

October 2013

# maine townsman

The Magazine of the Maine Municipal Association



**STREAMS & STORMS**  
Runoff Regulation At  
Issue in Urban Areas

**ALSO IN THIS ISSUE:**

Tar Sands | Auburn Fire Academy | Bond Proposals | Tax Incentive Tips

**We've always valued your business.  
Thanks for returning the favor.**



**“Highest Customer Satisfaction with Retail Banking in the New England Region”**

For over 160 years, we've been working to bring you products and services to improve your life. That's why we've built a statewide network of 57 branches and invested in robust online banking technology and security. Bangor Savings was founded to help our neighbors and friends. It's our sole mission and purpose in Maine. Being recognized for our efforts by you, our customers, not only makes us incredibly proud, it inspires us to do even more to help you.

**Bangor Savings Bank**  
**You matter more.**

**1.877.BANGOR1**

**[www.bangor.com](http://www.bangor.com)**

Member FDIC.  Equal Housing Lender

Bangor Savings Bank received the highest numerical score among retail banks in the New England region in the proprietary J.D. Power and Associates 2013 Retail Banking Satisfaction Study<sup>SM</sup>. Study based on 51,563 total responses measuring 14 providers in the New England region (CT, MA, ME, NH, RI & VT) and measures opinions of consumers with their primary banking provider. Proprietary study results are based on experiences and perceptions of consumers surveyed January–February 2013. Your experiences may vary. Visit [jdpower.com](http://jdpower.com).

## EXECUTIVE COMMITTEE

### PRESIDENT

PETER NIELSEN  
Town Manager, Oakland

### VICE PRESIDENT

MARSTON LOVELL  
City Councilor, Saco

### MEMBERS

ERROL (ABE) ADDITON  
Selectman, Leeds

BEURMOND BANVILLE  
Selectman, St. Agatha

MICHELLE BEAL  
City Manager, Ellsworth

JOHN T. BUTLER, JR.  
City Councilor, Lewiston

LINDA COHEN  
City Councilor, South Portland

MICHAEL CROOKER  
Town Manager, Glenburn

MARIANNE MOORE  
Mayor, Calais

LAURIE SMITH  
Town Manager, Wiscasset

ROBERT YANDOW  
Town Manager, York

### IMMEDIATE PAST PRESIDENT

SOPHIA WILSON  
Town Manager, Orono

### Executive Director:

Christopher Lockwood

### Magazine Staff:

Eric Conrad, Editor  
econrad@memun.org

Valarie Pomerleau, Circulation Manager  
Jaime G. Clark, Graphic Designer

MMA website: [www.memun.org](http://www.memun.org)

© 2013 Maine Municipal Association.  
All rights reserved.

MAINE TOWNSMAN (ISSN 0025-0791) is published monthly, except in September, 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.

October, 2013  
Vol. 75, No. 9



## FIND US!



[www.facebook.com/MaineMunicipal](http://www.facebook.com/MaineMunicipal)



[@Maine\\_Municipal](https://twitter.com/Maine_Municipal)

# maine townsman

The Magazine of the Maine Municipal Association

## Adjusting MMA Dues

5

Maine Municipal Association President Peter Nielsen explains that a 30-year-old member dues formula has served the organization well, but a recent analysis and new tools will prompt some updates and changes for 2014.

## Economic Development and Maine Storms

7

From Saco to Bangor to Ellsworth, and in many developed areas in between, storm water runoff and environmental pressures are coming into play. Legal and municipal experts offer advice on how to stay ahead of the issue.

## Many Actions on Tar Sands

11

The next big decision will come in the City of South Portland, but many municipalities have dealt with a controversial proposal to move tar sands – potentially – along a pipeline that runs from Montreal to Casco Bay.

## Risk Manager

19

Trips and slips, winter hazards and combustible liquids are among the many topics cover in this quarter's report from MMA's Risk Management Services Department.

## Elected Official Interview: Sabattus Chairman

23

Mark Duquette, Chair of Selectmen in the Town of Sabattus, answers the Townsman's questions about the rewards of public service, the loss of municipal revenue sharing and a recent issue surrounding a volunteer in his town.

## To Incentivize or Not To Incentivize?

27

Three experts from the Lincoln Institute for Land Policy in Cambridge, Mass. who studied the issue write about the popularity of state and local business-incentive programs and whether they really work.

## Scenes of Success: The 2013 MMA Convention

24

More than 1,100 people each day attended the 2013 Maine Municipal Association Convention on Oct. 2-3 in Augusta. They learned about topics ranging from Civility in City Hall to the Hidden Costs of Municipal Budget Cuts.

## People

34

## News

35

## Municipal Bulletin Board

36

## Legal

37

**COVER ILLUSTRATION:** This pre-foliage photo was taken at Card Brook in Ellsworth by Assistant City Clerk Amanda Tupper. Card Brook is among many Maine streams that has drawn the attention of the U.S. Environmental Protection Agency.



# Maine Municipal Employees Health Trust

**INNOVATIVE  
PROGRAMS**

**QUALITY  
BENEFITS**

**EXCEPTIONAL  
SERVICE**

**For 30 Years...**  
*The Difference is Trust.*



**1-800-852-8300** [www.mmeht.org](http://www.mmeht.org)





## A Message From MMA



by Peter Nielsen, MMA President and Manager, Town of Oakland

### Maine Municipal Dues Process, Adjustments

Most of us in municipal government have faced the prospect of trying to address one problem without creating another. We reach a point where we know that a needed change will suit some people and not others. We usually make the best decisions we can, explain them clearly and see what happens.

The Maine Municipal Association Executive Committee has been working on a balance beam like this for the last year on the matter of calculating member dues, which are an important source of revenue for the association. A 30-year-old formula designed to prevent sharp annual changes served us well for years but, over time, enough variance accumulated among members to deserve our attention.

In order for dues to more closely follow changes in population and property valuation among members – which is the formula that we use to calculate dues – new software and a transition plan have been developed. The software and implementation plan are designed to bring individual member towns' dues closer to an ideal representation of growth or contraction in our communities.

The Executive Committee deliberated on the best amount of time to implement the changes and settled on a gradual path to improvement, as a corrective to a situa-

tion 30 years in the making. I am proud of your Executive Committee's willingness to tackle a difficult issue and to seamlessly implement a needed change. The new software will more correctly and fairly allocate the dues that, in part, sustain our organization. Roughly equivalent but small numbers of communities will see dues increases and decreases in 2014 to begin this equalization process. Most members' dues will remain relatively stable.

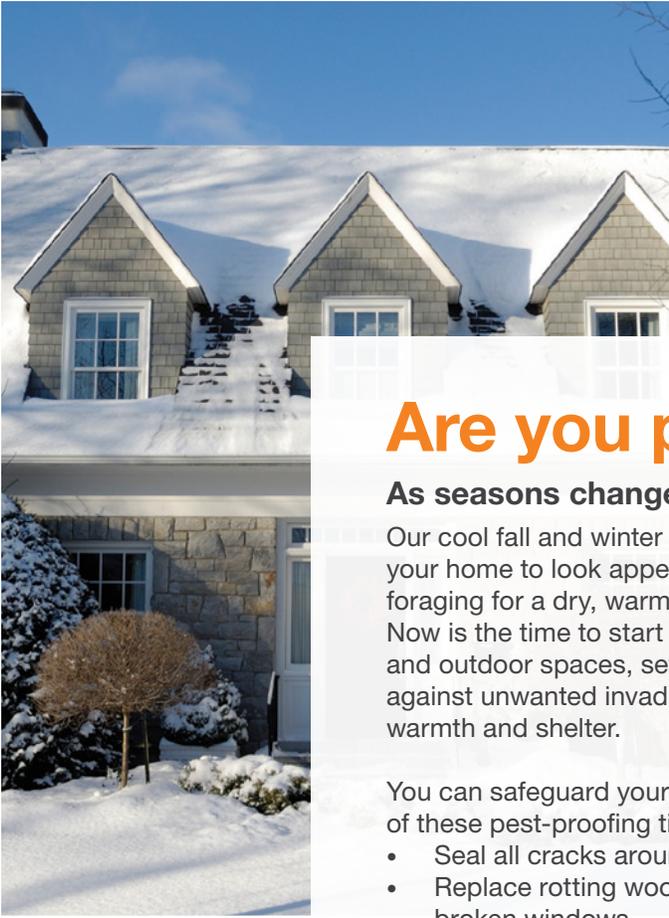
We rely on the recent membership survey results (*P. 20, August/September 2013 Maine Townsman*) that indicate your satisfaction with the value you receive as part of your membership in MMA. Please know that this recent months' long study and discussion were intended to keep dues as fair and evenly distributed as we can. 

---

**Please note:** *If you would like more specific information on how the new membership dues formula will affect your municipality in 2014 and beyond, contact Theresa Chavarie, Manager of the MMA Executive Office and Member Relations, at [tchavarie@memun.org](mailto:tchavarie@memun.org) or by telephone at 1-800-452-8786 ext. 2211. Theresa will be happy to respond to your questions and/or refer to MMA Executive Director Chris Lockwood and MMA Deputy Director Stephen Gove. Thank you.*

---

LOCAL GOVERNMENT  
*begins with* YOU®



## Are you prepared?

### As seasons change, so do pest threats.

Our cool fall and winter temperatures may cause your home to look appealing to harmful pests foraging for a dry, warm place to spend the night. Now is the time to start “winterizing” your home and outdoor spaces, setting up lines of defense against unwanted invaders seeking your food, warmth and shelter.

You can safeguard your home by following some of these pest-proofing tips:

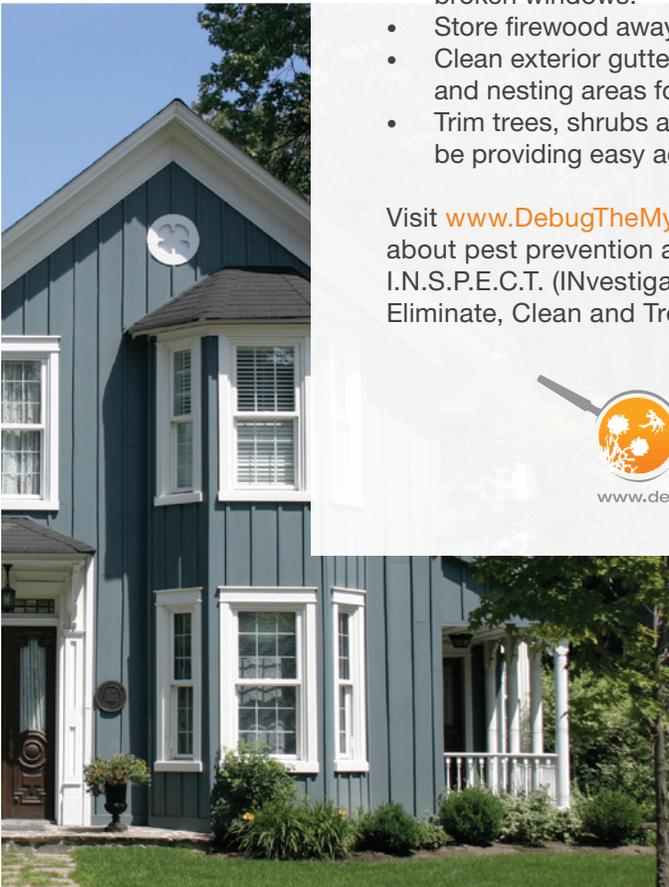
- Seal all cracks around windows and doors.
- Replace rotting wood, torn screens and broken windows.
- Store firewood away from your home.
- Clean exterior gutters to eliminate buildup and nesting areas for pests.
- Trim trees, shrubs and other foliage that might be providing easy access to your home.

Visit [www.DebugTheMyths.com](http://www.DebugTheMyths.com) to learn more about pest prevention and effective ways to I.N.S.P.E.C.T. (INvestigate, Study, Prepare, Eliminate, Clean and Treat) pests.



**Debug  
The  
Myths**

[www.debugthemyths.com](http://www.debugthemyths.com)



# Best to Get Ahead of 'Impaired' Waterways

By Glenn Adams

When it rains in Maine, and especially when it rains long and hard as it did early this past summer, the runoff from roofs, parking lots and other flat surfaces carries a nasty brew of pollutants to waterways in cities and towns all over the state. While environmentalists and government officials have long recognized the problem, it is getting heightened attention now.

Pollutants run the gamut from nutrients like phosphorus and nitrogen to heavy metals including lead and zinc, as well as other toxins with potential human health implications, a recent petition to the federal Environmental Protection Agency says. They can also come in the form of oil and grease drippings from vehicles in parking lots, salt, pesticides, animal waste, leftovers from pre-regulation industrial operations and household hazardous wastes.

