Town, City and County Management Association's Annual Institute at the Sunday River Resort and Conference Center in Newry.



Perry Ellsworth

Gailey won the MTCMA's Linc Stackpole Award, given each year to the association's Manager of the Year. Several employees and officials with the City of South Portland – where Gailey has served as manager since 2007 – submitted his nomination, emphasizing his leadership ability and how it has benefitted South Portland in several ways.



Christy Sirois

Maxine Beecher, an at-large Councilor with the city, wrote that Gailey “is definitely an organizer, an effective leader.” She cited his work on the city's Comprehensive Plan, a new Community Services facility and improvements to City Hall itself as examples of Gailey's talent in communicating and getting things done.

Susan Mooney, City Clerk in South Portland, wrote about Gailey's role as South Portland dealt with a voter-initiated effort to prohibit tar sands from being transported from Canada through the port city, a major issue in South Portland in recent years.

Letters supporting Gailey's nomination also cited his personal touches – serving food at community barbecues, coaching youth sports and generally being involved with the community that he helps to lead.

Ellsworth, Town Manager in South Ber-

wick since January 2011, was nominated for MTCMA's Leadership Award by four members of his Town Council. They wrote that an immediate challenge, when Ellsworth was on the job for less than six months, was dealing with \$410,000 in budget cuts forced by taxpayers at town meeting.

“During his first complete budget process,” the Councilors wrote, “(Ellsworth) endeavored to bring balance and transparency to the budget process. He listened carefully to citizen concerns and provided information as requested to better explain and justify budget expenditures.” The result: Ellsworth's first budget and subsequent ones passed overwhelmingly.

Sirois, Town Manager in St. Agatha, was nominated for MTCMA's Rookie of the Year Award by former Selectman Beurmond Banville, Presque Isle City Manager James Bennett, Ryan Pelletier, a former town manager who works for the Northern Maine Development Commission, and Casey Cote, Town Manager in Frenchville.

Banville noted that Sirois replaced Pelletier. In fact, one of Pelletier's final appointments was hiring Sirois to be St. Agatha's town clerk.

“When her resume was among the applicants for Town Manager of our small community, pop. 794, it was placed at the top of the pile,” Banville wrote. He particularly cited Sirois' ability to find answers when issues arise, her “bright, cheerful” disposition and her leadership of a sewer line reconstruction project as highlights.



Peter Nielsen

in local government actually began as an elected official in his hometown of

Oakland Town Manager **Peter Nielsen** will retire next month, ending a 24-year run as a municipal manager and finishing his career while serving as president of the Maine Municipal Association. Nielsen's debut

Winthrop, where he served from 1985 to 1990 as a town councilor. Since 1990, Nielsen has managed in the towns of Wilton, Wayne and Clinton, in addition to Oakland, where he has served for the past five years.

Nielsen intended to work a bit longer at the town office, but after getting his certification to drive a school bus again, he decided to move up the timing of his career change. Nielsen is a former bus driver who is excited to return behind the wheel, he said. Town Clerk Janice Porter has been named interim town manager in Oakland.

An online fund has been established to help Medway firefighter **Greg Hale** as he recovers from second- and third-degree burns to his arms and legs while fighting a grease fire in July. The department and town residents, meanwhile, held a fundraiser for Hale and his family in August. Hale, a Medway firefighter for 11 years, had just moved to nearby East Millinocket and responded to the fire at his new neighbor's home while off-duty.

Portland councilors named Deputy City Manager **Sheila Hill-Christian** as acting manager of Maine's largest municipality, replacing for now Mark Rees, who resigned August 18 after three years with the city. Hill-Christian was hired in 2013 when the council consolidated the two deputy jobs into one, but with more authority. Before being hired in Maine, Hill-Christian owned a government consulting group in Richmond, Va., in addition to previous work as chief of staff to the Richmond mayor and executive director of the Virginia lottery, among many other positions and accomplishments.

