

Maine Townsmen

The Magazine
of the Maine Municipal Association

AUGUST 2014

2014 MMA Convention

October 1-2, 2014

Augusta Civic Center

Augusta, ME

2014 MMA Convention

The *Heart* of the Matter

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



Maine Townsman

August 2014 | Volume 76 | Issue 8

The Magazine of the Maine Municipal Association

FEATURED STORY | 17 Traveling Tortoises



Everyone knows turtles move slowly, which makes crossing roads especially dangerous. Learn how some southern Maine towns are taking steps to protect endangered and threatened species in their areas.

Maine Municipal Association's 2014 Municipal Priorities Paper was printed and distributed to give municipal officials and candidates for the state Legislature a thorough understanding of the issues at hand. [Page 5](#)

Town meeting season just concluded, which means it's time for our annual look at statewide trends on budgets and projects – plus a wrap-up of town meeting election results. [Page 21](#)

Storm Water Experience

Larger municipalities in Maine have dealt with the federal government and its regulations on storm water for years. Their experiences have differed, which is not necessarily a good thing. [Page 7](#)

Transparency over Benefits

The Governmental Accounting Standards Board proposes sweeping changes in how all levels of government – including municipalities – reflect the financial costs of employee benefits, such and retiree health care. [Page 11](#)

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 25](#)

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A MESSAGE FROM MMA

BY CHRISTOPHER LOCKWOOD / EXECUTIVE DIRECTOR

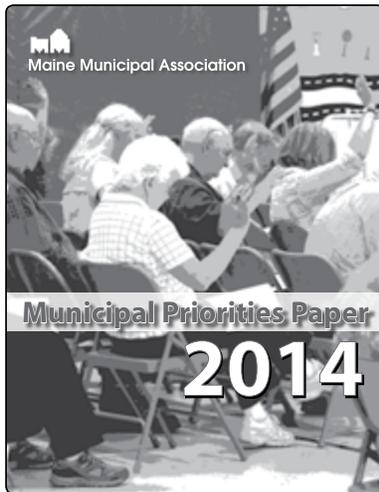
Using our Priorities Paper as a conversation starter

“You have to know your history or else you’re bound to repeat it.” This was the voice message Maine Municipal Association received recently from Mary Fernandes, Vice Chair of the Town of Casco Board of Selectmen, expressing appreciation for MMA’s 2014 Municipal Priorities Paper.

The Priorities Paper is a 32-page document which provides up-to-date information and background on a range of key municipal government issues. This is especially important given the continuing turnover in elected officials that takes place at both the local and state levels. The document provides a framework for understanding the historical context of issues such as the Municipal Revenue Sharing program. It also illuminates broader trends, such as a pattern of dishonoring established commitments, which undermine the trust and mutual respect essential for a meaningful partnership between municipal governments and state government.

In July, MMA mailed copies of the Priorities Paper to over 4,200 municipal officials and 386 candidates for the state legislature. We did this with the hope that the Paper would facilitate informed discussions during the coming months of this election season.

Why is it important to have these conversations now? This is when legislative candidates go door to door inquiring about voter concerns and making commitments. Imagine a scenario in which a candidate, either an incumbent or a first time candidate, hears concerns from citizens regarding high local property taxes. The candidate will be better



informed if he/she has an understanding of the effect of certain legislative decisions such as the raids on the Municipal Revenue Sharing program or K-12 education funding.

More importantly, this is the time to lay the groundwork for ongoing communication with your local legislators. This is a key relationship. Legislators are far more likely to be influenced if they hear from their own constituents and understand how proposed legislation might affect communities in their districts.

I encourage you to read the Priorities Paper and hope you will find it to be of value. It’s also available electronically on MMA’s website: www.memun.org. Here are some possible uses:

- Provide a link to the Paper on the town’s website.
- Share copies with your local school officials and county commissioners.
- Place a copy in the local library.
- Use the Paper as a reference when talking with local civic groups.
- Provide specific information regarding your community with respect to the various issues covered in the Paper (e.g., service cutbacks/tax increases resulting from the raids on municipal revenue sharing, information on shared services and collaboration with other communities, local road program needs, etc.).
- Talk individually or as a group with local legislative candidates.

I thank MMA’s State & Federal Relations and Communication & Educational Services staffs for their work in compiling the Priorities Paper. Please contact Geoff Herman, MMA Director of State and Federal Relations (1 800 452 8786; gherman@memun.org) or me (clockwood@memun.org) if you have any questions or would like to discuss the Priorities Paper. Thank you. ■

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Elected Officials Training Opportunities

ELECTED OFFICIALS WORKSHOPS

Who Should Attend:

This workshop is a “must” for newly elected and veteran officials-councilors & selectpersons-as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state.

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

As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that this course will be offered in two formats: In classroom and remotely at the Sunrise County Economic Council in Machias. Attendees can participate via ITV Technology by viewing the presentation remotely. ITV broadcasting allows for live viewing as well as interactive participation with the attendees. A facilitator will be onsite to assist. Should you wish to attend this session at SCEC, simply fill out the registration form and select the Machias live broadcast.

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

Course meet state FOAA training requirements (Right to Know)

ROLES OF ELECTED OFFICIALS & MUNICIPAL MANAGERS

Who Should Attend:

Councilors, selectmen, managers and administrators: this workshop will focus on the differing roles and responsibilities of elected officials (selectpersons/councilors) and appointed officials (managers and administrators), including key responsibilities, legal requirements, personnel issues, communication and goal setting. It will help elected and appointed officials run an effective hiring process and understand their respective roles, their differing needs and how to work smoothly together. It will provide insight and understanding as well as specific ideas and tools to bring back to your municipality.

Elected Officials:

Dates & Locations:

Augusta – 8/28/2014
MMA - 60 Community Dr.,
Augusta, ME 04330

Machias – 8/28/2014
(Live Video Conference)
Sunrise County Economic Council
53 Prescott Dr., Machias, ME 04654

Roles of Elected Officials & Municipal Managers

Date & Location:

Augusta – 12/2/2014
MMA - 60 Community Dr.,
Augusta, ME 04330



Maine Municipal Association
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Federal Clean Water Act mandate: Municipal voices are heard

MMA organizes and hosts a meeting, attended by U.S. Sen. King, to explore concerns and questions about how the law is applied, community by community.

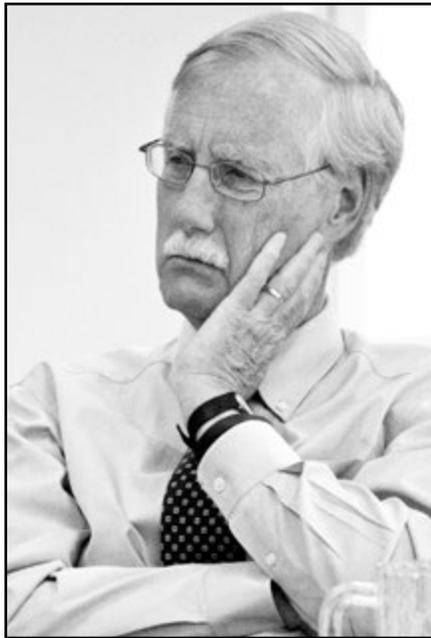
By Kate Dufour, Senior Legislative Advocate, MMA

The 1972 Clean Water Act is the package of laws and regulations that require federal, state and local officials to employ the means necessary to protect the nation's water resources. Each level of government has a role under the Clean Water Act, in some cases to implement the regulatory requirements placed on businesses, industries, developers, and local government managers of wastewater and stormwater systems, and in other cases to enforce the implementation of the requirements.

Since 2000, the Maine Department of Environmental Protection (DEP) has been delegated by the federal government as the authority responsible for crafting the state's water resources protection plan and seeing that regulated entities, including municipalities, implement the plan and otherwise comply with the Clean Water Act. Although the DEP has been given authority to enforce the plan, it is the U.S. Environmental Protection Agency (EPA) that has final enforcement authority. In other words, the federal government is allowed to step in when it believes necessary.

In some cases, the bilateral enforcement authority granted to both the EPA and DEP has had the unfortunate outcome of frustrating local-level efforts. Municipal officials mandated to implement the federal clean water program at times find themselves caught between the directives of two masters, not certain if guidance provided by one entity will be challenged by the other.

In an attempt to help municipalities untangle the crossed and blurred lines, the Maine Municipal Association invited Maine's Congressional Delegation to meet on June 30 with a representative group of municipal of-



U.S. Sen. Angus King. (Photo by Ben Thomas)

officials to discuss the challenges faced, particularly by municipal leaders and policy makers, when trying to balance the demands of the Clean Water Act with the financial capacity of the property taxpayers who support local government. To ensure the discussions held that day were multi-dimensional and took into account federal, state and local perspectives, MMA also extended invitations to representatives from EPA's Region 1 Office and DEP. Most of Maine's Congressional Delegation was represented at the meeting by staff members. U. S. Sen. Angus King, Jr. attended in person. A full list of attendees is included as a sidebar to this article.

In summary, 25 federal, state and municipal elected and appointed officials met for a solid four hours to

discuss the on-the-ground, real life issues associated with implementing the Clean Water Act. The goal of the municipal officials at the meeting was not to dispose of local clean water responsibilities, but to work with the state and federal agencies to develop the mechanisms necessary to ensure the best use of federal, state and local resources in efforts to meet clean water goals.

The tone of the discussion was set by Sen. King. In his opening comments, he encouraged all participants to find creative and innovative ways to meet the requirements of the Clean Water Act without increased federal financial support. The Senator's observation is that federal resources, generally speaking, are as finite as state and local revenues. On top of that, Congress's reprieve from the full impacts of "sequestration" will end in 2016, instantaneously creating a \$91 billion shortfall in federal revenues. Because of these federal funding shortfalls, Sen. King hoped that officials from all levels of government would continue to work together to ensure the clean water goal of the program is met by making the best use of limited resources. To that end, Sen. King offered to make his staff available to help the group achieve its goals.

In appreciation of his limited resources message, the municipal officials at the meeting focused their comments on finding ways to improve the program so that communities can maximize local resources. Although many avenues of the Clean Water Act mandate were explored, municipal officials focused on one issue in particular. Throughout the meeting, each municipality used its distinct experiences with EPA's "only when necessary" enforcement policy to show how

the layered regulatory approach can impact communities. What follows are excerpts of the stories shared by municipal officials from Portland, Bangor, York and Bucksport, along with EPA's response to those experiences. As municipal officials are aware, it is impossible to discuss the implementation of the Clean Water Act without getting lost in a sea of incomprehensible acronyms (e.g., "NPDES", "MS4s", "CSO", "301 waivers", etc.). A glossary for these acronyms is provided in a chart on p. 9, but the following narrations avoid them.