The biggest threats are in urbanized and developing areas, which have the most impervious surfaces and where industrial and commercial activities have been conducted for decades or have recently appeared.

In Saco, for instance, Goosefare Brook starts in a rural heath but soon wends its way into a built-up portion of the city, where it becomes a conduit for runoff from old and newer business sites. The situation hasn't gone unnoticed there or in other town and city halls, but it gained new prominence on July 10 when the groups American Rivers, Conservation Law Foundation and the Natural Resources Defense Council jointly filed a petition with the EPA highlighting the storm-

water runoff threat in Maine and in other New England states.

"We are taking steps we need to, knowing there is an issue," said Angela Blanchette, Saco City Engineer.

The City of Bangor has also taken action to protect local streams. The city created a stormwater utility, similar to a water or wastewater utility, in which fees are based on the amount of impervious surface a property has. Stormwater management costs are shared by private property owners as well as nonprofits and tax-exempt properties such as government agencies.

## EPA PETITION

The petition before the EPA asks the agency to determine that stormwater discharges from new and existing commercial, industrial and institutional sites contribute to water quality standard violations, and therefore need federal Clean Water Act permits. In effect, that would mean adoption of strategies to prevent violations.

"This could be very far-reaching. There could be a huge price tag attached to it," said Tamara Lee Pinard, Stormwater Program Manager for the Cumberland County Soil & Water Conservation District. With a response by the EPA pending, "We don't know where this is going."

The petition cites the EPA's finding that "stormwater runoff in urban and developing areas is one of the leading sources of water pollution in the United States." The document says that by the year 2000, such runoff was responsible for 38,114 miles of impaired rivers and streams, 948,420 acres of impaired lakes, plus 2,742 square miles of tainted bays and estuaries. Health implications aside, there are threats to

fish and wildlife habitats.

Some municipalities are awaiting word from the EPA before deciding what to do.

"We're aware of (the petition), but don't really know the impact," said David Jones, Director of Public Works in the City of Lewiston, where Hart and Jepson brooks are listed among the so-called impaired waterways. Seven inches of rainfall in that city last June, and similar totals throughout the state, certainly contributed to the runoff.

Pinard's agency, which works with municipalities in Cumberland and

## 'IMPAIRED' WATERWAYS

Three environmental groups' petition to the EPA regional office references 157 "impaired" waterways in Maine affected by pollutants carried by stormwater runoff. The state DEP trimmed the list to nine that it says fit the petition:

Hart Brook and Jepson Brook,  
Lewiston

Card Brook, Ellsworth

Whitney Brook, Augusta

Concord Gully, Freeport

Goosefare Brook, Saco

Pejajawoc marsh and Sucker Brook,  
Bangor

Logan Brook, Auburn

*Glenn Adams is a freelance writer from Augusta and a new contributor to the Maine Townsman, gadams6786@aol.com*

York counties including the City of Portland, in 2009 implemented a management plan for runoff into Long Creek. The plan involves public as well as private, regulatory and nonprofit entities, said Pinard.

Long Creek flows through Portland, South Portland, Scarborough and Westbrook, and more than 100 public and private entities own properties in its nearly 3.5-square-mile watershed, according to Perkins Thompson, a Portland law firm involved in the administration of the management plan for the waterway.

It lists actions such as restoration of stream banks and stream channels, detention systems, soil filters and vegetated swales among a range of other measures to prevent runoff pollution, and implemented agreements for the landowners to pay for the work.

Jim Katsiaficas, a Perkins Thompson attorney involved in the Long Creek management plan, said that after four years of actions portions of the creek are showing signs of water quality improvement.

“Long Creek Watershed Management District is a model for urban stream restoration, at least for some situations,” Katsiaficas wrote in an email. Owners of properties, which include commercial and light industrial operations, along with municipalities and state agencies, are assessed an annual per acre fee to support the district’s activities.

Katsiaficas noted that the federal Clean Water Act requires states to list

urban impaired water bodies and to prepare total daily maximum loads for discharges, but the law does not state who is responsible for restoration of those water bodies. Implicit throughout federal environmental laws is the principle that the polluter pays, he said.

As part of the Long Creek restoration effort, runoff is stored in chambers under the Mall Plaza parking lot in South Portland until the water can be purified and then released. Also at the Mall Plaza lot, stormwater is diverted to a giant filter of sand, soil and

bark mulch to be purified before it can reach Long Creek.

Other solutions for controlling runoff can include such actions as retrofitting areas with basin systems that hold and treat stormwater, and reducing hard surface covers in new developments.

### ‘YARDSCAPING’

On the preventive side, the Cumberland County Soil & Water District has promoted efforts such as “Yard-Scaping,” which encourages homeowners to reduce the use of herbi-



Card Brook in Ellsworth runs through some developed areas. (Photo by Amanda Tupper)

*Engineered to be the perfect fit*

**United to better serve you.**

What happens when two reputable Maine firms come together? You gain access to 70 civil, environmental, structural, and surveying specialists dedicated to delivering sensible solutions. With experienced staff located across six offices we can serve you better.

*Let us prove it to you.*

**CES INC**  
ENGINEERING · SURVEYING · PLANNING · SCIENCES

207.989.4824  
Six Locations in Maine  
Learn More at [www.ces-maine.com](http://www.ces-maine.com)



cides, insecticides and fertilizers that could wind up in the waterways.

The petition before the EPA makes reference to 157 large and small lakes, rivers and streams that did not meet Maine's water quality criteria. But the state Department of Environmental Protection has said that only nine waterways actually fit the criteria set forth in the petition. They include the two in Lewiston, Card Brook in Ellsworth, Whitney Brook in Augusta, Concord Gully in Freeport, Saco's Goosefare Brook, Sucker Brook and Pejajawoc wetlands in Bangor, and Logan Brook in Auburn.

The request before the EPA's Region 1 is groundbreaking in several respects and could impact regions beyond New England. Rebecca Hammer, attorney for the Natural Resources Defense Council, said similar petitions were filed simultaneously in Regions 3 and 9, which cover the Middle Atlantic and southwestern-Pacific regions, respectively.

While her group has filed petitions previously in Maine, Massachusetts and Vermont, Hammer said she's not aware of any such requests outside of New England prior to the July 10 filing. She said the petition also breaks new ground by asking for action over much wider geographical areas and on a categorical rather than site-by-site basis.

"If granted, they would lead to stormwater management requirements for a large number of previously unregulated pollution sources, which would be a big step forward," Hammer said in an email.

Pinard said the request could also be far-reaching in that it addresses new and existing sites.

The petition suggests that municipalities' best interests are in addressing stormwater runoff.

"Discharges from commercial, industrial and institutional sites are burdening municipal storm drainage systems and preventing attainment of water quality standards even where municipally owned infrastructure is properly controlled," it states.

To Pinard: "The take home message is that if you aren't looking at your municipal practices and their potential to impact water quality, you should – and start conversations with your business community." 

## OLVER ASSOCIATES INC. ENVIRONMENTAL ENGINEERS

- Wastewater Process Engineering
- Treatment Facility Upgrades
- Sewer Infrastructure Design
- Stormwater Management
- Operations Assistance & Training
- Municipal & Civil Engineering

P.O. Box 679  
290 Main Street  
Winterport, Maine 04496

Telephone: (207) 223-2232  
Fax: (207) 223-5448



## Development Leading the charge

New staff? Conflict with your Board? Financing headaches? Ethics question? Our wealth of experience across all disciplines of municipal management can help guide municipalities through growth and transition and daily challenges. We can take those challenges head on with our team of experienced professionals.

## Municipal Leadership

Eaton  
Peabody  
Consulting Group

AUGUSTA | BANGOR | BRUNSWICK | ELLSWORTH | PORTLAND

1-800-564-0111 | [eatonpeabody.com](http://eatonpeabody.com)

# - 2013 -

## 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 the rights and duties of elected officials?
  - Can elected officials hold multiple offices?
  - Which meetings are open to the public?
- Must there be an agenda and minutes taken?
  - What ordinances can be enacted?
- What authority do elected officials have over schools?
  - What liabilities and immunities exist?
  - What is a disqualifying conflict of interest?

If you're wondering about these things, sign up for MMA's Elected Officials Workshops and hear our experienced attorneys and instructors discuss the important duties of elected officials, have your questions answered and more! These courses are perfect opportunities 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 meets state FOAA training requirements (Right to Know)**

### Public Side of Private Sector Development

While some major proposals start with the private sector, they have major public impacts. How can municipal leaders use existing laws to balance the need for economic development and Maine jobs versus environmental and other concerns from citizens?

The law firm of Bernstein Shur and Maine Municipal Association are pleased to announce a special, half-day seminar to examine the legal aspects of private-sector development projects. Four attorneys, experts in municipal and regulatory law, will teach attendees about property tax implications, tax increment financing options, zoning laws and other matters to consider when business and industry propose a major project in your municipality.

Among the specific topic areas to be explored: land use implications; property-tax implications; tax-increment financing; and, more. Speakers will include attorneys Mary Costigan, N. Joel Moser, Shana Cook Mueller and Philip Saucier, all from Bernstein Shur.

### EOW Date & Location:

**Lewiston – 12/12/2013**  
490 Pleasant Street  
Lewiston, ME 04240

### Public Side of Private Sector Development

### Date & Location:

**Augusta – 12/10/2013**  
Maine Municipal Association  
60 Community Drive  
Augusta, ME 04330



Maine Municipal Association  
60 Community Drive – Augusta, ME  
1-800-452-8786

**Registration is Easy!**

<http://www.memun.org/public/MMA/svc/training.htm>

# Sands of Time: Pipeline Proposal Spurs Actions

By Douglas Rooks

From time to time, towns and cities are asked to weigh in on issues that go well beyond their boundaries. One recent example is a campaign to stop the possible transmission of tar sands oil from Alberta through an existing pipeline that for seven decades has carried oil from South Portland to refineries in Montreal.

The petroleum storage tanks in South Portland were built as a wartime measure in 1941, and since early in World War II the pipeline has directed oil northward. But with Canada's emergence as one of the world's largest exporters of petroleum, there's been interest in reversing the flow of one of two remaining pipelines, now idle, so it could carry oil from Montreal south.

The route could supplement Alberta oil flowing through the Keystone XL pipeline that has become a national issue. The pipeline also would carry oil to Louisiana's Gulf ports if it wins U.S. State Department approval. Officials with the Portland-Montreal Pipe Line Co. (PMPL) say there are no current plans to route tar sands oil through the idle line, but that they would be open to such a request from Canadian exporters.

Area activists, and nine cities and towns in western and southern Maine, are weighing in.

Casco was the first town, in January, to express concern about reversing the pipeline flow through a resolution. In November, South Portland will vote on a petitioned ordinance that proponents say would prevent expansion of petroleum-related operations on the waterfront, where oil is now pumped

from ocean-going tankers into the pipeline.

In the intervening months, seven other communities considered resolutions on the pipeline. Waterford and Portland approved measures in March, the later by a 7-2 vote of the City Council. Raymond gave its OK in April through the Board of Selectmen. In June, Bridgton, Harrison and Otisfield all approved resolutions at their annual town meetings.

But in Bethel, voters rescinded at the regular town meeting in June the ordinance that had been approved at a special town meeting in January – so far, the only setback for proponents of preventing the southward flow of oil through Maine.

In Casco, there was relatively little controversy about the resolution. Several environmental groups had encouraged local activists to take their case before their municipal boards last fall and many, but not all, towns and

cities took up the issue.

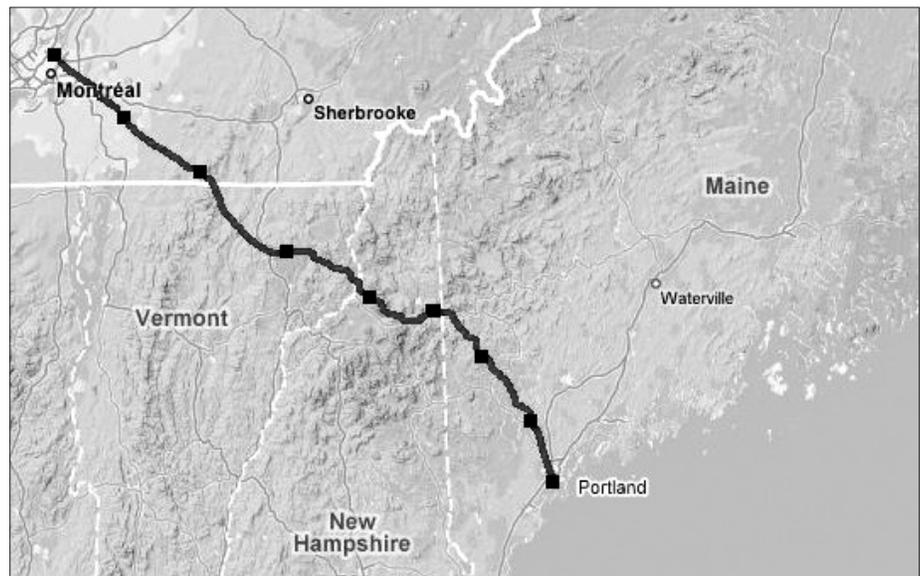
Emily Figidor, executive director of Environment Maine in Portland, said the group held informational sessions in Windham and Raymond during the summer and during the fall in South Portland.