Charles “Sonny” Tibbetts, who served as Bath city councilor for 20 years, died on July 22 at the age of 79. Tibbetts, who served in the Navy for 20 years, was first elected to the council in 1992. He also served on the city's planning board, the Bridge Advisory Committee and the housing authority, among other civic involvement. He is survived by his wife, children and grandchildren. ■

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)

STATEWIDE

There may be ongoing debate over what is causing the warming of the Atlantic Ocean, but many seem to agree that Maine's vital fishing industry could lose large parts of various fishing grounds. State officials are worried enough to propose a rule that would allow municipal shellfish leaders to move threatened shellfish from polluted to clean water. A state scientist conceded the idea would result in clams, for example, being dug up twice. But sometimes doubling your work is the only way to save it, the scientist said.

STATEWIDE

Five Maine municipalities and two planning commissions will share almost \$160,000 in state grant funds to protect and buttress coastal fishing habitat. The grants were awarded to Eastport, Cape Elizabeth, Ellsworth, Warren and Phippsburg, as well as the Lincoln County and Hancock County regional planning commissions. Warren received the largest grant at \$35,000 to unblock culverts used by alewives as passageways.

BRIDGTON

A Massachusetts firm will interview town residents to get their thoughts on how well the town's fire department is functioning. The study, which includes a survey and public forum, was approved by town meeting voters earlier this year. A final report is expected by the end of the year, according to town officials.

BRUNSWICK

The town is one of many Maine communities that were pummeled in August by severe weather. Initial damage estimates for Brunswick, for damage caused by flooding, were \$100,000 for three roads. But closer inspection showed damage to culverts under the roadways, upping the estimate to \$200,000. The council voted to take money from the general fund and make the repairs as quickly as possible.

BOOTHBAY

Officials in the town and its neighbor Boothbay Harbor launched a series of meetings in late August to explore ways to collaborate on economic development.

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*.

Legislative Policy Committee. Maine Municipal Association's 70-member LPC, which guides the organization on legislative issues, was elected recently. The Committee is comprised of two municipal officials from each state Senate district.

USDA Grant Availability. The U.S. Department of Agriculture requests applications for grants under its Rural Community Development Initiative Program. The deadline to apply is Nov. 12 and \$6 million is available.

Eastport, Greenville Win Grants. The City of Eastport and Town of Greenville were awarded grants by the state Department of Economic and Community Development for downtown projects and to help open a gourmet grill.

New on the MMA Executive Committee. Selectman Stephan Bunker from the Town of Farmington, Selectwoman Patricia Sutherland from the Town of Chapman, Manager Laurie Smith from the Town of Kennebunkport and Councilor Cynthia Mehnert from the Town of Orono comprise the newly elected Executive Committee members at MMA.

FORT KENT

The World Acadian Congress, one of the largest events in northern Maine each year, attracted an estimated 50,000 people last month. Organizers from both Canada and Maine said this year's two-week Congress was an undeniable success that will leave behind economic and cultural advantages in the future. In fact, at the end of the Congress last month, a group of 40 people from Maine, New Brunswick and Quebec signed an economic development pact to form an international partnership.

NEWCASTLE

The town joined its neighbor, Damariscotta, in enacting moratoriums on adult businesses after learning someone might open such a business in Damariscotta. The six-month moratoriums will give town leaders and residents to draft ordinances.

OGUNQUIT

Social media is becoming an effective way for police to track down criminals, alleged offenders and vandals, police in this resort town are learning. Recently, police posted video footage on Facebook, which led to the arrest of the man alleged to have vandalized Beach Plum Farm. The Facebook post inspired 200 "likes" and 31 comments. Police used their Facebook page to announce they nabbed their man.

ST. GEORGE

The town has a rare chance to buy a usable waterfront parcel. Thus, the town agreed to get an appraisal for the property assessed at \$1.1 million and to pursue a purchase. The property, presently being rented, includes two piers, storage sheds and a two-story garage. The town's harbor committee studied the issue for a month and unanimously agreed the town should acquire the property if possible. Town residents support the proposal.

STANDISH

The Cumberland County town is the first community in the Greater Lakes Region of Maine to add an electric car to its municipal fleet. The town has signed a two-year lease on a 2014 Ford Fusion plug-in hybrid. The car, available for use by several municipal officials, can be charged at the town's new charging station. Under a pilot program sponsored by Central Maine Power Co., the firm will pay half of the \$8,300 lease cost. The town manager, who often uses the electric car rather than his pickup truck, has given over two years' of car expense money toward the lease since he drives the car more than others. ■

MUNICIPAL BULLETIN BOARD

SEPT. 25

MBOIA Membership, Training: Gray

The Maine Building Officials and Inspectors Association invites you to a membership meeting and training day at the Spring Meadows Country Club in Gray, starting at 8 a.m. on Sept. 25 and ending after the 1 p.m. business meeting.