Never enough: Portland experience

Although Portland City Manager Mark Rees is quick to admit that communications with the EPA are improving and the relationship between the regulator and the regulatee is on the mend, the City has experienced EPA battles. The back story is that the City violated a stormwater discharge regulation, immediately reported the violation and subsequently worked closely and aggressively with the EPA to remedy the error. However, in the midst of implementing the solution, the EPA found a new violation and issued another headline-grabbing fine. City officials were left with the impression that no level of effort to be compliant would satisfy the EPA. Although Portland officials understand that the EPA must do its job, they believe there are more effective ways for achieving the desired result. Punishing a community that is doing its best to meet clean water goals flies in the face of a collaborative effort.

EPA's Response: In response, Curtis Spalding, Administrator for EPA Region 1, pointed out that the Portland example was consistent with what he had explained in his introductory remarks regarding the EPA's ultimate enforcement responsibility. Spalding noted that in a "delegated" approach, as employed in Maine, the permit provisions are established by DEP and reviewed by EPA for consistency with federal policies. Although the DEP has enforcement responsibilities, confusion arises because the EPA retains enforcement responsibility over the reviewed and approved state permit. However, Spalding assured the meeting participants that the EPA only steps in when there is a significant violation; otherwise, the terms of the state permit

Intergovernmental Discussion of Clean Water Act Regulations – Attendee List – Maine Municipal Association – June 30, 2014

Patricia Aho, Maine Department of Environmental Protection, Commissioner

Michael Bobinsky, City of Portland, Director of Public Services

Jesse Connolly, Office of Congresswoman Chellie Pingree, Chief of Staff

Cathy Conlow, City of Bangor, Manager

Garrett Corbin, Maine Municipal Association, Legislative Advocate

Jacob Darveau, Office of U.S. Senator Susan Collins, Staff Assistant

Kate Dufour, Maine Municipal Association, Senior Legislative Advocate

Jill Duson, City of Portland, Councilor and EPA Local Government Adv. Council

Nancy Gallinaro, City of Portland, Water Resources Manager

John Graham, Office of Congressman Michael Michaud, Deputy Chief of Staff

Doug Gutro, EPA Region 1 Office, Leader of Gov. and Community Relations

Dave Jones, City of Lewiston, Public Works Director

Angus King, Jr., United States Senator

Michael Kuhns, Maine DEP, Director of the Bureau of Land and Water Quality

Dean Lessard, Town of York, Public Works Director

Christopher G. Lockwood, Maine Municipal Association, Executive Director

Larry Pritchett, City of Rockland, Mayor

Brad Moore, City of Bangor, Wastewater Superintendent

Thelma Murphy, EPA Region 1 Office, Office of Ecosystem Protection

Chris Rauscher, Office of U.S. Senator Angus King, Jr., Legislative Assistant

Roger Raymond, Town of Hermon, Manager

Mark Rees, City of Portland, Manager

Edie Smith, Office of U. S. Senator Angus King, Jr., State Director

Curtis Spalding, EPA Region 1 Office, Administrator

Susan Studlien, EPA Region 1 Office, Director of Environmental Stewardship

Michael Wagner, EPA Region 1 Office, EPA Enforcement Counsel

Kate Melanson, EPA Region 1 Office, EPA Public Affairs Specialist

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Different communities, different rules: Bangor's story

For Bangor City Manager Cathy Conlow, and Brad Moore, the City of Bangor's Wastewater Superintendent, the problem is not with satisfying the EPA, but with being treated differently than nearly every other regulated Maine community. The situation in Bangor is different because that City, along with the City of South Portland, is running a "grandfathered" program where the EPA has both the oversight and direct enforcement responsibility. The DEP's "delegation" does not apply in those two communities at all.

For that reason, it is not uncommon for the EPA to direct the City to provide services that are not included as part of the original permit, or required by other communities under the state's delegated authority. Municipal officials from Bangor explained that having the EPA oversee its water resources protection plan leads to the perception of different treatment, and Bangor's City Council raises legitimate questions about why additional staff and resources are needed to comply with a different set of standards compared to other communities. Although Superintendent Moore understands that permit requirements evolve with changing circumstances, municipalities must be provided the time necessary to comply with new requirements. Changes in policy, particularly costly ones, need to be incrementally implemented.

EPA's Response: Thelma Murphy, from EPA Region 1's Office of Ecosystem Protection, pointed out that the additional requirements placed on Bangor were no different than the requirements placed on municipalities in states without delegated authority, including Massachusetts and New Hampshire.

Misuse of limited resources: York's story

Dean Lessard, the Town of York's Public Works Director, expressed concern with the unnecessarily covert way in which the EPA conducts its enforcement responsibilities. New to the list of municipalities specially designated for heightened stormwater management responsibilities, the Town of York has worked proactively with the DEP over



Panelists discuss storm water enforcement at MMA. (Photo by Ben Thomas)

Glossary of Clean Water Act Acronyms

301(h) Waiver: This waiver, issued by the federal government on a case-by-case basis, authorizes operators of "publicly owned treatment works" to discharge directly into marine waters.

CSO: Combined Sewer Overflows (CSO) are built to collect both wastewater and stormwater runoff, which allows a portion of the untreated combined wastewater to overflow into ditches and water bodies during significant wet weather events.

MS4: A Municipal Separate Storm Sewer System (MS4) is (1) a system of roads, streets, catch basins, curbs, gutters, ditches, manmade channels and storm drains, (2) owned or operated by a level of government with jurisdiction over the disposal of sewerage or stormwater, and (3) designed or used for collecting or moving stormwater. An MS4 is neither a combined sewer nor part of a publicly owned treatment works.

MS4 Community: The U.S. Census Bureau's "urbanized area" designation is used to identify Municipal Separate Storm Sewer System (MS4) Communities. Based on the Bureau's calculation, which among other factors takes into consideration population density, Maine's 30 MS4 communities are Auburn, Bangor, Berwick, Biddeford, Brewer, Cape Elizabeth, Cumberland, Eliot, Falmouth, Freeport, Gorham, Hampden, Kittery, Lewiston, Lisbon, Milford, Old Orchard Beach, Old Town, Orono, Portland, Sabattus, Saco, Scarborough, South Berwick, South Portland, Veazie, Westbrook, Windham, Yarmouth and York.

NPDES: The National Pollutant Discharge Elimination System (NPDES) is the permit program that regulates point sources that discharge pollutants into U.S. water bodies.

POTW: A Publicly Owned Treatment Work (POTW) is a plant that is owned by a government agency designed to treat domestic sewage.

the past year to meet its Clean Water Act obligations. Despite that work, the town was informed through a letter, with no prior notification, that the EPA had tested the quality of its water. Lessard expressed frustration at not being included in the process and questioned whether better communications among all levels of government could save resources. The community under-

stands that the EPA has enforcement responsibilities; however, there were errors in the data provided in the EPA report that could have been addressed at the outset had the community been involved.

EPA's Response: Again, Director Spalding responded that the EPA has ultimate enforcement authority and as part of that responsibility, indepen-

dent monitoring and testing must be conducted. He did, however, indicate a willingness to engage in a more cooperative approach in the future.

**No right choice:
Bucksport's story**

Hermon Town Manager Roger Raymond shared his experience with conflicting DEP and EPA processes he encountered while serving as the manager of the Town of Bucksport several years ago. In the process of making improvements to the town's sewer treatment facility, the DEP advised the community to apply for a waiver from particular stormwater discharge requirements. Although the waiver was granted, the community was subsequently found to be in violation of the Clean Water Act and had to enter into a consent agreement with the EPA to remedy the problem. The town was put in the unenviable situation of trying to decide which party's advice, state or federal, to follow. Raymond stressed that municipalities should not be put in the position of having to assess the conflicting benefits and risks of the differing plans provided by the two agencies directed to help municipalities achieve state and federal water quality goals. Not knowing who to listen to makes it difficult for the towns that do not have in-house expertise. Municipal officials want a permit they can rely on.

EPA's Response: Director Spalding agreed that the request was valid. The agencies should give municipalities clear directions about who to work with and not make the community choose.

As a result of those shared experiences and ensuing conversations, the meeting concluded with the attendees developing a list of next steps and considered reconvening the group in six months to check on progress. The "to do" items all fall on the EPA and include: (1) providing municipalities more clarity with respect to the data collection efforts necessary to ensure local level efforts will yield expected water quality outcomes; (2) working with DEP to address permit enforcement conflicts, including whether the state should have delegated authority over all municipalities, specifically with regard to the cities of Bangor and South Portland; and (3) coordinating testing efforts with state and local officials to ensure the best use of limited resources. ■

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GASB proposals to improve reporting of benefits

Proposed statements would change how governments calculate and report costs and obligations, in a bid to increase transparency.

From the Financial Accounting Foundation

In May 2014, the Governmental Accounting Standards Board approved a pair of related proposed statements designed to bring about substantial improvements to the accounting and financial reporting of other postemployment benefits (OPEB) by state and local governments and financial reporting of OPEB plans. OPEB principally involves retiree health care benefits, but also may include life insurance, disability, legal and other services.

One exposure draft, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions* (OPEB employer Exposure Draft), proposes guidance for reporting by governments that provide OPEB to their employees and for governments that are legally required to finance OPEB for employees of other employers. The other exposure draft, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans* (OPEB plan Exposure Draft), addresses the reporting by OPEB plans that administer those benefits on behalf of the governments.

These proposals are designed to bring about advances in accounting and financial reporting for OPEB similar to those that result from the board's pension standards established in 2012. The pension standards, specifically, are statements No. 67, *Financial Reporting for Pension Plans*, which addresses financial reporting for state and local government pension plans, and No. 68, *Accounting and Financial Reporting for Pensions*, which addresses reporting for pensions provided by governments.

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OBTAINING THE PROPOSALS

The proposed statements can be downloaded free from the GASB website (www.gasb.org). Once there, please:

- Read the news release (issued upon release).
- Read the Q&A.
- Read the article for financial statement users.

The guidance contained in these proposed Statements would change how governments calculate and report the costs and obligations associated with OPEB in important ways. It is designed to improve the effectiveness of the OPEB standards by requiring more useful information and increasing transparency, consistency and comparability across governments.