The Casco ordinance was approved in its original form by a strong, though not unanimous show of hands, said Town Manager David Morton.

The resolution states: "The Town of Casco expresses its opposition to the transport of tar sands oil through Maine and its deep concern about the risk that such transport creates in relation to public health and safety." It calls upon the town to distribute copies to a host of federal and state agencies.

## GETTING ATTENTION

The campaign then got the attention of PMPL officials, who began appearing at town meetings with requests



Map shows route of South Portland to Montreal pipeline.

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

to speak in opposition. They were denied that opportunity in Bethel in January, perhaps inadvertently, said Town Manager Jim Doar. The special town meeting had been called to approve management practices for a town-owned forest parcel, and the pipeline vote was known mostly to activists, who appeared in force after selectmen approved the article for the warrant only 10 days before the meeting.

PMPL leaders did speak in Waterford at its March town meeting, but residents approved a resolution similar to Casco's anyway, by a vote of 56-34. The resolution had earlier narrowly survived a tabling motion, 45-43.

The pipeline extends 7.8 miles through Waterford along the Crooked River, passing by Papoose and McWain ponds. One of two Maine pumping stations is in North Waterford.

"After hearing from experts on both sides, and after more than an hour of discussion, the people of Waterford have spoken," Selectmen Chair Randy Lessard said.

Things got more complicated in Raymond. In February, the five-member board of selectmen was presented a petition similar to those adopted in Casco and Waterford, and several of

them objected. Selectman Mike Reynolds then volunteered to draft another resolution, which he presented at the board's March 5 meeting. The selectmen voted to table it, 3-2, however, with Reynolds provided the decisive vote against his own resolution.

Selectman Joe Bruno, a former minority leader in the state House of Representatives, said he objected to the campaign for the resolution backed by Environment Maine. "What's going to happen is they're going to say Raymond just jumped on this bandwagon," Bruno said.

But at its April 2 meeting, the selectmen unanimously adopted the resolution, with Reynolds attributing his turnaround to talking with residents and the Healthy Waters Coalition, a local group. "I had all my questions answered," he said, "and I am very comfortable with the resolution."

Raymond's resolution was called "balanced" by John Quinn, executive director of the New England Petroleum Council. Unlike the Casco and Waterford resolutions, which discuss global warming and the reputed corrosive effects of tar sands oil, the Raymond document focuses on following proper procedures, and "to use the

same due diligence as with any project of this nature."

June town meeting votes were all decisive in Bridgton, Harrison and Otisfield. Bridgton approved it 288-177, Harrison by 156-59 and Otisfield by an overwhelming voice vote. The Bethel vote to rescind the January resolution was closer, but not close enough to require counting, according to Jim Doar.

## **SOUTH PORTLAND 'CONSEQUENTIAL'**

While the seven towns and the City of Portland all considered resolutions that wouldn't directly affect pipeline construction, both proponents and opponents agree that South Portland's waterfront ordinance, to be voted on Nov. 5, could be far more consequential.

The ordinance, submitted by citizen petition, would prevent PMPL from expanding its operations in a way that is necessary to accept tar sands oil, effectively capping petroleum handling to current levels, according to proponents. Opponents say its impact could be broader and might affect non-petroleum businesses in the waterfront zone.

Not in doubt is the high level of



# **ONE NAME STANDS BEHIND ALL THE OTHERS.**

**Milton** 

[www.miltoncat.com](http://www.miltoncat.com)

Scarborough, ME • 207-883-9586  
Brewer, ME • 207-989-1890

public interest. Once the proposed ordinance had been drafted, organizers needed just 11 days to gather signatures. They reported submitting 3,779 signatures to the city clerk's office; 950 were needed to get the measure on the ballot.

Businesses have taken positions on both sides of the measure, which many are comparing to a 1980s vote in Portland which limited non-marine uses of the waterfront, when office expansion was seen as a threat.

The city council discussed the ordinance after it was presented, and then voted 5-1 to send it out to referendum. One councilor said the council should adopt it outright.

Linda Cohen, a former City Clerk in both South Portland and Portland who was elected to the council in 2012 (and is a Maine Municipal Association Executive Committee member), says she doesn't think the ordinance is an appropriate response to the tar sands issue.

"I think we're all uncomfortable with the idea of tar sands oil flowing through the pipeline, but there's no proposal before the city and no indication that there will be," she said.

Taking steps to bar a process that may never be brought forward is premature at best, she said.

Instead, voters should have faith that the existing zoning ordinance can produce a fair decision. "I have every confidence the city's interests will be protected," she said.

Though he, too, voted to send the ordinance to referendum, Mayor Tom Blake is a strong supporter, and believes the issue could determine the city's direction for decades to come. He said there are "international implications" to the way South Portland responds to the tar sands question. He

## TAR SANDS ACTIVITY

Here is a partial list of communities that considered, or will consider, taking action in the form of a resolution or ordinance concerning the proposed "tar sands pipeline:"

South Portland

Portland

Raymond

Casco

Otisfield

Harrison

Bridgton

Waterford

Bethel

# Got Brush, Yard Waste & Trees?



## Attention Municipalities, Cities & Towns...

*Oldcastle Lawn & Garden in Poland Spring...your best local  
source to dispose of brush, yard waste and trees.*

No out of pocket costs

No need for grinding leaves

No cost for removal (large loads)

*Let us help you keep your site clean!  
Annual removal available with just a phone call!*

 **Oldcastle®**  
Lawn & Garden  
481 Springwater Road  
Poland Spring, Maine 04274

**Please contact:**

**Aaron Boone 207-557-8218 or Kerry Varney 207-754-3671**

and his wife, Dee Dee, were the last signers of the petition before it was submitted.

### A CHANGING CITY

After serving 28 years with the South Portland Fire Department, Blake decided to run for city council. He said that he's been interested in the environment ever since he was in secondary school, growing up in a neighborhood "with an oil tank for a neighbor."

Blake speaks highly of PMPL's commitment. "They've been a wonderful corporate neighbor, and they provide good jobs for the community."

But Blake also says that South Portland is changing. He points to public support for the renovated, expanded and LEED-certified high school, undertaken entirely with local funding, and the 2007 adoption of the Mayor's Climate Agreement, which commits the city to reducing its carbon footprint.

He'd like to see the PMPL operation gradually shift to a "clean energy" focus and away from petroleum, and said the city would support such a

transformation in any way it can. In the meantime, drawing a line against any tar sands project is important, he said.

In the smaller towns, there is some question about whether the time and energy spent debating an issue like tar sands is really worthwhile.

"We can't affect the process directly; we have no regulatory authority," observed Bethel's Jim Doar. He questions whether a vote pro or con – Bethel has had both – advances the town's

interests when there are so many other issues that citizens need to consider.

But in Casco, David Morton said that selectmen are legally required to put properly prepared petitions before the voters. He said he'd never seen an issue quite like the tar sands petition presented during his 36 years as town manager, and it was evident during town meeting that there was a high level of "It's the people's decision, after all," he said. 

## JOIN THE IAAO STATE OF MAINE CHAPTER

**Get two years for the price of one!**

Available to first time applicants or past members that have been inactive more than two years. **Only \$30! Don't wait!**



**Deadline for applications is 11/1/2013**

**Contact Julie Romano at 207-363-1005x261**

**or e-mail: [jromano@yorkmaine.org](mailto:jromano@yorkmaine.org)**

## SIMPLE. CONVENIENT. COST-EFFECTIVE.

**Gorham Leasing Group** offers Maine business and municipal customers a range of fixed-rate leasing programs for both new and used equipment, with 100% financing and minimal down payment.

Have questions? We have over 25 years of experience in municipal leasing, and can provide you with the answers you need and a plan that works for you.

**Toby Cook, President**

207-222-1486

[tcook@gorhamsavingsbank.com](mailto:tcook@gorhamsavingsbank.com)

63 Marginal Way | Portland, ME 04103

**Gorham**  
LEASING GROUP

Gorham Savings Leasing Group, LLC

Gorham Savings Leasing Group LLC is an affiliate of Gorham Savings Bank. Member FDIC.

# Auburn Gains Insight Through Fire Academy

By Liz Chapman Mockler

When Megan Laflamme watches a fire truck roaring to the scene of an emergency, she sees far more than bright yellow slickers and a cherry red tanker.

As a graduate of the first Citizens Fire Academy sponsored by the Auburn Fire Department, Laflamme knows what nearly all other city residents do not: That fighting fires might be the most visible sign of a fire department, but the education, training, budgeting and team spirit is what occupies most of the department's time.

And, it's what results in fast and effective emergency work.

"It exceeded all of my expectations and I truly miss our once-a-week classes," Laflamme said.

"I learned a ton about the fire service, the dedication of the firefighters, and I even learned about myself – my personal limits, my physical capabilities and my way of thinking of the fire service," she said.

The idea of the Citizens Academy initially was met with a bit of resistance and skepticism from firefighters and their supervisors, according to Fire Chief Frank Roma, who brought the successful program to Maine from Texas, where he worked for more than 20 years until being hired in Auburn last year.

But once the crew understood the goals of the academy, there was strong support, with a number of firefighters volunteering to teach classes and give students on-the-ground training and experience, Roma said.

"The (firefighting staff) got as much out of the Academy as the students," Roma said. "I knew once the

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

students got to know our people they'd be blown away and they were."

The chief also credited the Maine Municipal Association's Risk Management Services Department, which insures most of the state's fire departments. Roma said MMA staff had initial safety concerns, but supported the idea after hearing a detailed outline of the program.

Roma said he budgeted \$1,800 for the Citizens Academy, but final costs came in under projections. The department runs on about \$4 million a year.

## BEHIND THE SCENES

"The academy gives citizens an idea of what firefighters really do," Roma said. "We need to help citizens better understand what happens behind the scenes. This program lifts the curtain on that and gives students a level of understanding that allows them to become the best advocates for us in the community."

Roma said the 10 students were astonished at the totality of what must be done to operate an efficient and effective fire department. When they were taught about the annual budgeting process, they were in awe of the price of equipment and other necessities. They got an unvarnished look at all expenses and were wide-eyed, Roma said.

"It was a chance to better educate the taxpayers who provide the resources to operate the department on a daily basis," Roma said.

John Plourde, the oldest of the Academy students, praised Roma for developing an "extraordinarily unique" program. He said he didn't know how Auburn recruited Roma from Texas, but described him as "an exceptional person."

Plourde said he would not only recommend the Academy to other residents, but he also urged city councilors to join the next class to fully understand the level of education, training, skill and teamwork he found while attending the classes.

"They are just so much more than firefighting," Plourde said of the department.

The Academy began with a pre-test for enrollees, a review of academy policies and agreements and a tour of the administration and firefighting operations, as well as the 9-1-1 dispatch



*A citizen rappels down a building in Auburn. (Submitted photo)*

center.

Students were briefed on safety precautions and rules as they moved through the various classes, which allowed them to climb a 100-foot aerial ladder on a fire truck, learn to handle a fire hose and get a close-up look at how firefighters rescue people from vehicles, among many other hands-on exercises.

Roma said he used the successful Texas model, but adapted it for Maine. "We didn't do a lot of ice rescues in Texas," he explained.

### EXTENSIVE EXERCISES

The Academy also focuses on the nuts-and-bolts of running the department, including hiring procedures, the chain of command, "ride out" rules and the history of the Auburn fire service.

Students committed to one night a week and two Saturdays a month, Roma said. Other classes included:

- Training on self-contained breathing apparatus, or SCBA; personal protective gear; and wearing the SCBA and gear while simulating a fire room search and using a thermal imaging camera.
- Tours of various fire stations and the department's training facility and a chance to suit up and extinguish a car fire and a house fire.
- An explanation of paramedic capabilities and the LifeFlight service and a demonstration of medical equipment and a medical emergency.
- Special rescue exercises, demonstrations of hazardous materials operations and high-angle rescues, and water rescue and fire extinguisher training.
- Emergency management, disaster preparedness and fire prevention, inspections and investigations.
- A review of the Juvenile Firesetter Program.
- CPR certification taught by the Red Cross.
- Rappelling down the side of a building and driving fire trucks and other vehicles in a closed course.