A main topic will be: changes in the State of Maine sign standards, and how they affect municipalities. Chip Kelly, sign specialist with the state, will be the luncheon speaker, addressing that topic. Cost is \$20 for MBOIA members who pre-register or \$30 for members who pay at the door.

OCT. 15

Voter Registration: Portland

The Maine Town & City Clerks' Association will hold a day-long session on voter registration on Oct. 15 at the Fireside Inn and Suites in Portland. Tracey Stevens, Town Clerk in Freeport, and Maine Deputy Secretary of State Julie Flynn will conduct this workshop. It will include a review of duties for registrars of voters and outline their tasks before, during and after Election Day.

The workshop starts with registration at 8:30 a.m. and ends at 4 p.m. The cost is \$55 for MTCCA members and \$75 for non-members.

OCT. 16

Title 21-A: Portland

Kim McLaughlin, Town Clerk in Old Orchard Beach, and Julie Flynn, Deputy Secretary of State, will present a workshop on Title 21-A on Oct. 16 at the Fireside Inn and Suites in Portland. The workshop will cover all aspects of administering state and federal elections at the municipal level.

Sponsored by the Maine Town & City Clerks' Association, the workshop will begin with registration at 8:30 a.m. and end at 4 p.m. Cost is \$55 for MTCCA members and \$75 for non-members. Member attendees are encouraged to wear their name badges.

OCT. 22

Planning Boards and BOA: Bethel

Attorneys with MMA's Legal Services Department will lead a four-hour workshop for Planning Board and Board of Appeals members at the Bethel Inn in Bethel on Oct. 22. The workshop starts with registration at 4 p.m. and will end at 8:30 p.m. A light meal will be served.

Among the topics to be covered: jurisdictional issues; conflicts of interest and bias; public notice; site visits; board records; deadlines; appeals; variances, and, more. Cost for the workshop is \$55 for MMA members and \$110 for non-members.

OCT. 28

Labor & Employment Law: Augusta

MMA is proud to host its popular workshop on Labor & Employment Law, featuring Linda McGill and Kai McGintee, attorneys from the law firm of Bernstein Shur, and David Barrett, Director of Personnel Services & Labor Relations at MMA.

The workshop, to be held on Oct. 28 at the MMA Conference Center in Augusta, begins with registration at 8:30 a.m. and ends at 2:30 p.m. Speakers will discuss legal trends and changes in employment law, town management tips and how to manage personnel information. Cost to attend is \$75 for MMA members and \$150 for non-members.

OCT. 29

Customer Service Excellence: Augusta

Margaret Noel, Manager of Educational Services at MMA, will lead a workshop on Customer Service at the MMA Conference Center in Augusta on Oct. 29. The interactive workshop walks participants through the customer-service cycle and targets key strategies for implementing and maintaining an excellent customer-service plan.

Registration will begin at 8:30 a.m. and the workshop will end at 4 p.m. Cost is \$75 for MMA members and \$150 for non-members, including workshop materials and a light lunch.

NOV. 6, NOV. 13

Municipal Law for Tax Collectors, Treasurers

Attorneys Rebecca Warren Seel and Susanne Pilgrim, both from MMA's Legal Services Department, will present a Municipal Law workshop on Nov. 6 at the

Black Bear Inn in Orono and again on Nov. 13 at the MMA Conference Center in Augusta. The all-day sessions are sponsored by the Maine Municipal Tax Collectors' and Treasurers' Association.

The attorneys will cover a lot of ground, exploring items such as: qualifications for office; oath; bond; deputies; Right to Know; liability; assessment and commitment issues; and, much more. The session begins with registration at 8:30 a.m. and will conclude at 4 p.m. Cost is \$50 for MMTCTA members and \$60 for non-members.