The OPEB plan exposure draft would supersede the requirements of statements No. 43, *Financial Reporting for Postemployment Benefit Plans Other than Pension Plans*, and No. 57, *OPEB Measurements by Agent Employers and Agent Multiple-Employer Plans*, for defined benefit OPEB plans. This proposed statement also would supersede certain requirements of statement No. 25, *Financial Reporting for Defined Benefit Pension Plans and Note Disclosures for Defined Contribution Plans*, and Statement No. 50, *Pension Disclosures*, for defined contribution OPEB plans.

The OPEB employer exposure draft would supersede the accounting and financial reporting requirements of statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*, and statement No. 57, *OPEB Mea-*

surements by Agent Employers and Agent Multiple-Employer Plans.

Helpful background

To ensure that GASB pronouncements continue to be of high quality and are in sync with the evolving government environment, the GASB periodically reexamines its standards. Reexamination typically takes place after a Statement has been in place and fully implemented for at least five years. Research on the GASB's OPEB standards indicated the existence of opportunities for significant improvement in light of the changes in pension accounting and financial reporting.

The proposed statements apply to governments and OPEB plans in which a government makes contributions to a trust used to administer an OPEB plan in which (a) contributions to the trust are irrevocable, (b) OPEB plan assets are restricted to paying OPEB, and (c) OPEB plan assets are beyond the reach of creditors.

The proposed guidance also provides requirements for governments that provide OPEB through an arrangement that is not administered through a trust that meets the above three criteria. Unlike pensions, many governments do not provide OPEB through a trust meeting those criteria. In addition, the proposal contains guidance for governments that are legally responsible for the OPEB of another entity's employees – circumstances referred to as special funding situations.

Governments provide OPEB through various types of defined benefit OPEB plans, which specify the amount of benefits to be provided to the employees after the end of their

employment. Single-employer OPEB plans provide benefits to the employees of one employer (a single employer). Multiple-employer OPEB plans provide benefits to the employees of more than one employer.

Certain multiple-employer OPEB plans that are administered through a trust that meets the criteria discussed above are also classified separately. Under an agent multiple-employer OPEB plan, the assets of a multiple-employer OPEB plan are pooled for investment purposes but separate "accounts" are maintained for each individual agent employer, so that each agent employer's share of the pooled assets is legally available to pay the OPEB of only its employees.

In a cost-sharing multiple-employer OPEB plan, cost-sharing employers share their assets and their obligations to provide OPEB to their employees. (Plan assets generally can be used to pay the benefits of the employees of any employer that provides OPEB through the plan.) The proposed statements address all of these types of plans, as well as defined contribution plans, which stipulate only the amount to be contributed to employee

accounts each year, not the amount of benefits that will be paid in the future.

The proposed statements relate to accounting and financial reporting issues only – how OPEB costs and obligations are measured and reported in audited external financial reports. They do not address how governments approach OPEB plan funding (a government's policy regarding how much money it will contribute to its OPEB plan each year.) The board crafted its proposed statements with the fundamental belief that funding is a policy decision for government officials to determine.

Recognizing a liability

State and local government employees often earn two types of compensation in return for their efforts: current compensation and deferred compensation. Salaries and other forms of current compensation reflected in the paycheck are received by employees during their employment. On the other hand, deferred compensation, including OPEB, is not received until after the employee's tenure with the government has concluded. Nevertheless, a government has a present obligation to pay these deferred

benefits in the future – a total OPEB liability – once they have been earned.

When a government provides OPEB through an OPEB plan that is administered through a trust that meets the criteria discussed above, the GASB concluded that the government's OPEB liability should be recognized net of the amount of the OPEB plan's fiduciary net position because those amounts are the primary resources that will be used to pay the OPEB. This liability would be referred to as the net OPEB liability. The OPEB plan's fiduciary net position available for paying benefits is to be measured using the same valuation methods that are used by the OPEB plan for purposes of preparing its financial statements, including measuring investments at fair value.

For governments that do not provide OPEB through a trust that meets the criteria discussed above, the OPEB liability recognized by the government would be the total OPEB liability.

This is an important change that will more clearly depict the government's financial position, but will not alter the economic reality of the government's situation. Reporting the net OPEB liability on the face of the



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financial statements will more clearly portray the government's financial status because the OPEB liability will be placed on an equal footing with other long-term obligations.

The proposed OPEB standards reflect several potential changes from those currently in place regarding how governments calculate their total OPEB liability. The measurement process detailed in the proposed standards involves three essential steps:

1. Projecting future benefit payments for current and former employees and their beneficiaries.

2. Discounting those payments to their present value.

3. Allocating the present value over past and future periods of employee service.

The proposed standards would continue the general existing practice of incorporating expectations of future employment-related events into projections of OPEB payments – such as projected salary increases and projected years of service – if they affect the

amount of OPEB payments employees will receive. Provisions for automatic cost-of-living adjustments (COLAs) and other automatic benefit changes (which generally are written into the OPEB terms) also will continue to be included in projections. On the other hand, ad hoc COLAs and other *ad hoc* benefit changes – which are made at the discretion of the government – will be included in projections as well if they are substantively automatic.

To discount projected OPEB payments to a present value, governments assume a discount rate. Under the GASB's proposal, governments would project the OPEB payments expected to be made in each year and the amount of plan assets available for providing those benefits to current active and inactive employees and their beneficiaries.

As long as plan assets related to current active and inactive employees and their beneficiaries are projected to be sufficient to make the projected benefit payments for those individuals, governments would discount those projected benefit payments using the long-term expected rate of return.

For some governments, however, there will be a point, a crossover point, at which the plan assets are projected not to be sufficient for making projected benefit payments to current active and inactive employees and their beneficiaries. The

GASB believes that the projected benefit payments that occur at that point and after are similar to other forms of debt. In this circumstance, the discount rate would be based on a tax-exempt, high-quality 20-year tax-exempt general obligation municipal bond yield or index rate. High-quality would be defined as being rated AA or higher (or an equivalent rating).

For an OPEB plan with no assets held in trust – which is most common – all projected benefit payments would be discounted using the municipal bond rate.

Finally, benefit payments, discounted to their present value, would be attributed to past and future periods. Under current requirements, governments can choose among six methods for attributing the present value of benefit payments to specific years either in level dollar amounts (similar to a mortgage) or as a level percentage of projected payroll. The proposed standards would require all governments to use the entry age actuarial cost method to allocate present value, and to do so as a level percentage of payroll. Under this method, projected benefits are discounted to their present value when employees first begin to earn benefits and are attributed to employees' expected periods of employment. The GASB believes the attribution pattern that results from use of the entry age actuarial cost method and level per-

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centage of payroll is more representative of how OPEB is earned. In other words, the pattern reflects the ongoing annual exchange of service for benefits over the course of an employee's period of employment in amounts that keep pace with the employee's projected salary over that period.

Calculating OPEB expense

A government's OPEB liability varies from year to year for a variety of reasons, including: actual earnings on plan investments; when the OPEB plan is administered through a trust meeting; the earlier described criteria; employee compensation changes; interest on the outstanding OPEB liability; contributions from employers and employees; and actual economic or demographic changes that are not in line with assumptions made in the actuarial calculations. When these period-to-period changes should be included in the calculation of the cost of a government's operations as expenses in the accrual-based financial statements is a key issue.

The proposed standards would provide a more comprehensive measure of OPEB expense. Under the proposed standards, several causes of change in OPEB liability would be factored into the calculation of OPEB expense immediately in the period in which the change occurs:

1. Benefits earned each year
2. Interest on the total OPEB liability
3. Changes in benefit terms
4. Projected earnings on plan investments, if administered through a trust that meets the criteria discussed earlier
5. Other changes in the OPEB liability not discussed below.

The effects on the total OPEB liability of (a) changes in assumptions and (b) differences between assumptions and actual experience would be recognized initially as deferred outflows of resources or deferred inflows of resources and then introduced into the expense calculation systematically and rationally over the average remaining years of the employment of employees (active employees and inactive employees, including retirees). This period would likely be significantly shorter than the period of up to 30 years over which governments may now recognize their OPEB expense.

AT THE CONVENTION

Maine experts will discuss changes to GASB 68 and government pension plans on Wednesday, Oct. 1 at Maine Municipal Association's 2014 Convention in Augusta.

The session will be held from 2:45 to 4 p.m. Among the scheduled presenters: Sandy Matheson, Executive Director, Maine PERS; Stephanie Fecteau and Sherry Vandrell, Maine PERS; and, David Barrett, Director of Personnel Services & Labor Relations, MMA.

The board believes that bringing these changes in the pension liability into pension expense over the period when employees continue to earn benefits reflects its view that OPEB results from a career-long transaction. The relevant assumptions are about events that will take place during the employees' future years of service; recognizing this part of pension expense over that period is appropriate for assessing whether governments have lived within their means each year; whether they have achieved inter-period equity.

If the OPEB plan is administered through a trust that meets the criteria discussed earlier, the effect of differences between the expected earnings on plan investments and actual experience would be recognized as deferred outflows of resources or deferred inflows of resources and included in expense in a systematic and rational manner over a five-year, closed period. The board believes that differences between projected and actual investment experience generally will offset over time; earnings in excess of projections in some periods will be offset by earnings shortfalls in other periods, and vice versa. Incorporating OPEB liability changes related to investment earnings experience into OPEB ex-

pense over five years provides an opportunity for short-term, market-cycle fluctuations to be offset and dampens the volatility of OPEB expense that would otherwise occur as a result of such fluctuations.

Reporting by governments

Under the OPEB standards now in effect, cost-sharing employers have not been required to present actuarial information about the plan. Instead, information has been required to be presented in the OPEB plan's own financial statements for all of the participating governments combined. In addition, the recognition of expense by a cost-sharing employer has been equal to its contractually required contribution to the OPEB plan.

Through its research, the GASB concluded that the needs of users of information regarding cost-sharing employers are quite similar to those interested in single and agent employers. Therefore, the GASB believes it is important to give users of the financial statements of cost-sharing employers' access to better, more transparent, financial information. Consequently, the GASB is proposing that cost-sharing governments report net OPEB liability, OPEB expense, and OPEB-re-

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lated deferred inflows and outflows of resources based on their proportionate share of the collective amounts for all the governments in the plan.

The proposed standards contain requirements for disclosing information in the notes to the financial statements and presenting required supplementary information (RSI) following the notes. Due to the complexity of the array of OPEB plan features, the Board concluded it was critical that financial statement users have access to certain basic plan information through governments' own financial statements. The board believes that including this information will strengthen the usefulness of financial reports for both decision making and assessing accountability.

The GASB is proposing that all governments participating in a defined benefit OPEB plan would include the following information in their note disclosures:

Descriptions of the plan and benefits provided.

Significant assumptions employed in the measurement of the OPEB liability, including the discount rate and the healthcare cost trend rate.