In a questionnaire following the classes, graduates were asked for reactions and feedback on the program. When asked what the least favorite part of the academy was, one student answered: "There was none." Another student, responding to the question of what was his favorite part of the acad-



*Responding to an automobile 'accident.'* (Submitted photo)

## Rent a Writer

Freelance journalist available to write municipal board minutes, press releases, web content and help with other municipal-related projects.

Pay by the hour or by project.

*For more information contact Liz Chapman Mockler*

Phone: 207-213-6285 | Email: [lizmockler@hotmail.com](mailto:lizmockler@hotmail.com)

### Dirigo News & Consulting Services

## Engineering a Sustainable Environment

WATER | WASTEWATER | INFRASTRUCTURE



**WRIGHT-PIERCE**   
Engineering a Better Environment

Offices Throughout New England  
888.621.8156  
[www.wright-pierce.com](http://www.wright-pierce.com)

emy, wrote: "Everything!"

There were no negative comments from any of the graduates, whose families were invited to the final class to see the students receive certificates and talk about the future of the department.

### OVERCOMING FEARS

Fire Captain Don Flanagan agreed with Roma that the firefighters enjoyed the academy as much as the students. He was impressed "on many fronts" with the students, including facing and overcoming their own fears.

"Their willingness to cast away their fears and accomplish something that they did not think was possible was the thing that impressed me the most," Flanagan said, adding that he already was looking forward to next spring's Academy.

Firefighter Zach Braband, who volunteered to teach classes as well as lead hands-on exercises, said the students obviously paid attention while at their desks because of their success

and knowledge they had when the program began incorporating actual on-the-ground exercises.

"Being a public servant, I find it extremely important to offer a window into a service some may know very little about," said Braband, an Auburn firefighter for seven years.

"What I observed during our first

Citizens Fire Academy was a fortunate opportunity for community members to experience 'their' fire department. It also allowed the firefighters to demonstrate the services which citizens fund."

Megan Laflamme, a graduate of the first Academy, said she wished it lasted longer than 10 weeks. She en-



*Taking a break during the Citizens Fire Academy. (Submitted photo)*

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

**MMA's services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs.**

For more information visit the MMA website:  
[www.memun.org](http://www.memun.org)



**60 Community Dr., Augusta, ME 04330**

**BUSINESS FORMS & COMPUTER SUPPLIES**



**HYGRADE BUSINESS GROUP**  
formerly Merit Integrated Products

**Providers of Print Management, Business & Marketing Solutions**

**CALL FOR INFORMATION ON:**

- ASSESSING
- ACCOUNTING
- OUTSOURCING of TAX/UTILITY BILLING
- UTILITY DISTRICTS
- ENVELOPES

MICHAEL E. PARKER  
HYGRADE BUSINESS GROUP  
P.O. BOX 439  
WATERVILLE, MAINE 04901  
Phone: 1-800-243-7992  
Email: [mparker@hygradebusiness.com](mailto:mparker@hygradebusiness.com)  
Web: [www.hygradebusiness.com](http://www.hygradebusiness.com)

*Serving Municipalities of Maine Since 1945*

joyed all aspects of the program and was amazed at the skill and professionalism of the firefighters.

She was among the students who learned a lot about herself as she learned a lot about the Auburn Fire Department and its staff.

Laflamme, 32, had firmly decided that she could not repel down the side of a building. Her lifelong intense fear of heights paralyzed her. After all the other students finished the exercise, the chief asked her to reconsider her decision, as did many of the firefighters.

She finally agreed after firefighters promised one of them would rappel alongside her.

"I have never in my life felt as supported as I did on this day," she said. "The fire department seemed to wrap me up in their arms that day. I felt comfortable with my descent and will never forget the feeling of accomplishment when my feet hit the ground. Shaking out of control, I hugged several of the firefighters. They will never know the impact they had on my life that day."

Chief Roma said he would urge

other fire departments to sponsor citizen academies and offered to help fire officials throughout Maine to develop programs.

"I am more than willing to do anything I can for other departments to help them reap the benefits this program offers," he said. [ml](#)



Chief Roma (center) with Citizens Fire Academy attendees. (Submitted photo)

**EASY  
WEB DEVELOPMENT  
AHEAD  
WWW.GOVOFFICE.COM**

**gov**  
office

Serving over 1,000 local governments | Sponsored by the Maine Municipal Association  
**The Easy - Affordable Municipal Web Development System**

# The Municipal RISK MANAGER

OCTOBER 2013

A Publication of the Maine Municipal Association

## Big Dollars Slip and Fall Away

A recent analysis of MMA Workers Compensation Fund claims with losses greater than \$50,000 finds that the leading causes are trips, slips and falls, with 28% of the total. Materials handling (lifting/moving, push/pull and repetitive motion) represents 34% of the total. During a 5-year period (2008-2012) 48 trip, slip, fall claims, each over \$50,000, accounted for more than \$6.1 million in losses. 34 of the 48 (71%) claims occurred in four departments, led by schools (12) and public works (10). \$4.6 million (76%) of the \$6.1 million total came from the same four departments (schools, public works, police/sheriff and fire/rescue). Of this, \$1.7 million are trips, slips, and falls in schools.

While these numbers are “eye-opening” they are not surprising. In all occupations nationally, trips, slips and falls are a leading cause of worker injuries. According to the U.S. Bureau of Labor Statistics, fatal trips, slips and falls took the lives of 668 workers in 2012. Falls to a lower level accounted for 544 or 81% of these fatalities. Approximately 75% of these fatalities were from falls at heights less than 30 feet and 25% were falls from 10 feet or less.

A review of the individual trip, slip and fall claims does not identify any profound trending towards cause or type of injury. Some result from unsafe conditions but the majority are from human error, unsafe acts and simple carelessness. In the absence of trending towards identifiable activities or job tasks, there are few specific loss control measures to be taken. It is important that we do the “basics” well, raising awareness and maximizing the use of available loss control tools. The RMS

Loss Control Department will make reduction of trip, slip and fall injuries a priority in 2014. There is much that you can do, such as eliminating obvious hazards, using safe work practices and understanding that these accidents don't just happen to someone else.

### Trip, Slip and Fall Prevention Resources:

MMA, RMS online training: <http://www.memun.org/RMS/LC/default.htm>  
Suggested topics: Fall Prevention, Office Safety, Ladder and Scaffolding Safety and Slip, Trip and Fall Prevention.

MMA, RMS website Safety Shorts: <http://www.memun.org/RMS/LC/SafetyShorts.htm>  
Suggested topics: Preventing Slips, Trips and Falls, Office Safety, Fall Protection Entering and Exiting Equipment, Aerial Work Platforms

MMA, RMS Safety Grants: <http://www.memun.org/RMS/LC/grant.htm>  
Safety Enhancement Grants are awarded twice each year in May and October. The grants provide funds on a 2:1 basis up to a maximum of \$2,000 for equipment that directly enhances employee safety. Grant requests that prevent exposures to trips, slips and falls such as non-slip footwear, safety harnesses, etc. are considered favorably.

Contact your assigned RMS Loss Control Consultant for facility inspections and work practice observations to identify and remediate trip, slip and fall hazards. Risk Management Services (207) 626-5583. 🏠



*Risk Management Services Loss Control Department helps municipalities to avoid slip trip and fall hazards during the MMA 2013 Convention.*

## Winter Hazards Checklist

Winter hazards such as snow and ice accumulations, high winds and widespread power outages can wreak havoc on business-as-usual, but implementing plans for minimizing risks before a winter storm hits can help you manage the event better.

MMA Risk Management Services has prepared a checklist of actions to consider in advance of an impending storm or when developing your winter hazard control plan.

### Ground Snow Removal

- Verify that snow removal personnel do not push snow up against roof drain outlets. Snow should be cleared from the outlets so that water can easily escape.
- Make sure that your fire protection equipment, hydrants, control valves, and fire pump rooms remain operational and accessible. Snow should be removed from around this equipment at all times.
- Keep all doorways accessible and remove snow to allow egress. This is especially important for emergency exits.

### Roof Snow Removal

- Solicit the services of a qualified roofing contractor if you need to remove snow. Ensure that all safety guidelines and applicable standards are strictly followed.
- Inspect roof drains to ensure that they are clear of snow and ice. An area around each drain should be cleared to allow water to reach the drain. Remember that your roof covering can be damaged easily, so plastic shovels should be utilized.

### High Winds

- Check the roof for loose flashing. If flashing is found to be loose, ensure that it is secured properly and that the screws used are long enough to adequately engage.
- Check for loose roof top equipment. Equipment may include electrical conduit, piping, communication and satellite dishes. Secure or remove

any equipment that is loose or may be blown off by high winds.

- Remove any foreign objects or debris from roofs.
- Remove ground level trash, debris, seasonal equipment or other objects that can become projectiles in high winds.
- Tie down and secure small structures such as storage sheds.
- Monitor the exterior of the building to ensure condition and repair damage as discovered.

### Power Outage

- Verify that emergency power equipment is operational.
- Test generators that you rely on and fill their fuel tanks. Remember to only use generators in safe well ventilated areas.
- Monitor building temperatures if your building heat source is lost. If temperatures fall below 40 degrees Fahrenheit, safeguards should be taken to protect water-based systems against freezing. ❄️

## LOYALTY REWARDED To Risk Management Services Members

All of us at MMA Risk Management Services (RMS) would like to recognize the extraordinary efforts and continued commitment of our members. We are pleased to announce that the Property & Casualty Pool and Workers Compensation Fund have awarded dividends to their respective members. Through the efforts of our membership, sound management, responsible underwriting and the favorable loss histories of the Property & Casualty Pool and Workers Compensation Fund members, RMS awarded **\$1,198,714** in 2013.

The Property & Casualty Pool distributed **\$549,365** in Dividends to its Members in 2013.

The Workers Compensation Fund distributed **\$649,349** in Dividends to its Members in 2013.



*Judy Doore of RMS Member Services delivers dividend check to Frances Hutchinson and Carroll Willette, Town of Linneus.*

# Handling Flammable and Combustible Liquids

To understand flammable and combustible liquids, it is important to know that it is the vapor, not the liquid, that is most hazardous. For example, explosions occur after mechanics drain a gasoline tank and mistakenly assume it is safe to commence repairs involving welding and/or brazing on the tank. Although the tank is empty of fluid, it contains gasoline vapors. If the vapor concentration is within the explosive range and a source of ignition is introduced, an explosion will likely occur. The storage, handling and use of flammable and combustible liquids is defined in National Fire Protection Agency (NFPA) 30.

The following work practices must be followed when handling flammable and combustible liquids:

- Flammable liquids shall not be stored in areas used for exits, stairways or normally used for the safe passage of people.
- Flammable liquids must be kept in covered containers when not in use.
- Flammable and combustible liquids must be stored only in acceptable containers.
- Grounding and bonding must be utilized when transferring Class I flammable liquids.
- Locations where flammable vapor-air mixtures may exist must have electrical wiring installed according to the requirements of 29 CFR 1910 Subpart S (Electrical):
  - Flammable vapor-air mixtures may exist under normal conditions: Class I Division I
  - Flammable vapor-air mixtures may ex-

ist under abnormal conditions: Class I Division II

- Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or portable tanks within a building by one of the following methods:
  - Through a closed piping system
  - From safety cans
  - By means of a device drawing through the top
  - From containers or portable tanks by gravity through an approved self-closing valve
- Transfer operations must be provided with adequate ventilation. Sources of ignition are not permitted in areas where flammable vapors may travel.
- Where flammable or combustible liquids are used or handled, except in closed containers, means shall be provided to dispose of leaked or spilled liquid promptly and safely.
- Transferring liquids by means of air pressure on the container or portable tanks is prohibited. This type of transfer may result in an overpressure that could exceed what the container or tank is designed to withstand. In addition, a flammable atmosphere could be created within the container or tank. This atmosphere would be particularly sensitive to ignition because of the increased pressure.