NOV. 19

Grant Funding and Writing: Augusta

Ronald Lambert from the U.S. Department of Agriculture and Chris Shrum from Shrum Associates will lead an all-day workshop on Grant Funding and Writing on Nov. 19 at the MMA Conference Center in Augusta.

The session will shed light on finding and leveraging grants, writing grant proposals, Community Development Block Grants and how the USDA is committed to serving rural communities. There will be time for individual consultation as well. Cost for the workshop is \$75 for MMA members and \$150 for non-members. The session starts with registration at 8 a.m. and is scheduled to conclude at 4 p.m. ■



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

Law Court: Land Trust Property is Tax Exempt

The Maine Supreme Court has held – for the first time – that land conservation, at least when coupled with public access, is a charitable purpose qualifying for property tax exemption.

In *Francis Small Heritage Trust, Inc. v. Town of Limington*, 2014 ME 102, a land trust was initially denied a charitable exemption under 36 M.R.S.A. § 652(1)(A). On appeal, the trust argued that since its properties were open to the public year-round, free of charge, and for a wide variety of recreational activities, it was operating essentially a public park for which a charitable exemption should be a “quid pro quo.” The Court readily agreed, citing several concurring cases in other jurisdictions acknowledging the public benefit of publicly accessible conservation land.

The Court seemed unconcerned by the trust’s plan to harvest trees on some of its parcels, noting that an educational program on sustainable tree harvesting was consistent with the trust’s charitable purpose.

Nor was the Court persuaded by the argument that since the trust was already receiving substantial property tax relief under the Farm and Open Space Tax Law, it was not entitled to a full exemption. The two statutes might overlap, the Court wrote, but this didn’t mean that one preempted the other.

This decision was not entirely unexpected – public attitudes about land conservation have changed considerably in the almost 50 years since *Holbrook Island Sanctuary v. Inhabitants of the Town of Brooksville*, 214 A.2d 660 (Me. 1965), in which the Court rejected an exemption for what it called “nothing... more than a game preserve,” without public benefit.

Significantly, the *Holbrook Island* case was not overruled but distinguished in *Francis Small* – the Court said there was no public benefit in the first case because public access was so strictly limited. What remains unclear is whether conservation land that heavily restricts public access could still meet the public benefit test on other grounds, such as environmental protection or natural resource preservation. With the popularity and sophistication of the land conservation movement, we expect a test case probably sooner than later. (By R.P.F.)

MUNICIPAL CALENDAR

BY OCTOBER 1 — Assessors should receive the municipality’s proposed current state valuation from the State Tax Assessor. [36 MRSA §208].

ON OR BEFORE OCTOBER 15 — Monthly expenditure or quarterly statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, DHS #11, Augusta, ME 04333 [22 MRSA §4311].

OCTOBER — Registrars of voters shall accept registration prior to the November 4 election according to the time schedule for their population group [21-A MRSA §122(6)].

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

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

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

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

Banning Pit Bulls

Question: Some of our residents have asked for an ordinance banning pit bulls. What do you advise?

Answer: Pit bulls and certain other breeds of dogs (Rottweilers, for instance) have gotten a bad reputation over the years, but whether or not it’s deserved (it depends on who you ask), the Maine Legislature in 1991 preempted municipalities from adopting breed-specific ordinances (see 7 M.R.S.A. § 3950). This precludes ordinances banning or otherwise regulating dogs based on their breed. (According to the ASPCA, “pit bull” actually refers to several breeds.)

But municipalities are not powerless to protect against aggressive dogs or unwanted dog behavior. A municipality may, for example, adopt an ordinance requiring dogs to be on a leash when off their owner’s property. (Contrary to popular belief, there is no State leash law – State law requires only that a dog, when off the owner’s premises, be “under the control” of someone, see 7 M.R.S.A. § 3907(6).)

Municipalities may also adopt ordi-

nances regulating barking dogs, prohibiting dogs from certain places at certain times (public parks and beaches, for example, during the daytime or high season), and requiring owners to clean up after their pets. For other examples of permissible dog ordinances, see “Dog Ordinances,” *Maine Townsman*, “Legal Notes,” June 2011.