Descriptions of benefit changes and changes in assumptions.

The OPEB liability and deferred outflows of resources and deferred inflows of resources related to OPEB.

The impact on the OPEB liability of a 1 percentage point increase and decrease in the discount rate and a 1 percentage point increase and decrease in the health-care cost trend rate.

Disclosures

Single and agent employers also would be required to disclose, for the current period, the beginning and ending balances of the OPEB liability, and the effects of changes during the period (such as the effects of service cost, benefit changes, and, if applicable, investment earnings) on the total OPEB liability and the OPEB plan's fiduciary net position, if applicable.

In addition, single and agent employers would present schedules with the following information for each of the past 10 years (generally on a prospective basis):

The beginning and ending balances of the OPEB liability and the

effects of changes during the period on the total OPEB liability and the OPEB plan's fiduciary net position, if applicable.

The OPEB liability, the covered-employee payroll, and a ratio of the OPEB liability as a percentage of the covered-employee payroll. If the OPEB is provided through an OPEB plan that is administered as a trust that meets the criteria discussed previously, the OPEB plan fiduciary net position and a ration of the OPEB liability to the OPEB plan's fiduciary net position would also be presented. If there is a special funding situation, as discussed on the next page, the OPEB liability of the plan will be reported along with the amounts of that net OPEB liability associated with the employer and associated with the non-employer entity.

If a single or agent employer that provides OPEB through an OPEB plan that is administered as a trust that meets the criteria discussed previously has an actuarially determined OPEB contribution (or, if not actuarially determined, then the statutorily or contractually established contribution), it would also be required to present an RSI schedule with the following information for each of the past 10 years (generally on a prospective basis): (1) the actuarially determined OPEB contribution (or, if not actuarially de-

termined, then the statutorily or contractually established contribution), (2) the amount of employer contribution actually made, (3) the difference between 1 and 2, (4) the payroll of employees covered by the plan, and (5) a ratio of 2 divided by 4. Cost-sharing employers would be required to present this same information if it has a statutorily or contractually established contribution requirement.

Governments also would be required to present notes to the RSI schedules regarding factors that significantly affect the trends in the schedules. For employers with actuarially determined contributions, significant assumptions also would be disclosed.

Special situations

Special funding situations are circumstances in which a non-employer contributing entity (such as a state government) is legally responsible for contributions directly to an OPEB plan of another employer, including payments for OPEB as the benefits come due. For example, a state might be legally required to make contributions for the employees of school districts located within that state. Furthermore, one or both of the following also must be true:

The non-employer is the only entity with a legal obligation to make

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contributions directly to the OPEB plan, including payments for OPEB as the benefits come due.

The amount of the contributions (or payments for OPEB as the benefits come due) for which the non-employer is legally responsible is not dependent upon one or more events unrelated to the OPEB.

In a special funding situation, the non-employer has essentially assumed a portion of the employer entity's OPEB obligation as its own. Consequently, if the non-employer is a government, it would recognize its proportionate share of the net OPEB liability, OPEB expense, and deferred outflows of resources and deferred inflows of resources related to OPEB in its own financial statements.

The government benefitting from the non-employer's contributions in a special funding situation would calculate its OPEB liability, OPEB expense, and deferred inflows of resources related to OPEB prior to the non-employer government's support, but would recognize in the financial statements only its proportionate share. It also would recognize revenue and an expense equal to the non-employer entity's OPEB expense, as it would account for an intergovernmental grant.

Governments would recognize an expense for the amount of contributions to employees' accounts that are defined by the benefit terms as attributable to employees' services in the period, net of forfeited amounts that are removed from employees' accounts. A change in the OPEB liability would be required to be recognized for the difference between amounts recognized in expense and amounts paid by the employer to a defined contribution OPEB plan, including amounts paid by the employer for OPEB as the benefits come due.

Governments also would make descriptive disclosures about the defined contribution OPEB plan and benefit terms, contribution rates and the method by which they are determined, and amounts attributed to employee service and forfeitures in the current period.

The proposed statement on plan reporting details guidance for financial reporting by defined benefit OPEB plans administered through trusts that meet the criteria described earlier. The

OPEB plan document also addresses how assets that are accumulated for purposes of providing OPEB through defined benefit OPEB plans that are not administered through trusts meeting the criteria should be reported. The proposal also details note disclosure requirements for defined contribution OPEB plans administered through trusts that meet the criteria.

The proposed requirements of the OPEB plan exposure draft would be effective for periods beginning after Dec. 15, 2015. The proposed requirements of the OPEB employer exposure draft would be effective for periods beginning after Dec. 15, 2016. Early application would be encouraged in both cases.

How Can You Help?

You can assist the GASB by read-

ing the exposure drafts and providing feedback. The documents are available to download free from the GASB website, www.gasb.org. It is most helpful if you respond to not only the aspects of the proposal you disagree with, but also those that you support. In addition, it is most valuable to the GASB when respondents explain *why* they support or oppose a particular facet of a proposal. You can submit comments by email (director@gasb.org) or traditional mail. The comment deadline is Aug. 29, 2014.

The GASB also encourages you to participate in the series of public hearings scheduled for September 2014. Additional information about how to provide written comments and participate in the public hearings is available in the opening pages of the Exposure Drafts. ■

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How long does it take a turtle to cross a busy road?

Too long, some officials in York County say, which is why they are posting turtle crossing signs and considering other steps.

By Douglas Rooks

The carnage on roads and highways resulting from collisions with wildlife has long been a regrettable but seemingly inevitable part of life in Maine. But in some cases, motor vehicles may be pushing certain animal species to the brink of extinction, and some communities are organizing to prevent that outcome.

A number of towns in southernmost Maine, including York, South Berwick and Wells, are posting turtle crossing signs – alerting motorists to the presence of Blanding’s and spotted turtles, two species whose numbers have sharply declined in recent years.

Blanding’s turtles are on the state’s Endangered Species List, and, according to state wildlife biologist Derek Yorks, there are probably only 2,000 adult Blanding’s remaining in Maine. “There might be a lot less,” he said. Spotted turtles are considered a threatened species – rare, but not yet endangered.

The two species, along with the wood turtle, also found in Maine, were among 450 reptile and amphibian species nominated for federal Endangered Species Act protection in 2012 by the Center for Biological Diversity.

It was 10 years ago when a doctoral thesis by a University of Maine graduate student, Frederic Beaudry, brought attention to the rare turtles’ plight, and suggested that human activities have a lot to do with their decline. Beaudry, now a professor at Alfred University in Alfred, N.Y., tagged numerous turtles while doing his research, and discovered that these two species are much more mobile than other familiar species, such as painted and snapping



Hinged turtle sign alerts motorists (Submitted photo)

turtles, which usually leave water only to nest and hatch their young.

“These turtles cover a lot of ground,” said Yorks, who is the reptile, amphibian, and invertebrate biologist for the Department of Inland Fisheries and Wildlife (IF&W), based in Bangor. “We tracked one individual (Blanding’s) who crossed five different roads while moving from vernal pools to streams and back.”

Such behavior exposes the slow-moving turtles to a lot of fast-moving traffic. During the season of turtle movement on land – mid-May through the end of July – Yorks spends much of his time doing field work in southern Maine. He follows up on sightings, documenting sites of activity and road kills. He also looks for ways to protect

the endangered Blanding’s and threatened spotted turtle.

Hinged signs

Starting seven years ago, IF&W used the results of Beaudry’s research to mark documented turtle crossing areas, erecting a dozen seasonal signs to warn motorists. The “X-ing” signs, which feature a turtle silhouette, are hinged. Thus, they are displayed only during the turtles’ active season, and for two reasons.

“The signs are out only when the turtles are likely to be present,” Yorks said, “and drivers don’t tend to tune them out, the way the might if they were up all year round.”

IF&W has prepared a new batch of signs and is studying where they might be most useful. One location might be in Kittery, if Town Councilor Judith Spiller has anything to say about it.

Spiller, a nine-year council veteran, has seen plenty of turtle mortality during her jogs along Bartlett Road in Kittery Point, which runs between several marshes. “Turtles are getting run over all the time, unfortunately,” she said.

She isn’t sure whether any of them are the Maine endangered species, but she was particularly concerned when a large snapping turtle was hit and killed last spring, probably after tending a nest.

Turtles are extraordinarily long-lived – some species, along with tortoises, their land-dwelling cousins, can live as long as humans, and even longer. That longevity means, as in humans, a lengthy delay in maturity. Many turtles don’t breed until they are 18, or even older, meaning that the loss of a single adult can have a significant effect on the long-term population.

“Most turtles don’t make it to matu-

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

riety,” Yorks explains. “Their eggs may be eaten or don’t hatch, and the young are easy prey for mammals and other predators.”

Blanding’s turtles have a shell similar to a box turtle – “a World War II Army helmet is a good analogy,” Yorks said – as well as a distinctive yellow lower jaw that sets them apart from other species. Adults average eight to 10 inches in length.

Blanding’s turtles were first identified as a separate species in the 1830s and are found along much of the Atlantic coast, with a separate population segment in the Midwest. Maine is the northern end of their range, and their numbers probably declined throughout the 20th century, though there was little scientific study until recently.

Using the internet

Another means townspeople are using to help turtles is through a “citizen science” web-based project sponsored by Maine Audubon known as Wildlife Road Watch. Now in its fourth year, Road Watch allows individual observers to report their observations and upload photos onto the website.

Barbara Charry, Maine Audubon’s staff biologist, said the program expanded this year to include volunteers who are willing to walk a one-mile segment of critical wildlife habitat and report their findings.

Being alert for turtles and other rare species, such as the black racer snake, is a matter of safety for both wildlife and for drivers, Charry said. “Drivers swerving to avoid collisions can create accidents, and not just for deer and moose.”

Derek Yorks says these Road Watch sightings have proved useful for IF&W’s research, since they can be posted quickly, while animals are still in the vicinity.

Though slow-moving, turtles can be surprisingly elusive, and Yorks says it isn’t always easy to track down road-crossing sites.

In one location, along Route 236 in Eliot, IF&W, in cooperation with the U.S. Fish and Wildlife Service and Maine DOT, is studying whether a more ambitious turtle crossing can be achieved.

Giving the number of road-killed Blanding’s turtles – five in just the past two springs – the route can be credibly labeled a “highway of death,” Yorks



Up close with a Blanding’s turtle. (Submitted photo)

said. But in this case, crossings may take place along a small enough road section so a tunnel, rather than signs, may offer the best protection.

“We haven’t put up signs on this stretch because speeds are too great and visibility is too poor,” Yorks said. “The road is curvy, but relatively high-speed. That’s not a good combination for turtles.”