## Flammable Liquids Storage Cabinets

Only approved containers and portable tanks may be used to store flammable and combustible liquids. When a storage cabinet is used, the following

requirements must be met:

- Not more than 60 gallons of Class I and/or Class II liquids, or not more than 120 gallons of Class III liquids may be stored in an individual cabinet.
- This standard permits both metal and wooden storage cabinets. Storage cabinets shall be designed and constructed to limit the internal temperature to not more than 325°F when subjected to a standardized 10-minute fire test. All joints and seams shall remain tight and the door shall remain securely closed during the fire test. Storage cabinets shall be conspicuously labeled, "Flammable – Keep Fire Away."
- The bottom, top, door, and sides of metal cabinets shall be at least No. 18 gage sheet metal and double walled with 1 ½ -inch air space. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.
- Not more than three flammable storage cabinets (60 gallons) total 180 gallons; can be located in a single "fire area".<sup>1</sup>

Does the cabinet need to be vented? NFPA 30 does not require storage cabinets to be ventilated for fire protection purposes. Most purchased cabinets are provided with vent openings which if not used must be sealed with the bungs supplied by the manufacturer. Ventilation when provided must be installed to standard guidelines.

## Reference Standards:

- OSHA 29 CFR 1910.106
  - OSHA 29 CFR 1926.152
  - NFPA 30, Flammable and Combustible Liquids Code
  - NFPA I, Fire Code, Sections 60.1 through 60.4
- (Endnotes)

<sup>1</sup> A fire area is a room with 1-hour, fire rated walls and 1-hour fire rated doors. ■



## Workers Compensation Renewal Reminder



It is renewal time again and we are here to help. The renewal applications for the Workers Compensation Fund are due by October 18, 2013 and we want our Members to know that we are available to assist you. If you would like help with the completion of your application or just have questions, please contact Marcus Ballou (mballou@memun.org) or Judy Doore (jdoore@memun.org) at 1-(800) 590-5583.

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

# Get Ready To Turn On The Heat

The summer season is over, vacations are a faint memory and school is back in session. Soon, we will be cranking up the thermostat again. Now is the time to prepare your boiler for the heating season. Boilers require a certain amount of TLC to ensure safe and reliable operation. Be sure to be aware of, and to satisfy, all requirements of the jurisdiction having authority.

A boiler is a closed vessel that operates at a positive pressure when water is heated by burning a fuel. It appears to be a passive object and looks like nothing more than a large metal box. To the contrary, a boiler is a complex piece of equipment made up of sophisticated mechanical, electrical and electronic devices. Each component of the system was designed or chosen to work in conjunction with all other parts to make this automatic heater safe and efficient. Boilers must be serviced by highly skilled technicians who comply with manufacturer's guidelines. Malfunction of the boiler or fuel burning equipment can result in catastrophic failure causing an explosion or fire.

## At least once a year, every boiler should:

### Have waterside cleaned

Heat from the fuel is transferred through the boiler metal to the water inside. Scale and sludge from chemicals and impurities in the water can accumulate on the inside surface of the boiler and act as an insulator resulting in more fuel being burned for the same heat output. The furnace runs hotter than normal, metal temperatures are higher, stress and fatigue affect the structural integrity and more money is spent on fuel.

### Have firesides cleaned

Carbon and hydrogen are the major components of fuels burned in boilers. Hydrogen reacts with oxygen and produces water when burned. When the boiler is operating at low loads or intermittently, this water vapor can condense and cause corrosion and rust buildup. Carbon reacts with oxygen and produces carbon dioxide when burned completely. Carbon also

causes soot when it is not completely burned. Soot acts as an insulator on the furnace side of the boiler metal and causes the same results as scale, in addition to flashback or a furnace explosion.

### Be visually inspected

The watersides and firesides should be visually inspected after being cleaned. The watersides should be examined for signs of corrosion and pitting, remnants of scale and sludge, erosion, cracking, and any other abnormal condition. The fireside should be examined for flame impingement, pockets of soot, damaged refractory, damaged seals and gaskets in the gas passage, and indications of leaking.

### Have all controls and safety devices tested

Open the ends of all headers that controls are connected to verify there is no blockage. Remove plugs from all four-way T's and clean. Open all electrical connection boxes, retighten all connections and clean before reinstalling cover. Dismantle and clean the low water fuel cutoffs. Test and reset all controls during startup before placing into operation.

### Have the fuel burning device cleaned and serviced

Remove the burner assembly, inspect, clean and replace any worn parts. Inspect the fuel system, including pipes, tubes, valves, storage tanks and meters. Adjust the burner for optimum combustion throughout and service the range of the burner and test all controls and safety shutoffs during startup before placing into operation.

### Have the electrical supply cleaned and tested

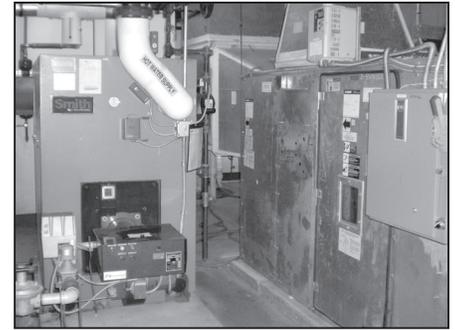
Panels should be cleaned, fuses removed and tested, and circuit breakers exercised.

## During the heating season, a qualified technician should:

### Weekly

-Test the low water fuel cutoff

-Blow down the water column and gauge glass



-Inspect for leaks and clean area around the boiler

### Every Three Months

-Test the safety valve by lifting the hand lever

-Open and close the bottom blowdown valve

### Annually

-Test and adjust burner operation

-Clean boiler and burner

-Verify operation of all controls and safety devices

-Maintain a current certificate of inspection if required 

## Welcome New Members

**Workers  
Compensation Fund**  
Town of Woodville

**Unemployment  
Compensation Fund**  
Town of Lyman



The Municipal Risk Manager

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

**Publisher:** Risk Management Services

**Editor:** Marcus Ballou

**Layout Designer:** Jaime G. Clark

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

1-800-590-5583 or (207) 626-5583

# Sabattus Chairman: Challenges & Rewards

By Liz Chapman Mockler

Mark Duquette, chairman of the Sabattus Board of Selectmen, recently answered questions about his public service, the challenges facing his Androscoggin County town of 4,600 residents and a sensitive situation involving a town volunteer, which resulted in the volunteer's resignation from three civic boards when faced with removal by selectmen.

**Q:** Why did you run for public office?

**A:** While serving on the planning board, I wanted to get more involved. The town was experiencing a significant transition, including a new charter and a change in form of government. Sabattus at that time went from its historic three-member board with an administrator to a five-member board/town manager form of government. It was the perfect opportunity to get involved and make a positive difference.

**Q:** What do you find to be most challenging as a Selectman?

**A:** Helping people understand that change is inevitable, and positive changes take time and proper planning.

**Q:** What do you like most about being a Selectman?

**A:** When a resident comes to our meeting upset about a particular issue and we are able to address it in a way that he or she feels they've been heard and their issue was or will be given honest consideration. Sometimes we are even able to make that person happy by the time they leave, which is always the ultimate goal if possible.

But the baseline expectation I have

for myself as an elected official is to make sure I sincerely show anyone willing to take the time to come see us that I am more than willing to work with them to resolve any issue they have to the best of my ability and within my role as a selectman. And most importantly, to then follow up and see the issue through to resolution.

**Q:** What do you think is the biggest issue facing your town at this time?

**A:** Reductions in Municipal Revenue Sharing, losses in education funding and reductions in other smaller revenue sources dealt a severe blow to our community this year. On the municipal side alone, our aggregate anticipated revenues dropped more than \$250,000 in FY 14 compared to FY 13. Of that amount, the loss of Municipal Revenue Sharing alone was nearly \$118,000. This comes after Sabattus had already lost more than a quarter-million dollars a year on average in Municipal Revenue Sharing over the past five years.

This year, after the municipal budget was already approved by voters in June, the selectmen came back to the table in August to reduce another \$75,000 from our budget to try and close the gap. We also reduced the overlay by more than \$91,000 compared to FY 13. The cuts resulted in the elimination of two positions and delaying some capital expenditures. But we just could not pass the entire reduction in revenues onto our already-strapped taxpayers.

The school budget failed to get approval from voters twice in all three towns in RSU 4, before the third budget proposal was finally approved, albeit by a narrow margin, at the end of August.

Even with the significant reduc-

tions in municipal expenses (our operating budget is actually less in FY 14 than it was in FY 13) the mil rate in Sabattus still increased by \$1.60 per thousand. Of that amount, \$1.04 was for school operations, 54 cents for town operations and two cents for county government.

It's been a tough year.

**Q:** You were recently confronted with an unusual problem: A man who served on several town boards posted a statement on Facebook that was considered by many people, including you and other town officials, to be a threat and slur toward President Barack Obama. You moved swiftly to seek his removal from the three civic boards on which he served; he resigned instead. Looking back, are you glad that your town acted proactively?

**A:** Absolutely. I and my fellow board members are all staunch supporters of freedom of speech, including expression of political rhetoric, regardless of a person's ideology or position. In fact, the Board of Selectmen in Sabattus right now is comprised of five individuals that span the ideological spectrum.

However, it is extremely important to know and accept the fact that this situation at its core was not about politics, ideology or even freedom of speech. Not all speech is "free" without consequences. A person cannot yell "fire" in a crowded theater without legal and civil consequences, nor can someone incite violence.

The situation that took place in Sabattus went way outside any acceptable bounds and was about hate and violence, not ideology, politics or free speech. It deserved an immediate response and action and that's what the Town Manager and Board of Selectmen were prepared to do.

The individual was and still is enti-

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



## Mark Duquette

Mark Duquette has served on the Sabattus Board of Selectmen since 2003. He presently serves as chairman, a post he has held for four years. He served on the Planning Board before running for a selectman's seat. He works as chief operator of the quasi-municipal Sabattus Sanitary and Water District; he has worked for the district for 16 years. Duquette, 43, graduated from the University of Maine with a degree in liberal arts. He is married to Amy Duquette and the couple have two sons, Alec and Shane.

bled to his opinions and his right to express them, however deplorable they may be. But in certain circumstances, this one included, the expression of particularly extreme views come with consequences, legally or otherwise.

It was very important to me and the other public officials in Sabattus to react in a way we felt was appropriate. We support any individual's right to have and express his/her opinion regardless of what that might be. It is equally important to protect and exercise the right of town leaders to decide whether or not local town government should be officially affiliated with extreme positions such as hate and violence.

I am absolutely comfortable we chose the right path in this particular situation.

**Q:** *Are there lessons in this experience for other elected officials like you?*

**A:** Always think things through before acting, whenever possible.

**Q:** *Would you recommend municipal service to your friends and work colleagues and why?*

**A:** Yes. Serving the public offers a good understanding to any person regarding where his/her tax dollars go, how they are used and what limitations there are in serving the community.

I can't believe anyone at the local level could be motivated to serve the public for very long for the financial gain. It isn't a vocation that can feed an individual, let alone a family. So a person must have other primary motivations in order to be successful in serving the public.

Public service is very gratifying in an altruistic way and offers as much or more to the public servant than the residents, taxpayers and businesses they serve. At least, this has been my experience.

**Q:** *What has surprised you most about working as a selectman?*

**A:** Experience helps tremendously, but there are always new situations to deal with that very little training could have fully prepared a person. Being a selectman is often full of surprises and

most often it's the sum of the many little surprises in this line of service that is the most profound, not the single so-called "shocking" events.

In that light, I'd have to say the most surprising thing I have learned as a selectman so far is that serving in this capacity is not at all mundane or routine. There's something new every month, if not each week!

**Q:** *What have you learned after being elected that might have contradicted your perspective about local government prior to your election?*

**A:** It really is true that every single vote counts. Some people think that one vote could not make a difference but it can, it often does and it's so important that we encourage everyone to exercise his/her right to vote.

**Q:** *Any final thoughts on municipal government and its challenges?*

**A:** Until the state balances its budget like the cities and towns do, and until it truly learns to spend within its means, I'm afraid we can all expect to continue the rough ride for a while to come. m



- Simple ✓
- Convenient ✓
- High Quality ✓
- Low-Cost ✓

# MAINE START

MaineSTART is the Defined Contribution program from Maine Public Employees Retirement System (MainePERS).