Back to dangerous dogs and uncontrolled or “at large” dogs, there are some strict State laws dealing with each, with civil and, for dangerous dogs, criminal penalties (see 7 M.R.S.A. §§ 3951-3953 and 3911-3915, respectively). Complaints should be directed to the sheriff, local law enforcement officer or animal control officer. Self-help is not advisable except in extraordinary circumstances – killing or injuring a dog unless legally justified can be both a civil and criminal offense (see 7 M.R.S.A. § 4016 and 17 M.R.S.A. § 1031, respectively). (By R.P.F.)

New Time Limit for Challenging Tax Liens

For many years the statute of limitations or time limit for filing suit to challenge the validity of a municipal tax lien foreclosure

LEGAL NOTES

has been 15 years (see 36 M.R.S.A. § 946-A). For liens recorded in the registry of deeds after Oct. 13, 2014, however, the new time limit will be five years following foreclosure. (Liens recorded on or before Oct. 13, 2014 will still be subject to the 15-year time limit.)

This change was part of a package of amendments enacted by the most recent session of the State Legislature to reform certain foreclosure laws (see PL 2013, c. 521, § D-2, enacting 36 M.R.S.A. § 946-B, eff. Aug. 1, 2014). The reduction of the time limit to five years will ensure that legal challenges to tax lien foreclosures are brought within a reasonable time, while records and witnesses are apt to be still readily available. This will also bring greater certainty to titles based on tax lien foreclosures.

Even so, title acquired by tax lien foreclosure is not “marketable” title (free from any reasonable doubt), so a municipality should convey tax-acquired property only by municipal quitclaim deed without covenants (also known as a “release” deed). This warrants nothing and conveys only whatever interest, if any, the municipality may have. Purchasers of tax-acquired property are not legally entitled to anything more, which is why tax-acquired property typically sells for considerably less than fair market value (see “Tax-Acquired Property: No Warranties Required,” *Maine Townsman*, “Legal Notes,” April 2009).

Note that unless suit is brought within the statutory time limit and it reveals a procedural defect in the foreclosure process, the former owner cannot reclaim the property at all. Ever. For any reason.

For a detailed description of the foreclosure process and a sample quitclaim deed, see MMA’s *Municipal Liens Manual*, available free to members at www.memun.org. (By R.P.F.)

Municipal Officer vs. Official

Question: What’s the difference under Maine law between a municipal officer and a municipal official?

Answer: A “municipal official” is defined as “any elected or appointed member of municipal government” (see 30-A M.R.S.A. § 2001(11)). This includes any municipal official, elected or appointed, who takes an oath of office. Municipal appointees or employees who do not take an oath are

not officials.

“Municipal officers” are defined as “the selectmen or councilors of a town” or “the mayor and aldermen or councilors of a city” (see 30-A M.R.S.A. § 2001(10)). In other words, municipal officers are a subset of the larger group of municipal officials – all municipal officers are municipal officials, but only some municipal officials are municipal officers.

The difference is important because the municipal officers are the chief elected officials of a municipality. As such, they may be vested with a combination of executive, administrative and legislative authority, depending on whether the municipality has a manager and whether the municipal legislative body is a council or a town meeting. Even where there is a town meeting, however, the municipal officers have certain – in some cases exclusive – legislative powers (see “Municipal Officers’ Legislative Authority,” *Maine Townsman*, “Legal Notes,” May 1999).

Regardless of the particular form of government, the municipal officers also bear ultimate responsibility for municipal finances, including investments, expenditures and annual audits.

For a full review of the powers and duties of municipal officers, see our manual by that title, available free to members at www.memun.org. For details on the roles of other municipal officials, from tax assessors to zoning officials, see our other manuals, also available for free on our website. (By R.P.F.)

Boiler Inspections No Longer Required

Steam heat and hot water boilers owned by municipalities or located in school buildings no longer have to be inspected annually, as previously required by 32 M.R.S.A. § 15117. This welcome change – the result of PL 2013, c. 595, pt. U, § U-11 (eff. May 1, 2014) – will save municipalities and school systems \$80 per boiler per year, formerly payable to the State. It also puts municipalities and schools on equal footing with all other owners of these types of boilers – as they should be.

Questions should be addressed to the Maine Department of Professional and Financial Regulation’s Office of Professional and Occupational Regulation at prof.lic@maine.gov. (By R.P.F.) ■

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For more information visit the MMA website: www.memun.org

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