A regular culvert won’t do the trick, Yorks said. “They need a certain amount of light or they won’t use it.” Yet a structure that used metal grates to light the tunnel would probably be too noisy to attract turtles, he said. The researchers will look at angles that

allow maximum sunlight, and the possible use of LED illumination.

High-tech tunnels

“The tunnel would be pretty expensive,” said Richard Bostwick, a biologist in the environmental office at Maine DOT. “There’s some complicated engineering involved. It’s not like a regular bridge or culvert installation, though some of the construction techniques might be similar.”

The Eliot site, which is effectively an isthmus lying between two extensive marshes, could direct turtles toward a tunnel and make it more likely they would use the underpass. In the mean-



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time, IF&W will look into erecting wire fences to prevent turtles from moving onto the road.

“It’s a short-term solution, but it might help for a couple of years,” Yorks said. “Given the number of collisions we’re seeing, it could buy some time.” And if the tunnel is eventually built, the fences would help herd the turtles in the right direction.

Chances for funding may be improved because the same area is also used by the New England cottontail, an endangered hare whose habitat has been sharply diminished by development and by the re-forestation of Maine and other New England states.

For those wondering whether such conservation techniques would really be effective, Yorks said there is evidence they do work.

Maine doesn’t have any concentration of Blanding’s turtles that number more than 50-80 adults, and those exist only in a couple of places. The stronghold for Blanding’s in New England is the Oxbow National Wildlife Refuge in eastern Massachusetts, where a healthy population of 500 adult Blanding’s exists.

But that’s only after 25 years of



The shell says it all – a spotted turtle. (Submitted photo)

restoration efforts by the U.S. Fish and Wildlife Service, and the refuge isn’t crossed by many roads, Yorks said. It would be hard to find similar areas in Maine, so controlling human behavior along roads will continue to be important.

For Judith Spiller in Kittery, the effort would be worth it. Turtles are not

only important to coastal ecosystems, they are animals with which humans have an affinity, as demonstrated by their continuing popularity as pets.

Contemplating animals that live 70 years or more, she said: “They are really a peer species. You can look at them and see something like ourselves.” ■

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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/>

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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.
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Decisions mixed on projects, as turnout concerns grow

From Sanford to Clifton, Town Meeting voters take action on purchases, projects and petitions, in many cases supporting their local officials.

By Liz Mockler

Maine voters continued their frugal ways in town meeting and other balloting in June, rejecting some ideas and proposals but also endorsing significant infrastructure projects that will make a difference in many communities.

There were several citizen petitions to tighten the reins on selectmen and councilors, with mixed results.

Bonds were unpopular in many municipalities, yet in others borrowing and refinancing helped underwrite large public projects. One is a tripling the size of the Lithgow Library in Augusta, where 82 percent of voters endorsed the \$8 million project.

They also voted to allow city officials to refinance \$7.6 million in employee pensions. By combining the bonds, the city can save \$200,000 a year and pay for three new employees and additional operational costs for the library. Savings from an upcoming debt payment will pay for temporary quarters.

Kennebunk voters also approved major requests, including: up to \$2.2 million for paving and road improvements; an ambulance, public works vehicles; and a recreation bus, among other items. The vote was 1,488-603.

They also approved using \$850,000 from undesignated funds to buy capital equipment and other vehicles.

In Lisbon, residents supported a \$5.7 million bond for a new gymnasium and related improvements to the high school by a vote of 953-901, but nixed a proposal to borrow up to \$1.3 million for a new public works facility. The vote was 1,071-83 against that.

In Standish, voters voted against

“bundling” bonds for various projects and so rejected the question, 711-540. Officials have called for a special town meeting in September to seek votes on the separate projects.

While most town meetings and elections were quiet – too much so, some officials said – others were louder and feisty. Windham voters, 25 in all, dispatched the town’s new \$14.6 million budget in nine minutes. Meanwhile, the Richmond meeting lasted five hours and 117 residents offered in-depth criticism and opinions, leading to some tense exchanges between voters and town officials.

In the end, Richmond voters approved all but one of the 67 town meeting articles – to use \$50,000 in undesignated funds to build a village sidewalk. The selectmen’s budget was cut by \$27,000, but still outpaced the last budget by \$158,000. A motion was made to cut \$30,000, or one town office employee, “whichever is greater.” It passed after a 40-minute debate.

Attendance problem?

As perennial as town meetings themselves is the ongoing lament of municipal officials about low voter turnout. In some small towns in June, there were as many municipal employees voting at town meeting as residents.

Windham, with 12,000 registered voters, saw 25 voters attend the meeting – half of them town employees. They approved spending nearly \$15 million in nine minutes. There was no discussion on any of the warrant articles.

“I find it discouraging because we do put a lot of work into it and then come town meeting day, we get such a low voter turnout,” said longtime

Town Clerk Linda Morrell.

This year’s town meeting set a new record for brevity, down from 12 minutes to nine. Morrell said the longest town meeting during her 13 years as clerk was two hours.

She said turnout dropped when the town’s school department merged with a regional unit. However, all municipal projects and spending are still on the line each year.

Morrell said the town charter provides a method for residents to end town meeting and confer final budget authority to councilors. No one has pursued the process, despite the voter turnout.

In Lincolnville, officials are concerned enough about another year of low voter turnout that they are developing ideas to increase public participation.

As in Lincolnville, town officials across Maine are beginning to consider moving town meetings to week nights rather than on Saturdays, when younger residents are committed to their children’s ballgames and other family matters.

Lincolnville selectmen are considering a wider distribution of the warrant, holding a public hearing prior to town meeting and coordinating town and school events to mitigate conflicts for families.

In Kingfield, a petition was circulated at the June town meeting, attended by 46 residents, to move the meeting to a week night as a way to boost participation.

An aging tradition

Ronald Schmidt, associate professor of political science at the Muskie School of Public Service, said low voter turnout may be the new normal. He

Liz Mockler is a freelance writer from Thomaston and a regular Maine Townsman contributor. lizmockler@hotmail.com.

hoped the centuries-long New England tradition would not fade, but feared it might some day.

"The robust town meeting is a nostalgic picture," Schmidt said, altered by citizen apathy or satisfaction and hectic family lives.

Schmidt said people should not stay home because they are content with municipal government. They should feel compelled to participate as the final decision-makers of local policy and spending.

Once involved, residents are more likely to stay involved, he said.

Cities and towns can try different ways to boost attendance, such as moving away from Saturday town meetings and providing child care so younger residents can attend and get involved.

Voters in several municipalities were asked to decide citizen-initiated referendums, some to limit the authority of elected officials.

In Sanford, voters approved a procedure for citizen petitions to overrule council actions. However, there were 147 fewer votes than needed to make the decision official.

Under election policy, at least 25 percent of the number of voters in the most recent gubernatorial election must decide the petition. The vote to approve the petition was 917-598. According to city officials, 230 voters did not answer the referendum question, which made the difference in the outcome.

"It's not how they voted. It's that they didn't vote at all," said former Sanford Selectman Michael Chasse, a member of the Overrule Committee, according to fosters.com.

Bridgton decisions

In Bridgton, voters rejected an effort to tie the purse strings of selectmen, who are trying to rehabilitate the town office for stability and safety reasons. A citizen-initiated ordinance would have banned the board from spending any money on the town office other than for normal or emergency repairs. The vote was 380-550.

Officials said the referendum vote forced the town to postpone building repairs until 2015.

Bridgton voters endorsed nine other referendums dealing with affordable housing, shoreland zoning and signs, among other issues.

A charter revision in Lisbon passed

by a vote of 1,042-829 that will reduce the number of signatures needed in order to call a special town meeting. The percentage of valid signatures was reduced from 15 percent to 10 percent.

In a squeaker, voters in Dover-Foxcroft rejected a referendum calling for impact fees to be added to the town's land-use ordinance. The vote was 298-294.

In other town meeting/election news:

- Kittery voters agreed to transfer \$125,000 from the undesignated fund to cover the cost of accrued vacation and sick time for retiring employees. All of the Kittery ballot questions passed with 80 percent or more of the vote.

- An ordinance to regulate wind power in Clifton failed by a vote of 230-177.

- Wilton police were told to buy two new cruisers rather than the one requested. The vote to add \$30,000

to the department budget passed by a vote of 60-24. Voters also agreed to use \$253,000 in undesignated funds to keep taxes nearly level with the previous year.

- Lebanon voters approved taking \$93,000 from other departments and use another \$104,000 in Federal Emergency Management Agency funds to cover a \$200,000 shortfall in the town's rescue department budget. Voters rejected a proposal for a seven-year lease/purchase agreement for a new fire truck, but approved \$121,000 toward the purchase of fire equipment and supplies.

- Newcastle voters agreed to spend \$60,000 for professional help in beginning to craft a comprehensive plan for the town. Two volunteer attempts by local boards failed when the state rejected the plans. Some critics said the effort was a waste of time and money, but supporters said it was an important investment in the town. ■

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Municipal elections: Our roundup, from across Maine

By Liz Mockler

Following are among the results of June 2014 municipal elections, based on statewide published reports and calls to city and town clerks.

Auburn: Six candidates sought three seats on the Auburn Joint Charter Commission. The winners were: Charles “Chip” Morrison with 1,301 votes; Michael Beaulieu with 1,225 votes; and Holly Lasagna with 1,048 ballots.

Bar Harbor: Burt Barker collected 551 votes to take the No. 1 spot among six candidates for three seats. Anne Greenlee received 517 votes, followed by J. Clark Stivers with 454. Incumbent Christopher Walsh lost his re-election bid.

Damariscotta: Write-in candidates James Cosgove (99 votes) and George Parker collected (97 votes) won three-year terms as selectmen. They replace Joshua Pinkham and Vicki Pinkham, neither of whom sought re-election.

Dover-Foxcroft: Incumbent Selectman Elwood Edgerly polled the most votes with 399 in a five-way race for three seats. The other winners were W. Ernie Thomas with 392 and Stephen Grammont with 316.

Dresden: Incumbent Allan Moeller Sr. held off a challenger by a vote of 137-100 to win re-election.

Eddington: Incumbent Selectman Joan Brooks and newcomer Michael Shepherd were top vote-getters in a four-way race for two seats. Brooks received 154 votes, while Shepherd garnered 188. Brooks edged two challengers for another term.