Contact: Stephanie Fecteau

[www.mainestart.org](http://www.mainestart.org)

tel: 207-512-3305

e-mail: [Stephanie.Fecteau@mainepers.org](mailto:Stephanie.Fecteau@mainepers.org)

## MUNICIPAL RESOURCES, INC.

•Relevant Experience

•Effective Solutions

•Valuable Results

MRI has been providing solutions to local governments and educators for 20 years. Our team of experts is able to provide the following services custom fit to the needs of your community:

- Organizational, Management, and Efficiency Studies
- Professional Recruitment
- Consolidation/Regionalization Studies
- Finance Support/Internal Controls Assessments
- Interim Staffing
- Assessing
- Wage & Salary Studies
- Community & Economic Development
- Emergency Response Planning



120 Daniel Webster Highway  
Meredith, NH 03253

(603) 279-0352

[www.municipalresources.com](http://www.municipalresources.com)

# MMA Backs Education, Transportation Bonds

By Geoff Herman, Director of State & Federal Relations, MMA

Five bond proposals will be on the statewide referendum ballot on Tuesday, Nov. 5. At its September meeting, Maine Municipal Association's Executive Committee identified three of the borrowing proposals as investments particularly important to local government. Executive Committee members hope that municipal officials across the state will remind their citizens to get out to polling places on Nov. 5 and urge their support for capital investments in the state's transportation system and higher education facilities.

**Question 3: \$100 million for Transportation Infrastructure.** The support from MMA's Executive Committee for this bond proposal rises to the "Shout-it-from-the-Rooftops" level. One year ago, the municipal interest in transportation investments was strong enough to inspire MMA's Legislative Policy Committee to develop a \$100 million transportation bond proposal, which was submitted to the Legislature last January. Although the MMA proposal was structured a little differently than this final product, there is no doubt on the municipal level that the level of investment behind this proposal is entirely appropriate. Specifically, this bond will provide \$76 million for highway and bridges, \$17 million for a variety of marine transportation projects, \$5.5 million for passenger transit improvements and railroad infrastructure and \$1.5 million for airport runway upgrades.

**Question 2: \$15.5 million for University of Maine Classroom and Laboratory Facilities.** The connection between Maine's higher education offerings and the K-12 public educa-

tion system is not lost on the state's municipal leaders. A particular example of that connection is the strong focus in Question 2 on programs offered throughout the U-Maine system focused on science, technology, engineering and math (STEM). These bond proceeds are dedicated to improvements to science laboratories and other STEM facilities at university campuses throughout the state.

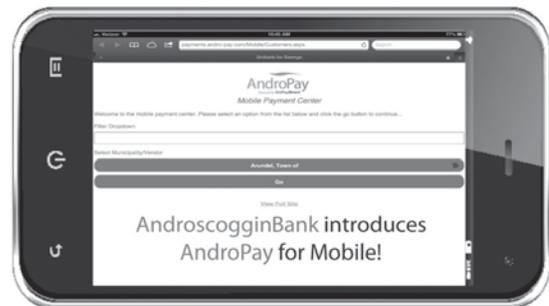
**Question 5: \$15.5 million for the Community College System.** The Executive Committee's support for Question 5 mirrors its support for Question 2. The quality of laboratories and other facilities at the seven Community College campuses directly impacts the attractiveness and effectiveness of the

educational offerings the colleges can provide to Maine students graduating from the K-12 system. Although the payoff is centered on increased opportunities for students, the benefits ripple out from there into the business community and a healthier state economy.

**Get out the vote.** In many communities, the five bond proposals will be the only ballot items for the voters to consider this November. Without strong encouragement, voter turnout may not be strong. MMA's Executive Committee believes that all efforts municipal leaders make to inform their citizens about these important investment opportunities will be time well spent. [ML](#)

## Open Your Town Office to Residents 24/7!

AndroPay for Mobile makes it even easier for your residents to pay taxes and make other payments from their smartphone or tablet.



AndroPay is the most sought-after online payment system for municipalities. 100% of Payments Collected go to your Town!

Call 1-800-966-9172 or visit [AndroGov.com](http://AndroGov.com) for more information

**AndroscogginBank**

1-800-966-9172  
**AndroGov.com**

Member  
**FDIC**

# Welcome to the Maine Resource Recovery Association

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

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

Some of the goals of the organization are as follows:

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

*The September 2013 issue of The Scrap Paper, MRRA's newsletter, is now available for download:*

**<http://www.mrra.net/wp-content/uploads/2013-September-Scrap-Paper.pdf>**

## Our Mission

**The Purpose of Maine Resource Recovery Association is:**

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

**The Goals of the Association**

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

**Sign up for our mailing list at ConstantContact using the "JOIN" box at [www.mrra.net](http://www.mrra.net)**

**Telephone: (207)942-6772**

**Email: [victor.horton@mrra.net](mailto:victor.horton@mrra.net)**

# Tips on Effective Use of Tax Incentives

By Daphne A. Kenyon, Adam H. Langley and  
Bethany P. Paquin, Lincoln Institute of Land Policy

After the Great Recession, many local governments now have two major goals: to spur economic growth to address high unemployment and stagnant or declining incomes, and to protect their tax base in the wake of cuts in state aid to local governments and the collapse of the housing market. In hopes of attracting new manufacturing plants, corporate headquarters, or research and development centers, many localities have offered property-tax incentives. But are local governments giving away more of their tax base than can be justified by the economic benefits received?

A recent New York Times series estimated that state and local governments nationwide forgo more than \$80 billion of tax revenue annually as a result of business incentives. Our own research concludes that local property-tax incentives alone total at least \$5 billion to \$10 billion per year. One New England example illustrates how costly such programs can be. In Connecticut for fiscal year 2009, property-tax exemptions for machinery and equipment reduced potential local revenues by \$57.3 million while enterprise-zone property-tax abatements cost the state and its local governments \$14.5 million. The combined cost of these two incentives could have paid the salaries for more than 1,000 Connecticut teachers.

Often small differences in labor costs could offset huge property-tax incentives

Every state allows the use of prop-

---

*Daphne A. Kenyon is a visiting fellow at the Lincoln Institute for Land Policy in Cambridge, Mass., where Adam H. Langley is a research analyst and Bethany P. Paquin is a research assistant. Contact them at: [dkenyon@lincolninst.edu](mailto:dkenyon@lincolninst.edu) or [alangley@lincolninst.edu](mailto:alangley@lincolninst.edu).*

erty-tax incentives for business. Within New England, every state but New Hampshire has a stand-alone property tax abatement program, every state but Vermont has enterprise zones, and all six states allow tax-increment financing. Ineffective incentives reward companies that would have chosen the same location without tax breaks, while increasing taxes for homeowners and reducing spending on police, education, and other vital public services. Given the need to spur economic growth without compromising localities' fiscal health, policymakers should consider strategies to improve the effectiveness of property-tax incentives for economic development. Our research suggests five approaches.

## DON'T APPROVE ALL REQUESTS

When evaluating property tax incentives, perhaps the most important question is whether they actually make a difference. Do tax breaks cause a business to choose a site it would have passed up without incentives, or would it have chosen the same location regardless?

Businesses consider many factors during the site-selection process, including labor costs and skills of the local workforce, proximity to suppliers and customers, access to transportation (highways, ports, and railroads), energy costs, the cost for office or industrial space, regulations, and state and local taxes. The likelihood that property taxes will tip an organization's location decision depends on the taxes' share of business costs relative to those other factors, and how much property taxes vary across other potential sites compared with those factors. The average manufacturing plant, for example, spends nearly 75

times more on labor than on property taxes. (See graphic: "Input Costs as a Share of Total Costs.") In many cases, small differences in labor costs could offset huge property-tax incentives.

Furthermore, businesses have a clear motivation to exaggerate the importance of tax incentives since they are unlikely to receive tax breaks unless policymakers believe the incentives will sway their location decision. In some cases, businesses negotiate for tax incentives after they have already chosen a location. Sepracor, a pharmaceutical company that already had one building in Marlborough, Mass., applied for a property-tax exemption in 2007 for a second building and began construction that same year. The city council didn't approve the tax break for the expansion until the next year.

Although policymakers rarely have enough information to judge the impact of tax-incentive packages accurately, they can take two measures to avoid overusing them. First, they can be cautious in approving tax-incentive packages and refuse to act as rubber stamps for business requests. This advice may resonate more clearly with New England policymakers after the high-profile collapse of baseball player Curt Schilling's video-game company, 38 Studios, which left the state of Rhode Island on the hook for at least \$75 million. Rhode Island lured the company from Massachusetts with an incentive package that Commonwealth officials declined to match.

There are ways to take into account the possibility that tax incentives may not make a difference. For example, a 2010 Connecticut study considered a range of probabilities that incentives affect company behavior. The report calculated whether tax incentives were cost-effective assuming that

20 percent, 50 percent, or 100 percent of business investment was caused by the incentives. It is not acceptable to assume that all economic growth associated with a new facility is the result of tax incentives.

### TAKE TARGETED APPROACH

Research has found that when the use of tax incentives within a region grows, their effectiveness wanes. If just a few municipalities offer tax breaks, then the incentives may help attract investment to those communities. But if incentives are widely available, businesses will be able to find similar offers in many communities, and the tax breaks will largely offset one another. Maine is one of three states in which enterprise zones, initially designed to target benefits to specific geographic areas, have expanded over time. Maine expanded its Pine Tree Development Zone program in 2009 to make the entire state eligible.

The Metro Denver Economic Development Corporation offers perhaps the nation's best example of a collaborative approach to regional economic development.

Another concern is that if neighboring cities and towns use property-tax incentives to compete for a new facility, they could leave a metropolitan area as a whole worse off. Localities may view it as in their self-interest to beat out neighbors for new business investment, but this competition is often a zero-sum game, with municipalities using incentives to move jobs around rather than create new ones. If widespread use of tax incentives significantly reduces the region's tax base, then this competition can actually be worse than a zero-sum game – increasing taxes on homeowners and businesses that have not benefited from incentives or reducing funds for schools, public services, or programs that could more effectively spur economic development.

Because of New England's high concentration of local governments, the region may be particularly vulnerable to destructive competition between localities. Policymakers should take care to avoid the business-poaching practices that have made the Kansas City metro area infamous for cross-border tax-incentive wars. Applebee's, for example, relocated its headquarters three times within a 20-mile radius

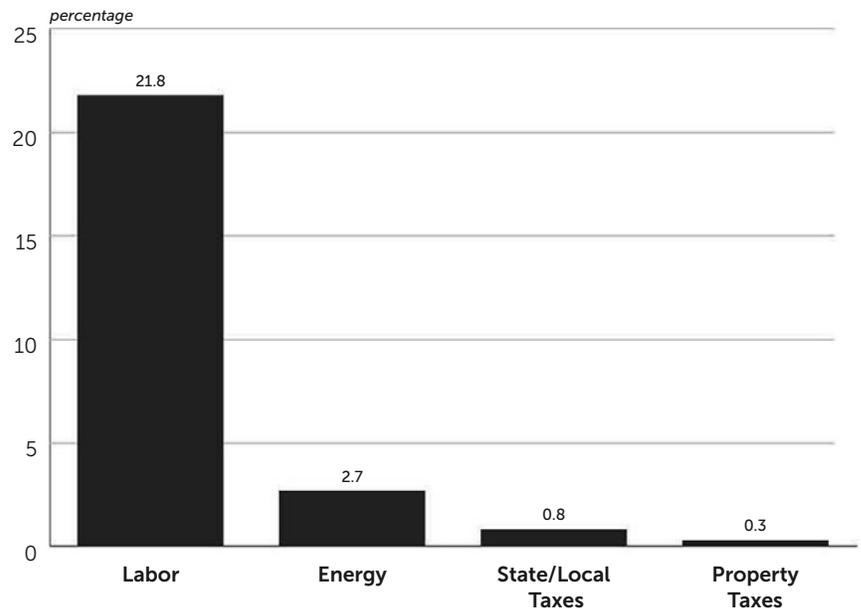
between 1993 and 2011, twice crossing the state border, each time taking advantage of state and local economic development incentives.

Instead of competing, municipalities would be wise to collaborate to spur economic development. The fates of communities in a metro area are often intertwined because the economic benefits of a new company accrue to the entire area, not just to the individual jurisdiction that hosts it, as the firm hires workers from throughout the region and contracts with businesses

from neighboring cities.

The Metro Denver Economic Development Corporation offers perhaps the nation's best example of a collaborative approach to regional economic development. The group's 70 cities, counties, and economic development organizations adopted a code of ethics in the mid-1980s that established principles all members are expected to follow. The pact does not rule out tax incentives or site competition among its members, but it focuses on reducing those practices most likely to lead

Input Costs as a Share of Total Costs for the Manufacturing Sector, 2004–2009



Source: Daphne A. Kenyon, Adam H. Langley, and Bethany P. Paquin, "Rethinking Property Tax Incentives for Business" (report, Lincoln Institute of Land Policy, Cambridge, Massachusetts), 23.

Are municipal demands weighing you down?



We've helped our clients secure over half a billion dollars in grant and loan funding during the past 5 years.

Your Municipal Consultant for over 30 years



800.426.4262 | woodardcurran.com

to destructive incentive wars. The goal is to promote "Metro Denver First" and individual communities second.