Eliot: Rebecca Davis and Roland Fernald defeated incumbent Selectmen LeRoy “Dutch” Dunkelberger and John Murphy. Fernald garnered the most votes with 530, followed by Davis

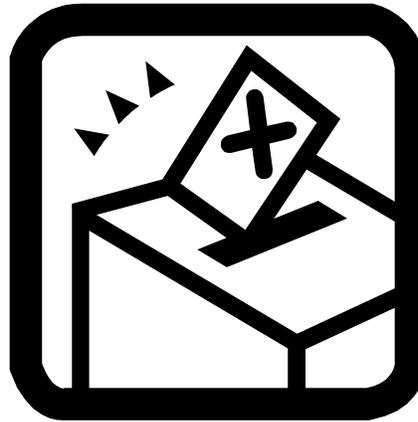
with 481. Murphy and Dunkelberger, both one-term selectmen, received 436 and 288 votes, respectively. A fifth contender collected 354 votes.

Falmouth: Caleb Hamphill and Charles McBrady collected 1,325 and 1,272 votes, respectively, to win a four-way race for two seats. Incumbent Chris Orestis placed third.

Fryeburg: Jeff Cox collected 385 votes to win the seat opened when Selectman Thomas Klinepeter did not seek re-election. A second candidate received 248 votes.

Grand Isle: Sherry Dumond received 59 votes to replace Selectman Robert Dunbar, who had withdrawn his nomination papers prior to the vote. One challenger received 21 votes.

Jay: Incumbent Selectman Thomas Goding defeated a challenger to win re-election. The vote was 388-153.



Harrison: Incumbent selectmen Matthew Frank and Richard St. John retained their seats against a competitor. Frank received 197 votes, while St. John garnered 155. A third candidate collected 97 votes.

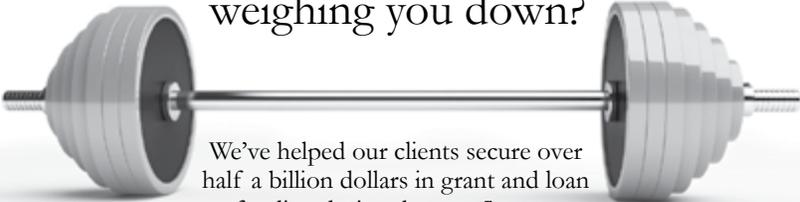
Hermon: Incumbent Ann Freeman was re-elected with 387 votes, while Donna Ellis

collected 311 votes to hold off incumbent Donna Pulver, who received 262 votes.

Lebanon: In a three-way race for one opening, Royce Heath easily defeated two challengers. Heath received 435 votes. Heath works at the town’s transfer station.

Lewiston: Eugene Geiger, Lucien Gosselin and Chantel Pettengil were elected to fill three seats on the Lewiston Joint Charter Commission. Geiger collected 1,612 votes, while Gosselin received 1,428 and Pettengil garnered 987. The trio easily defeated three

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Liz Mockler is a freelance writer from Thomaston and a regular Maine Townsman contributor, lizmockler@hotmail.com.

other candidates.

Livermore Falls: Two newcomers unseated incumbent selectmen by wide margins. Mary Young defeated Selectman Jeffrey Brant, 317-100, for a two-year term; Ronald Chadwick collected 278 votes to defeat incumbent William Demaray, who received 148 votes.

Machias: Incumbent Aubrey "Skip" Carter received 133 votes in a five-way race for two selectmen seats. Eric Holm collected 123 votes to edge out one challenger by two votes while easily defeating two others.

Madawaska: Newcomer Chad Carter and incumbent Vince Frallicciardi defeated two challengers to win the open selectmen seats. Carter won 478 votes, compared to Frallicciardi with 381 votes. The challengers included former Selectman Brenda Theriault.

Madison: Incumbent John Ducharme, chairman of the board, received 330 votes to win one of two open seats. Newcomer Michael Edgerly received 282 votes to win the second seat. The two winners easily held off challenges from two other candidates.

Newcastle: Former Selectman Ben Fray held off a challenger by a vote of 130-125 to replace outgoing Selectman Ellen Dickens.

Orrington: Charles Green won 97 votes to hold off two challengers for a one-year term on the Board of Selectmen. Keith Bowden and Allan Snell held off one challenger to win with 216 and 128 votes, respectively.

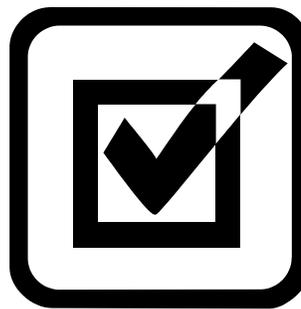
Paris: Janet Jamison and Ryan

Lorrain defeated two challengers to win selectmen seats. Jamison was the top vote-getter with 282, followed by Lorraine with 263.

Raymond: Two incumbents, Sam Gifford and Lonnie Taylor, easily defeated a challenger with 420 and 352 votes, respectively. Gifford, board chairman, and Taylor, vice chairman, were re-elected to three-year terms.

Richmond: Rose Beckwith and David Thompson collected 159 and 169 votes, respectively, to win two open seats on the Board of Selectmen from a field of seven candidates.

Skowhegan: Darla Pickett picked up 277 votes against five other candi-



dates to win a one-year term as a selectwoman. Donald Skillings defeated four contenders with 443 votes for a three-year term on the board.

Standish: Incumbent Councilor John Sargent easily defeated two challengers with 654 votes, or 55 per-

cent, in a three-way contest for Area 4. Wayne Newbegin held off two challengers to win the at-large seat with 590 votes.

Van Buren: Former Selectman Don Dummond collected 187 votes to finish an unfilled seat, while Michael "Miles" Garcia received 163 votes to win the open seat on the board. ■

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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 on Day 2.

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.

Presenters: SFC Nathaniel Grace, Community Liaison, Maine Military and Community Services, Maine National Guard; COL Andrew Gibson, Chaplain, 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 1.00 MTCMA Certification Credits 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 and 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;

Wednesday, October 1, 2014

Charles Colgan, Professor of Public Policy and Management, Muskie School of Public Service, University of Southern Maine; John Dorrier, 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 1.00 MTCMA Certification Credits 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-Mégantic, 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-Mégantic, 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.

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.

Marijuana: First Responder Challenges

Things used to be so easy. When police or fire-rescue personnel arrived on a

Thursday, October 2, 2014

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 1.00 MTCMA Certification Credits 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 1.00 MTCMA Certification Credits 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

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 1.5 CMA/CAT recertification credit 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 and Election of Officers

Presenter: MCAPWA President, Rob Pontau

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: TBD

Affiliate Association Programs

9:30 – 11:45 a.m.: TBD

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

Maine Chapter International Association of Assessing Officers (Maine Chapter IAAO)

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 1.5 CMA/CAT recertification credit through Maine Revenue Services.

Maine Fire Chiefs' Association (MFCFA)

Wednesday, October 1

10:30 – 11:45 a.m.: *MFCFA 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.

Presenters: Panel discussion with members of the MFCFA and Maine Emergency Management Agency

Certification: MFCFA sessions approved for MFCFA 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. 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. We will go over behaviors of concern and other possible indicators that may suggest the potential for future violence. 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. We will continue with the theme of being aware 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 (MRRA)

Wednesday, October 1

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

MRRA 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 MRRA's goal to identify changes that would benefit municipal programs by enhancing recycling programs and reducing cost.

Presenters: MRRA Representatives TBA

Maine Service Center Coalition (MSCC)

Thursday, October 2

Noon – 1:30 p.m.: *Board Luncheon*

Maine Town, City & County Management Association (MTCMA)

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

Affiliate Association Programs

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, sPeak Performance, author of *Finding Meaning with Charles*

Certification: Attendance at the MMA Convention is valid for 2 optional points for MTCCA Certification.

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, 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, 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, DHHS, State of Maine & Staff

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

Presenters: Staff from 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.



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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 - must be postmarked/received by 9-12-14	\$ 70.00
<input type="checkbox"/> MMA Members/Affiliate/Patron	Registration - after 9-12-14	\$ 85.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Pre-Registration - must be postmarked/received by 9-12-14	\$ 140.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Registration - after 9-12-14	\$ 170.00
<input type="checkbox"/> Business Representative	Pre-Registration - must be postmarked/received by 9-12-14	\$ 105.00
<input type="checkbox"/> Business Representative	Registration - 9-12-14	\$ 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"/> Luncheon & Featured Speaker (Buffet)	Civic Center (North Wing)	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.	\$ 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.

Maine Municipal Association Ethel Kelley Memorial Award

...MMA's Most Prestigious Award

NOMINATIONS BEING ACCEPTED

Deadline for Receipt of Nominees – Friday, August 29, 2014.



Ethel Kelley devoted 45 years of service to the Maine Municipal Association – from its founding in 1936 until her death in 1981. The award honors her immense contributions to the MMA and the cause of strong local government in Maine. Some have described her as the “cement” that held the organization together, particularly during World War II. During those years, she served in many capacities. She virtually held every title and did every job in the Association.

In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel Kelley's memory by recognizing other volunteer or employed municipal officials of the same character and dedication. This year MMA will recognize its 29th Recipient!

CRITERIA: Do you know someone in your municipality who...

- ★ *Is dedicated to the cause of good local government;*
- ★ *Has conscientiously served local government and made this a lifetime achievement for 20 years or more;*
- ★ *Has demonstrated the capability and willingness to “Hold the Community Together”;*
- ★ *Has a selfless concern for others in their community;*
- ★ *Has not received full recognition for their service in local government; and*
- ★ *Is currently serving or has retired in the past two years (may be given posthumously if within the past two years).*

MMA wants to know about them! Send your nomination and give MMA the opportunity to recognize their achievement and dedication to local government.

NOMINATION PROCESS: Please forward your Nomination and up to five letters of support from local or state officials, business leaders and/or members of the community. The Nomination Form is available on the reverse side or can be completed interactively on the MMA website at www.memun.org. ***The supporting letters are a critical part of the process.*** Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts.

SELECTION PANEL: The Award Selection Panel will consist of three MMA Past Presidents who will meet in mid to late September to make their selection.