### EVALUATE EFFECTIVENESS

It is also important to evaluate the effectiveness of business-tax incentives. A recent study by the Pew Center on the States reviewed hundreds of documents to determine whether states evaluate major tax incentives, measure their economic impact, draw clear conclusions, and use evaluations to inform policy choices. The report found that Connecticut was one of 13 states leading the way in evaluating state tax incentives, but that three other New England states (Maine, New Hampshire, and Vermont) were among the 16 states that did not publish a single document between 2007 and 2011 evaluating the effectiveness of any tax incentive.

Massachusetts is looking at the effectiveness of tax incentives as part of a broader review of tax expenditures. A 2012 report by the Massachusetts Tax

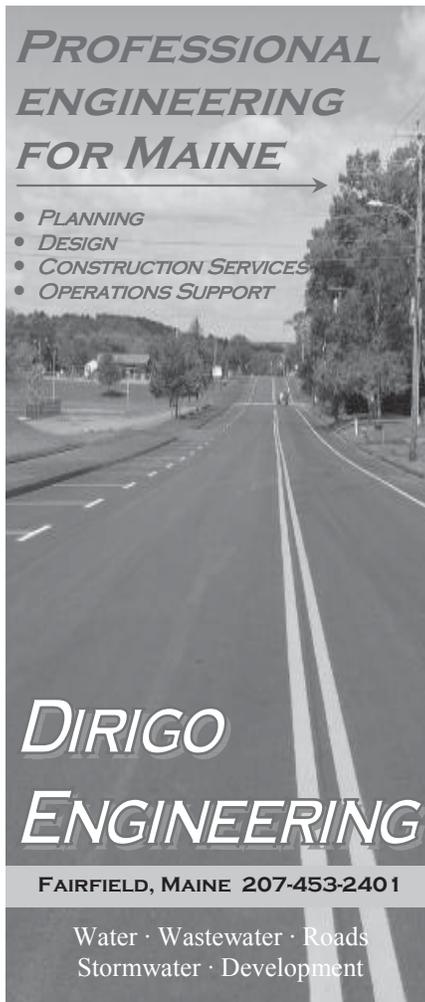
Expenditure Commission concluded that the state has a high share of tax expenditures compared with other states and lacks reporting and evaluation. The commission recommended that several major tax expenditures, including the Economic Development Incentive Program, sunset every five years to ensure that ineffective programs do not continue indefinitely, and it proposed that others be reviewed every five or 10 years.

Without careful use of this economic development tool, costly and ineffective tax-incentive programs can drain precious state and local re-

sources without substantially boosting economic development. [\[ME\]](#)

### ABOUT THIS ARTICLE

This article from Communities & Banking magazine is copyrighted by the Federal Reserve Bank of Boston and was reprinted by Maine Municipal Association with permission. The views expressed are not necessarily those of the Bank or the Federal Reserve System or MMA. Copies of articles may be downloaded without cost at [www.bostonfed.org/commdev/c&b/index.htm](http://www.bostonfed.org/commdev/c&b/index.htm).



**PROFESSIONAL  
ENGINEERING  
FOR MAINE**

- PLANNING
- DESIGN
- CONSTRUCTION SERVICES
- OPERATIONS SUPPORT

**DIRIGO  
ENGINEERING**

FAIRFIELD, MAINE 207-453-2401

Water · Wastewater · Roads  
Stormwater · Development



**eCode Search™**  
*the ultimate search app*

The Codification Industry's  
**First App**  
for Searching Municipal Codes  
Download Today for FREE!

**GENERAL  
CODE**  
50th ANNIVERSARY

Toll Free: 855.GEN.CODE | [www.generalcode.com](http://www.generalcode.com)

## MMA Personnel Services and On-site Consulting Services

MMA Personnel Services offers a wide range of specialized on-site consulting services for our members. Personnel management and labor relations expertise is available for direct assistance or general inquiries through a toll-free telephone line. Direct on-site assistance is available in the following areas:

**Labor Relations** — Representation of the municipality in labor negotiations, mediation, arbitration and grievance processes.

**Executive Search** — Assistance with the recruitment of a new city or town manager or department head.

**Training** — On-site training in a variety of topics.

**Testing** — Entry level police and fire testing.

**For more information on all Personnel Services programs, or general personnel management information, contact David Barrett, Director of Personnel Services and Labor Relations at 1-800-452-8786.**

For more information visit the MMA website: [www.memun.org](http://www.memun.org)



**60 Community Dr., Augusta, ME 04330**

# SCENES FROM THE 77TH MMA CONVENTION



October 2-3, 2013  
Augusta  
Civic Center

# SCENES FROM THE 77TH MMA CONVENTION



October 2-3, 2013  
Augusta  
Civic Center

# SCENES FROM THE 77TH MMA CONVENTION



October 2-3, 2013  
Augusta  
Civic Center

# SCENES FROM THE 77TH MMA CONVENTION



October 2-3, 2013  
Augusta  
Civic Center



Nat Tupper

**Nat Tupper, James D. Chaousis II and Joshua Reny** were winners at the Maine Town, City and County Management Association's Annual Institute in Newry.



James D. Chaousis II

Tupper won the association's Linc Stackpole Award, which goes each year to the Manager of the Year. Tupper, who serves as manager in the Town of Yarmouth, has worked in that capacity since 1991. He has been an active member and leader over the years in the: Greater Portland Council of Government; Portland Area Comprehensive Transportation System; International County/City Management Association; and, MTCMA.



Joshua Reny

He's also been active with various church and civic causes in Yarmouth.

In nominating Tupper for the award, Leslie Hyde, a Yarmouth Town Council member, praised Tupper's leadership on many fronts, including helping his town deal with a major propane fire on June 25 that claimed one life and destroyed or damaged eight homes. Hyde cited a letter, written by Tupper the following day, as an example of the manager's leadership skills.

"With typical articulate grace," Hyde wrote, "(Tupper's) own words show you his collaborative style of integrity and leadership in action."

Chaousis, manager in the Town of Boothbay since 2010 and manager in Livermore Falls prior to that, won the MTCMA Leadership Award, in large part for his role in retaining the emergency room at St. Andrew's Hospital in Boothbay Harbor, as well as the hospital itself.

Patricia Seybold, President Pro-Tem of Boothbay Region Health & Wellness Foundation, detailed the process of dealing with the news that the St. Andrew's ER could close. She praised Chaousis for his quick response and resolute follow-through over the ensuing months.

Reny, manager in the Town of Fairfield for more than two years, won MTCMA's Rookie of the Year Award. Reny, former Economic Development Director in the town, took over following the death of former Town Manager Paul Blanchette.

His leadership was cited on multiple fronts: community and economic development; managing revolving loan funds; and, reorganizing the Planning & Development departments.

**Donald Bolduc** has resigned as Millinocket police chief to work as a patrolman for the town of Skowhegan. Bolduc served as the mill town's police chief for nearly 10 years. Bolduc told town officials he hopes to remain a reserve officer for the town, as well as an emergency medical technician and on-call firefighter.

Auburn Police Chief **Phil Crowell** was named president of the Maine Chiefs of Police Association in mid-September after serving as a member of the group since 2000. A former city police detective, Crowell took over as Auburn chief in 2006. He plans to focus on increasing police training during his one-year term. He replaces Oakland Chief **Michael Tracy** as president of the organization.



Landon Fake

Atlantic Region Wilderness programs, where he managed facilities and programs, among other duties. Presently, Fake serves as executive director of

**Landon Fake** has been named Camden parks and recreation director, effective this month. Fake was among 80 national candidates for the recreation-heavy coastal town. Fake is a former director of the Outward Bound

Mahoosuc Pathways in Bethel, which focuses on expanding multi-use recreational trail systems.

Caribou Police Chief **Michael Gahagan** was surprised in September when a group of city employees presented him a plaque for his 40 years of service to the city. The staff ticked off names of city employees who were not even born when Gahagan joined the police department in 1973 – including both the manager and assistant manager. Gahagan has served as chief since 2005. He followed many of his family members into public service, including his father, who retired as Caribou fire chief after 43 years and a brother, who retired from the Maine State Police after 28 years.

Sabattus selectmen in September voted unanimously to extend the contract of Town Manager **Andrew Gilmore** by three years. Gilmore was hired two years ago as the town's second full-time manager. "I said two years ago when I was under contract that I fell in love with the community and that has not changed," Gilmore said, according to the Lewiston Sun Journal.

**Jennifer Alvino Leo** has been hired as the Windham library director, a position she described as "my dream job." Leo was scheduled to start her new job on Oct. 9. Previously, Leo worked in several roles at the Walker Memorial Library in Westbrook. She was selected from a pool of 25 candidates. Leo replaces Inese Gruber, who retired in May after serving more than 20 years. Leo earned a master's degree in library and information services from Simmons College in 2008.

Former Lewiston police intern **Amy Blaisdell-Pechmanova** was hired in September as the city crime analyst, helping identify trouble spots in the city, as well as pinpointing places where the most vehicle accidents occur. Blaisdell-Pechmanova originally earned a degree in psychology, but had always been interested in police work. A former member of the city's 10-week Citizen Police Academy, she is expected to complete a degree in criminology in December. [mm](#)

**Statewide:** The municipalities of Freeport, Vassalboro, Hope, Jackman and Carrabassett Valley were recognized for producing the highest-quality Annual Reports, during recent judging held at Maine Municipal Association.

MMA's Annual Report Competition, which has been held for 50 years, recognizes municipalities for producing reports for their citizens that have excellent content, are well organized and are visually appealing. Winners by population category were:

5,000 and over: Freeport, Supreme; Augusta, Superior; Buxton, Excellence.

2,500 to 4,999: Vassalboro, Supreme; Mapleton, Castle Hill & Chapman, Superior; Wiscasset, Excellence.

1,000 to 2,499: Hope, Supreme; Mount Desert, Superior; Union, Excellence.

500 to 999: Jackman, Supreme; Sherman, Superior; Winter Harbor, Excellence.

Under 500: Carrabassett Valley, Supreme; Cranberry Isles, Superior; North Haven, Excellence.

**Statewide:** Five municipalities have won a total of \$75,000 in grant money from the Maine Development Foundation to improve their downtowns. The communities must match the grants dollar-for-dollar. All five grants are for \$15,000. The winners were: Augusta, Belfast, Biddeford, Skowhegan and Waterville. The \$75,000, in addition to local matching funds, is expected to leverage a total of \$250,000 in downtown improvements in the five communities.

**Bar Harbor:** The U.S. Transportation Department has awarded the Hancock County-Bar Harbor Airport a \$1.5 million grant to build a new taxiway.

**Caribou:** The northern Maine cities of Caribou and Presque Isle will share a Public Works Director in a move to reduce costs for both communities. The transition will take several weeks. Under the plan, the retiring Presque Isle deputy public works director will work with the Caribou PW di-

rector to develop a new work strategy. Presque Isle will continue advertising for both a public works director and a deputy to keep all options open until the two communities are sure the arrangement will work. Officials hope the shared public works director will prove a model for future shared services and personnel.

**China:** Townspeople will be asked in November whether the town should buy a nine-acre lakefront property for \$575,000 for a future town park. Presently, the land is home to a string of small vacation cottages. According to town officials, only about 15 percent of the China Lake waterfront is accessible to the public. Townspeople have long desired a lakeside park. The town has about \$120,000 reserved for a potential purchase. The balance would be borrowed from a bank, if voters endorse the idea in November.

**Falmouth:** The town council voted unanimously in September to expand an ordinance to prohibit bow hunting in heavily populated areas owned by the town. A firearms ban was already in place. Many public areas will remain where hunters can continue using guns or bows to hunt deer. One councilor brought the bow-hunting issue before the council after he saw

two hunters pursuing a deer in the Falmouth Shopping Center parking lot on U.S. Route 1, a sight he called "shocking." Among the properties off-limits to all hunters: school grounds, public parks and the town landing.

**Mexico:** Selectmen representing the western Maine towns of Mexico and Rumford have agreed unanimously to hire a New Hampshire firm, Municipal Resources Inc., to study how the two towns might share certain services and facilities. The boards asked for references from the company before they would vote to proceed. All of the references were excellent, leading both boards to vote to move forward with the effort. Selectmen in nearby Dixfield, which abuts Mexico, declined to participate.

**Southport:** Special town meeting voters, with a show of hands, agreed to buy 3.5 acres of land for \$1.25 million, making reality the townspeople's dream of having beach access. The property, known as Hendricks Head Beach, had been open to the public for decades at the good graces of the private owner, but when she died her relatives put the property on the market for sale. The town meeting article passed overwhelmingly. [\[m\]](#)

### NEW ON THE WEB

Highlights of what's been added at [www.memun.org](http://www.memun.org) since the last edition of the *Maine Townsman*.