PRESENTATION: The Award will be presented at the MMA Annual Convention during the Awards Luncheon with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Luncheon is scheduled for **Wednesday, October 1, 2014 at 12:00 p.m. at the Augusta Civic Center.**

For more information, please contact Theresa Chavarie, MMA Manager of Members Relations at 1-800-452-8786 ext. 2211 or by e-mail at tchavarie@memun.org



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

LOCAL GOVERNMENT
begins with **YOU**

Maine Municipal Association Ethel Kelley Memorial Award

NOMINATION FORM

**** Due Date – Friday, August 29, 2014 ****

(Please complete all applicable sections)

Nominee's Name: _____

Municipality Served: _____

LIST MUNICIPAL POSITIONS (Please include information relating to services provided to your municipality as well to other municipalities):

Position(s): _____ Municipality: _____ Length of Service: _____

Position(s): _____ Municipality: _____ Length of Service: _____

Position(s): _____ Municipality: _____ Length of Service: _____

Total Length of Local Government Service: _____

Membership in Professional Associations:

Community Service and Recognitions Received:

Is the Nominee Retired? YES (When did Nominee retire? ___/___/___)

NO (Anticipated retirement date? ___/___/___)

Signed by:

Name: _____

Title: _____

Municipality: _____ Date: _____

Name: _____

Title: _____

Municipality: _____ Date: _____

Please complete and return with up to **(5) supporting letters**. ***The supporting letters are critical to your success.*** Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by **Friday, August 29, 2014** to:

Ethel Kelley Memorial Award – Selection Panel
Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

PEOPLE

Recently earning their certified municipal clerk designations from the International Institute of Municipal Clerks were: **Lynda Adams** of Westbrook; **Michelle Jackson** of Chebeague Island; and, **Katherine Jones** of Portland, according to the Maine Town & City Clerks' Association.



Butch Asselin

Houlton town councilors in July named Police Chief **Butch Asselin** as the town's new manager, making their temporary appointment permanent. The council was unanimous in its decision. In making the move, Asselin will retire from the police department to close out a nearly 40-year law enforcement career. He has worked as acting Houlton manager for 18 months. He was hired as the town's police chief in 2007.



Matthew Harrington

It's not often a police officer pulls over a speeding motorist and ends up saving his life. But that story unfolded July 26 when Officer **Matthew Harrington** stopped an 84-year-old man for his heavy footwork moments before he slumped over his wheel from an apparent heart attack. Harrington, a full-time Kennebunk officer for 3 1/2 years, immediately began reviving the driver, whose wife was with him and witnessed the ordeal. The man, who was saved by Harrington's CPR and the shock of a defibrillator, lamented that Harrington had "ripped (off) my beautiful pink shirt," but concluded it was old and worth destroying to save his life. In addition to the pink shirt, Harrington pulled off the rescue in Saturday rush-hour traffic.

Matthew Hill has been named Sanford public works director, replacing Charles Andreson, who retired earlier this year. Hill, a Kennebunk resident, is a licensed engineer in Maine and New Hampshire. He earned a bachelor's de-

gree in science from the University of New Hampshire and began his career with the New Hampshire Department of Transportation. Hill moved back to Maine with his wife in 2005, where he worked for two private engineering firms that worked for the state, the Maine Turnpike Authority and the city of Portland, among other clients.



Sue Look

Raymond selectmen in mid-July hired **Sue Look** to replace Town Clerk **Louise Lester**, who retired on June 30 after 25 years of service. Look most recently worked as manager of central voter registration for the Maine Division of Elections, Maine Secretary of State's Office, where she worked for five years. Look served as town clerk in West Bath from 2004 until she accepted the state job. She was laid off after 15 years with L.L. Bean, leaving the firm as a manager and leading to her career as a municipal clerk.



Carlo Puia

Carlo Puia has taken the helm as Dixfield town manager after serving for five years as Rumford manager. Puia, a Rumford native, worked as the town's tax collector from 1996 until he was named manager in June 2009. Puia, a Bentley College (Waltham, Mass.) graduate, said he is enjoying his new job and has been warmly welcomed by residents and staff members alike.

Hundreds of mourners attended the July 17 funeral of former Bangor Police Chief **Don Winslow**, who died of cancer at the age of 57. Thirty Bangor officers dressed in blue uniforms and white gloves were sentinels in front of St. John's Catholic Church until the start of the funeral. "Who knows all of Don Winslow's friends? Only the Lord," the Rev. Frank Murray told the gathering, according to

published reports. Winslow, who was retired when his cancer was diagnosed for the first time, had announced in February that he planned to run for Penobscot County sheriff when he learned the disease had returned. He is survived by his wife, two daughters and extended family.



Ron Weatherbee

Ron Weatherbee has been named interim town manager in the Town of Lincoln following the resignation of William Lawrence. Weatherbee, the town's veteran Cemetery, Parks and Recreation director, will continue his regular duties while overseeing department leaders. He was unanimously selected to replace Lawrence, who resigned in early July to take a job in Florida. ■

CLASSIFIED

TOWN MANAGER – Eagle Lake, Maine

– The Town of Eagle Lake, Maine, is currently accepting resumes for the position of Town Manager. Located in Aroostook County, Eagle Lake is a community with a Town Meeting form of government; population of 815; and a budget of \$803,000, excluding schools. The Board of Selectmen is seeking an individual with strong financial management and budgeting skills, experience with solid waste management issues, personnel management experience, and exposure to planning and growth management. Candidate should also possess strong communication skills, previous management experience and demonstrated leadership ability. Municipal government experience is preferred, but candidates with differing work experience and training are encouraged to apply. Salary is negotiable based on experience and training. Please send resume, cover letter, and salary history, to: Michelle Raymond, Board Chair, Town of Eagle Lake, P. O. Box 287, Eagle Lake, ME 04739. Eagle Lake is an Equal Opportunity Employer.

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

The National Weather Service reported that at least two tornadoes ripped through parts of Limington and St. Albans in July. Power lines were downed and trees went up in what typically is a rare event in Maine. Limington, with nearly 4,000 residents, is located in York County. St. Albans in Somerset County is home to about 1,800 people. Also, at least one person was injured by lightning when a storm cruised over Naples late in the month, apparently resulting in a water spout over Sebago Lake. Severe weather damaged roads and cut power to thousands of citizens in many parts of the state throughout the month, but especially in northern and eastern counties.

STATEWIDE

Three buildings in Maine were added to the National Register of Historic Places in July. They include the Dixmont Town House, built in 1836, which was recognized as an example of one of the state's earliest versions of a government-only town house. Until the middle of the 19th Century, townsmen usually conducted government and church events in the same building. The Holden Town Hall also made the list and was selected for its historic role in the history and culture of the community. The town hall, built in 1873, served as the town's government center until the mid-1960s. But it also hosted receptions, funerals, the arts and public suppers. It features three distinct foreign architectural designs. The Village School in Unity also was chosen. The three-room schoolhouse was built in 1898 in a school consolidation move; the school remained the largest elementary school in the Knox County town until 1953.

BANGOR

City officials are urging restaurant owners to upgrade their operations to cut the fat from the waste they dump into the city's wastewater treatment system. Many restaurants in Bangor do not comply with city codes regarding grease disposal and they should install trap systems that will take as much grease out of their waste as possible. Some businesses that have grease collection systems do not use them. The city has developed a compliance plan that includes enacting fines and legal action, if necessary, and

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*.

Ethel Kelley Memorial Award. Maine Municipal Association issued a call for nominations for our most prestigious annual award, the Ethel Kelley Award, which goes to a local official who demonstrates a distinguished level of commitment to service. Nominations will be accepted until Aug. 29.

GA, Immigration Legal Analysis. MMA retained the law firm of Bernstein Shur to analyze the confusing situation involving local General Assistance benefits and illegal aliens, or immigrant asylum seekers. Attorneys Paul MacDonald and Eben Albert-Knopp issued a 10-page analysis on those topics. MMA hopes that members – which continue to process GA requests on a daily basis – will find the legal guidance helpful.

GrowSmart Summit. Join GrowSmart Maine on Oct. 21 at the Augusta Civic Center for its 2014 summit: "The Dollars and Sense of Smart Growth." Join the Federal Reserve Bank of Boston as it presents the Working Cities Challenge, an effort to support leaders who are reaching across sectors to ensure that smaller cities are places of opportunity and prosperity for all their residents.

will seek state approval for it. Last year, the city collected nearly 60 tons of grease at the wastewater facility; otherwise it would have ended up in the Penobscot River. Officials say the majority of the grease derives from eateries and costs \$15,000 a year for proper disposal in a landfill.

CARIBOU

This "tiny city" made big headlines in the Chicago Tribune in July after a group of residents revealed their desire to secede from the most northeastern city in the country. The group calls itself the Constitution Coalition and members live in rural parts of the double-township. They complain about paying for amenities they said they don't get to enjoy. Officials, meanwhile, said running the core of the city, which would be carved out under the proposed idea, would be far cheaper for taxpayers in the city proper. Under the proposed new boundaries, 3,000 of the roughly 8,000 residents would pay far more to establish a government and take care of the sprawling area they would call Lyndon – the city's original name. The Tribune noted Caribou was the latest among a handful of municipalities and counties in the country that want to secede – likely a futile movement that the newspaper reported was largely compelled by taxation complaints.

CUMBERLAND

Residents will get a chance to fulfill a longtime town desire to have a public waterfront park when they decide a \$3 million referendum in November. Despite some criticism in July, councilors voted unanimously to authorize the town manager to pursue the purchase of 14 acres of oceanfront land on Foreside Road for a park, parking lot and improvements to the existing pier, bathhouse, ramp and float on the property. The parcel also includes almost nine acres of forestland. Neighbors with abutting private beaches complained about the plan, which will require planning board approval if voters endorse it. But others praised officials' efforts to buy the land on behalf of residents. The proposal calls for bonding the purchase over 20 years at a cost of \$240,000.

JAY

Selectmen last month approved a list of 130 streetlights that will soon go dark in a money-saving effort approved at town meeting in June. The western Maine town pays \$64,000 a year to light about 400 street lamps. The reduction will save 25 percent of the cost, according to officials. The initiative was proposed by selectmen and endorsed by the budget committee. An ad-hoc committee consulted school officials and residents in compiling the list. ■

MUNICIPAL BULLETIN BOARD

AUG. 26

New Clerks: Augusta and Caribou (via video)

The Maine Town & City Clerks' Association will hold a New Clerks Workshop on Aug. 26 at the MMA Conference Center in Augusta and via video conference at the Northern Maine Development Commission office in Caribou. Presenters are Kim McLaughlin, Town Clerk in Old Orchard Beach, and April Dufoe, Town Clerk in Kennebunkport. The workshop begins with registration at 8:30 a.m. and concludes at 4 p.m.

The course is designed to familiarize newly elected and appointed municipal clerks with their duties and responsibilities. The workshop is applicable for clerks from both large and small municipalities. Among the items to be discussed: dog licenses; hunting and fishing licenses; birth, marriage and death certificates; elections procedures; preparing meeting agendas and minutes; and, more. Cost is \$55 for MTCCA members and \$75 for non-members.

AUG. 28

Elected Officials Workshop: Augusta and Machias (via video)

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Aug. 28 at the MMA Conference Center in Augusta. The workshop will be offered via video conference at the Sunrise County Economic Council in Machias. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

The workshop is designed for newly elected officials, but veteran councilors and select board members may benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members in Augusta and \$45 in Machias.

SEPT. 3-5

MAAO Fall Conference: Sebasco Estates

The Maine Association of Assessing Of-

ficers will hold its Fall Conference at the Sebasco Harbor Resort over three days, Sept. 3-5. The event emphasizes education, leadership and networking.

Among the many topics to be explored: Dealing with the Media; Legal Standards and Administrative and Court Procedures; CEO Training and Relations; Sales Ratio Analysis; and, much more. There will also be a legislative update provided by David Ledew of the Maine Revenue Services office and Geoff Herman, Director of State & Federal Relations at Maine Municipal Association. Costs vary depending on the number of days registrants can attend, lodging and other options.

SEPT. 9

MTCCA Networking Day, Business Meeting

The theme of this year's Maine Town & City Clerks' Association annual Networking Day is "Be the Lighthouse," knowing that the lighthouse is a symbol of strength, guidance and vigilance. Instructors will include: Patti Dubois, City Clerk in Waterville; Lee Ann Szelog, speaker and author; Tracey Stevens, Town Clerk in Freeport; Michelle Jackson, Town Clerk in Chebeague Island; Deirdre Berglund, City Clerk in Gardiner; and, Kim McLaughlin, Town Clerk in Old Orchard Beach.

The event begins with registration at 8 a.m. at the Waterville Elks Banquet and Conference Center. (Pre-registrations are accepted until Sept. 2.) Cost is \$55 for MTCCA members and \$75 for non-members.

SEPT. 16, OCT. 15

Voter Registration: Augusta, Portland

The Maine Town & City Clerks' Association will hold a day-long session on voter registration on Sept. 16 at the MMA Conference Center in Augusta and again 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.

SEPT. 17-19

MeWEA Fall Convention: Newry

The recently renamed Maine Water Environment Association (formerly Maine Waste Water Control Association) will hold its Fall Convention Sept 17-19 at the Sunday River Grand Summit Resort Hotel & Conference Center in Newry. Various sessions will run on Thursday, Sept. 18 from 8 a.m. to 4:30 p.m. On Friday, Sept. 19, the convention will conclude at 2:45 p.m.

The 2014 theme is: "Local People, Regional Expertise." For the first time this year, many of the technical sessions will be coordinated by MeWEA's 14 committees, meaning each committee identified a topic and brought in a qualified speaker on that issue. The Fall Convention is MeWEA's largest annual event.

SEPT. 17, OCT. 16

Title 21-A: Augusta, Portland

Kim McLaughlin, Town Clerk in Old Orchard Beach, and Julie Flynn, Deputy Secretary of State, will present a workshop on Title 21-A at the MMA Conference Center on Sept. 17 and 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. ■

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

PLEDGE OF ALLEGIANCE @ PUBLIC MEETINGS

Since our recent notes on prayer at public meetings (see “Prayer @ Public Meetings” and “Prayer @ Public Meetings 2.0,” *Maine Townsman*, “Legal Notes,” May 2014 and June 2014, respectively), a reader has asked about reciting the Pledge of Allegiance at public meetings.

We didn’t think the Pledge of Allegiance could be controversial until an incident a few months ago in the Town of Hampden, where two councilors (both veterans) refused to stand and recite it – they said the oath was being used as “a political weapon.” Whether or not this was so, the pledge is routinely recited by many public bodies, including Congress and state legislatures, and by most school kids. But whether a particular body opens its meetings with the pledge is up to that body, as no statute requires it (though a municipal charter, ordinance or board bylaws may).

In any case, the key with the pledge, as Hampden’s town manager correctly observed, is that it’s a personal choice. Reciting it (including the words “under God”) at a public meeting is not, according to federal court decisions, an unconstitutional endorsement of religion, but it is an unconstitutional infringement on the right of free speech to require someone to do so (see *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943)). (By R.P.F.)

‘WORKING PAPERS’ ARE PUBLIC RECORDS

Question: Our board is working on a draft of a proposal, in digital form. If made public at this stage, it could be misinterpreted. Is our working draft a public record, and if so, must we provide an electronic copy?

Answer: As we’ve noted here before, whether a record is characterized as a working draft, preliminary, proposed, or whatever, if it would qualify as a public record in final form, the draft is a public record too (see “Draft Records Are Public,” *Maine Townsman*, “Legal Notes,” July 2009). As such, under Maine’s Freedom of Access Act or “Right to Know” law, it is subject to public inspection and copying within a reasonable time after a request is made (see 1 M.R.S.A. § 408-A).

For records stored electronically or digi-

MUNICIPAL CALENDAR

ON OR BEFORE SEPTEMBER 1 — Clerks of organized plantations shall make return to the Secretary of State, on blanks furnished by him for that purpose, of the names of the assessors and clerks of their plantation and that the same have been sworn. There is a penalty for failure to make such return (30-A MRSA §7005).

SEPTEMBER 1 — (first Monday in September) — Labor Day — a legal holiday (4 MRSA §1051).

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

BETWEEN MAY 1 & OCTOBER 1 — Municipal officers may initiate process to close certain roads to winter maintenance [23 MRSA §2953]. For further information see MMA’s Municipal Roads Manual.

tally, a copy must be provided either as a printed document or in electronic form, at the requester’s option, except electronic access is not required if there is no ability to segregate or redact confidential information in that file (see 1 M.R.S.A. § 408-A(7)). Also, the law does not require that access to a computer terminal be provided. Nor does it require that electronically stored records be provided in a different electronic medium or format.

If the concern is that a draft may be misinterpreted or misused, we suggest it be clearly marked “draft” before releasing it.

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

TAX-ACQUIRED PROPERTY: 10 YEARS, 10 LEGAL NOTES

Over the last decade we’ve written repeatedly about a subject of perennial interest to municipal officials: tax-acquired property. So we thought it might be helpful, especially for newer officials, to recap what we’ve advised here, with cites to where readers can learn more. We begin (for no particular reason other than it seems logical) at the beginning, in 2004.

Installment agreements to sell tax-acquired property, especially back to former owners, may seem a tempting compromise, but beware – they must be in writing and recorded, default is common, and termination requires going to court (see “Tax-Acquired Property & Installment Contracts,” *Maine Townsman*, “Legal Notes,” June 2004).

Liability for tax-acquired property depends on the type of property (land or building); if it’s a building, it depends on whether it’s occupied (see “Municipal Liability for Tax-Acquired Property,” *Maine Townsman*, “Legal Notes,” August-September 2008).

If a municipality sells tax-acquired property for more than the taxes, interest and costs owed, the “surplus” stays with the municipality; it neither may nor must be refunded to the taxpayer (see “Tax-Acquired Property: No Refunds of ‘Surplus’,” *Maine Townsman*, “Legal Notes,” December 2008).

Evicting occupants of tax-acquired property is not legally required or, in most cases, advisable; there are in fact some very good reasons not to evict (see “Tax-Acquired Property: Eviction Not Necessary,” *Maine Townsman*, “Legal Notes,” March 2009).

A municipality has no legal duty to clear title to tax-acquired property or to ensure that it’s safe or suitable; the sale should be “as is” and by quitclaim deed without covenant (see “Tax-Acquired Property: No Warranties Required,” *Maine Townsman*, “Legal Notes,” April 2009).

There’s a specific statutory procedure for disposing of abandoned personal property (“personalty”) on tax-acquired property, including a mandatory 21-day notice to the former owner (see “Tax-Acquired Property: Abandoned Personalty,” *Maine Townsman*, “Legal Notes,” May 2009).

If tax-acquired property includes a vacant building, a municipality should

LEGAL NOTES

insure it for liability; if the building, vacant or not, is valuable, property and casualty insurance is advisable too (see "Tax-Acquired Property: Is Insurance Advisable?," *Maine Townsman*, "Legal Notes," June 2012).

A municipality may and should sell tax-acquired property for no less than all unpaid taxes, interest and costs (not just those secured by the foreclosed tax lien but all other taxes as well) plus other unpaid municipal assessments against the property, such as sewer, water, etc. (see "Tax-Acquired Property: Setting a Minimum Price," *Maine Townsman*, "Legal Notes," February 2013).

A municipality may sell tax-acquired property by any lawful means authorized by its legislative body, including public auction; though not a prevalent practice (sealed bidding is far more common), if using an auction, we recommend a licensed auctioneer (see "Tax-Acquired Property: Sale by Public Auction," *Maine Townsman*, "Legal Notes," June 2013).

Finally (again), eviction is not legally required or, in most cases, advisable with tax-acquired property, but we don't recommend collecting rent either; either one is apt to increase the risk of liability (see "Evicting Occupants of Tax-Acquired Property," *Maine Townsman*, "Legal Notes," May 2014).

Incidentally, we also have an "Information Packet" on this subject which discusses these and a variety of related issues; it's available free to members at www.memun.org. (By R.P.F.)

FENCES & FENCE VIEWERS

Question: What is a fence viewer, and what jurisdiction does a fence viewer have over fences?

Answer: A fence viewer is a municipal official whose only authority is to adjudicate or settle disputes involving partition

fences. A partition or division fence is a fence located on the common boundary line between two fenced parcels which the owners or occupants are required to maintain jointly.

Maine's fence viewer laws (30-A M.R.S.A. §§ 2951-2966) hark back to the 19th century, when large parts of Maine – now the most heavily forested state in the lower 48 – were cleared for grazing animals. (Maine had in fact a thriving wool industry for much of the 1800s; large-scale dairying came later, with the rise of co-ops or "associated" creameries and the arrival of refrigerated rail service to Boston and beyond.) In a landscape full of pastures, it was imperative to keep livestock on their own turf, so the owners or occupants of abutting pasturelands were made equally liable for maintaining the fences that separated them. The fence viewer laws provided a means by which local officials (fence viewers) could, upon request, inspect a partition fence and, if necessary, order repairs by the delinquent party. If the repairs were not timely made, the complainant could make them and sue the other for double the cost, plus interest and fees.

Maine's fence viewer laws are still on the books but are seldom invoked today because of their limited applicability – they do not govern property line disputes, animal trespass complaints or spite fences, for example. Where they do apply (to partition fences), if the municipal officers receive a complaint, they should appoint at least two fence viewers to investigate; otherwise, it is not necessary for a municipality to have fence viewers on standby.

For a summary of the surprisingly few laws we have on fences, see "Fence Laws," *Maine Townsman*, "Legal Notes," July 1999. (By R.P.F.) ■

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