- **LD I Income Growth.** The Maine Office of Policy and Management reports that next year's LD I personal income growth is 1.09 percent in Maine. More details are available.
- **Municipal Directory.** Copies of the 2013-14 Municipal Directory are available to be ordered. Each MMA member municipality receives a complimentary copy of this reference document, the most comprehensive list of municipal officials and telephone numbers that you'll find – anywhere.
- **Locally Administered Roads.** The state Department of Transportation will hold a Locally Administered Roads training program on Nov. 7 at the Augusta Civic Center. The program is offered twice a year. Details are available through the MMA website.
- **Conjunction Junction?** Two Maine engineering firms with strong ties to municipal government announced a merger in late August and details about the announcement from CES Inc. and S.W. Cole Engineering can be read online.



# Municipal Bulletin Board

## PUBLIC SIDE OF PRIVATE SECTOR DEVELOPMENT

While some major proposals start with the private sector, they have major public impacts. How can municipal leaders use existing laws to balance the need for economic development and Maine jobs versus environmental and other concerns from citizens?

The law firm of Bernstein Shur and Maine Municipal Association are pleased to announce a special, half-day seminar to examine the legal aspects of private-sector development projects. Four attorneys, experts in municipal and regulatory law, will teach attendees about property tax implications, tax increment financing options, zoning laws and other matters to consider when business and industry propose a major project in your municipality. The seminar will be held on Dec. 10 at the MMA Conference Center in Augusta. Registration will begin at 8 a.m. The workshop is scheduled to end at noon. Cost is \$25 for MMA members and \$50 for non-members.

Among the specific topic areas to be explored: land use implications; property-tax implications; tax-increment financing; and, more. Speakers will include attorneys Mary Costigan, N. Joel Moser, Shana Cook Mueller and Philip Saucier, all from Bernstein Shur.

## LOCAL PLANNING BOARDS: SACO

Attorneys with MMA's Legal Services Department will lead a four-hour workshop for Planning Board members at the Ramada Inn in Saco on Oct. 17. The workshop starts at 4:30 p.m. and will end at 8:30 p.m. A light meal will be served.

Among the topics to be covered: jurisdictional issues; conflicts of interest and bias; public notice; site visits; board records; deadlines; and, more. Cost for the workshop is \$50 for MMA members and \$100 for non-members.

## BOARDS OF APPEAL: SACO

On Oct. 23, attorneys will MMA's Legal Services Department will hold a separate four-hour workshop designed primarily for Local Land Use Boards of

Appeal members. It will run from 4:30 p.m. to 8:30 p.m. and will be held at the Ramada Inn in Saco.

The topics to be covered are similar to what Planning Board members are taught, although the roles can be very different. Other topics include: standing; nature of evidence on which to base a decision; participation by members who miss meetings; appeals; variances; and, more. Cost is \$50 for MMA members and \$100 for non-members.

## PERSONNEL PRACTICES: AUGUSTA, MACHIAS (VIDEO)

MMA's popular Personnel Practices workshop will return on Oct. 24, led by Portland Attorney Lawrence Winger. The main session will be held at the MMA Conference Center in Augusta and the workshop will be video-cast live to Sunrise County Economic Council office in Machias.

This workshop is a must for elected officials, managers and department heads – anyone who should know more about personnel laws. Among the many items to be addressed: discipline and discharge of public employees; performance expectations; documentation; due process limitations; First Amendment limitations; Family Medical Leaves; and, much more.

The session begins with registration at 8 a.m. (both sites) and concludes at 4 p.m. Cost for MMA members is \$75 for the live class in Augusta and \$50 in Machias. For non-members, the cost in August is \$150.

## MUNICIPAL LAW FOR TAX COLLECTORS, TREASURERS

Three attorneys – Rebecca Warren Seel and Susanne Pilgrim, both from MMA's Legal Services Department, and F. Bruce Sleeper of the law firm Jensen, Baird, Gardner & Henry – will present a Municipal Law workshop on Nov. 14 at the Elks Banquet & Conference Center in Waterville. The all-day session is sponsored by the Maine Municipal Tax Collectors' and Treasurers' Association.

The attorneys will cover a lot of ground, exploring items such as: qualifications for office; oath; bond; depu-

ties; Right to Know; liability; assessment and commitment issues; and, much more. The session begins with registration at 8:30 a.m. and will conclude at 4 p.m. Cost is \$50 for MMTCTA members and \$60 for non-members. [\[M\]](#)

All of the upcoming workshops can be found on the MMA website.

Use the following link:

<http://www.memun.org/public/MMA/svc/training.htm>

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

Title of Publication: Maine Townsman. Publication Number: 589-180. Filing Date: 9/15/13. Frequency of issue: Monthly, except month of September. No. of Issues Published Annually: 11. Annual Subscription Price: \$15.00. Complete mailing address of known office of publication: Maine Municipal Association, 60 Community Drive, Augusta, ME 04330; Kennebec County. Complete mailing address of headquarters or general business offices of publishers: Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Editor: Eric Conrad, 60 Community Drive, Augusta, ME 04330. Owner: Maine Municipal Association. Known bondholders, mortgages, and other security holders owning or holding 1% or more of total amount of bonds, mortgages, or other securities: None. Tax Status: Has not changed during preceding 12 months. Issue date for circulation data below: October 2012-September 2013.

	Avg. No. Copies Each Issue During Preceding 12 Months	No. Copies Single Issue Nearest to Filing Date
Total no. copies printed	4,400	4,400
Paid circulation		
Mailed Outside-County	3,662	3,650
Mailed In-County	301	308
Distribution outside the mail	0	0
Distribution by other classes of mail	0	0
Total paid distribution	3,963	3,958
Free or nominal rate distribution		
Outside County	249	242
In-County	51	49
Mailed at other classes through USPS	2	2
Outside the mail	38	38
Total free distribution or nominal rate distribution	302	293
Total distribution	4,265	4,251
Copies not distributed	135	149
Total	4,400	4,400
Percent Paid	92.9%	93.1%

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

Eric Conrad, Editor



## RECALL OF LOCAL OFFICIALS: A PRIMER

“Recall” is the process by which an elected public official may be removed from office before the natural expiration of the official’s term of office. Recall ordinarily requires a petition and a recall election, but the precise requirements vary depending on the applicable law.

There is no generally applicable recall procedure under Maine law for the removal of an elected municipal official. Title 30-A M.R.S.A. § 2505 was enacted in 2011 to provide a recall procedure in the absence of a municipal ordinance or charter provision, *but this statutory process is applicable only if the official in question is convicted of a crime committed while in office, the victim of which is the municipality itself.* This statutory recall process does not apply under any other circumstances.

Except for 30-A M.R.S.A. § 2505, an elected municipal official may be recalled only if there exists a local recall procedure. (Note that this is optional – a municipality is not required to provide for recall at all.) According to 30-A M.R.S.A. § 2602(2), a municipality may, under its home rule authority, provide for the recall of any elected official *other than a school committee member* by either charter or ordinance. A school committee member, however, may be recalled only under a charter provision.

The typical recall ordinance or charter provision requires a recall petition naming the official to be recalled and signed by a certain number or percentage of voters. Upon submission and verification of signatures, the municipal officers (selectmen or councilors) are then required to call a recall election within a certain time. If the election results in removal of the official, the vacancy is filled in accordance with general law (by either election or appointment, depending on the office).

While recall may be appropriate in some cases, it is not necessarily the right response to every political dispute. If your community is considering a recall ordinance or charter provision, we recommend that the number

of petition signatures required be set high enough to prevent a small minority from forcing frivolous or repetitive recall elections. We also recommend that the petition *not* be required to cite a specific reason for the recall, as this could inadvertently convert what is essentially a political decision into a due process proceeding, complete with potential for court appeals.

For the record, the recall process is not applicable to the removal of *appointed* officials. Appointed officials and employees generally are entitled to due process (a notice and hearing) and may be removed only for “cause” (see “‘For Cause’ Removal of Municipal Appointees,” *Maine Townsman*. “Legal Notes,” February 2000). (By R.P.F.)

## NEW FOAA AMENDMENTS

The Maine Legislature’s most recent session (126<sup>th</sup> Legislature, First Regular Session, adjourned July 10, 2013) produced a fresh crop of changes to Maine’s Freedom of Access Act (FOAA or “Right to Know” law). Note-

worthy, perhaps, is that every one of them dealt with the “open records” part of the law (the FOAA is sometimes also referred to as the “open meetings and open records” law). Here, in no particular order, is a summary of the amendments:

*Subscriber email addresses for non-interactive notices, etc.* PL 2013, c. 339 amends 1 M.R.S.A. § 402(3) to except from the definition of “public records” email addresses obtained by a political subdivision of the State, such as a municipality or school district, for the sole purpose of disseminating non-interactive notices, updates and cancellations. Subscriber email addresses for newsletters are not included in this exception, however, and remain a public record.

*Concealed handgun permit holder personal information.* PL 2013, c. 54 amends 25 M.R.S.A. § 2006 to make confidential all personally identifying information on all concealed handgun permits issued. (The law has long made confidential all permit applica-



# Municipal Calendar

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

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

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

**PRIOR TO NOVEMBER 5** — Election Day. Registrars of voters shall accept registration prior to the November 3 election according to the time schedule of their population group (21-A §122[6]).

— The Registrar shall publish his/her

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

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

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

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

**NOVEMBER 28** — Thanksgiving Day, a legal holiday (4 MRSA §1051; 20-A §4802)



tions and all permit denials.) The only information that remains public on issued permits is the municipality of residence, the date of issuance, and the date of expiration.

*Veterans' property tax exemption applications.* PL 2013, c. 973 amends 36 M.R.S.A. § 653(1) to make confidential all applications and supporting materials for veterans' property tax exemptions. Any record showing that a veteran's exemption has been granted remains public, however.

*Acknowledgement of receipt of request.* PL 2013, c. 1216 amends 1 M.R.S.A. § 408-A to require officials to acknowledge receipt of a public records request within five working days. (A good faith, nonbinding estimate of when the request will be fulfilled, along with a cost estimate, must still be provided "within a reasonable time.") Also, if an official refuses a request but fails to provide written notice of denial, stating reasons, within five working days (a longstanding requirement), this is now considered a failure to allow inspection, which is subject to appeal to Superior Court within 30 days (formerly five working days).

For reasons not entirely clear, the amendments dealing with concealed handgun permits and veterans' property tax exemptions were enacted as emergencies and took effect before the Legislature adjourned. The other two amendments became effective 90 days after adjournment, on October 9, 2013. (By R.P.F.)

### REGISTRY FEES INCREASED

The Maine Legislature has increased the recording fees for county registries of deeds effective October 9, 2013 (see PL 2013, c. 370, amending 33 M.R.S.A. § 751(1)). As of that date, the new fee for the first recorded page will be \$19 (up from \$13). The recording fee for each additional page will remain \$2.

We first learned of this when municipal tax collectors and treasurers began asking us recently about already recorded tax liens. Their concern was whether they could still collect the new \$19 recording fee for lien discharges recorded after October 9<sup>th</sup> even though

their recorded liens list the fee as \$13. Our answer: Yes, you can (and should). Here's why:

The property tax lien law requires the taxpayer to pay, among other things, the fees for recording and discharge of the lien "as established by Title 33, section 751" (see 36 M.R.S.A. § 942, fifth paragraph). Title 33 M.R.S.A. § 751 is the law that, effective October 9<sup>th</sup>, establishes the new recording fee of \$19. So as of that date, the taxpayer will automatically be required by virtue of the tax lien law itself to pay \$19 for the recording of a tax lien discharge.

The fact that an already recorded tax lien may list the recording fee as \$13 is not binding on the municipality or the treasurer. A tax lien is not legally required to specify recording fees, so an error is inconsequential (see *City of Augusta v. Allen*, 438 A.2d 472 (Me. 1981)). Besides, \$13 was not an error at the time the lien was recorded – tax collectors and treasurers can hardly be expected to foretell the future when it comes to fee increases by the State.

Treasurers should be prepared to explain the new, higher recording fee as of October 9<sup>th</sup> and should insist that taxpayers pay it before recording a discharge. (By R.P.F.)

### SUBDIVISION 'ABUTTER EXEMPTION' AMENDED

The exemption in Maine's municipal subdivision law for transfers to abutters has been clarified. Previously, the law said a transfer to an abutter does not create a countable lot as long as it "does not create a separate lot." This cryptic language generated con-

siderable confusion. Many municipal authorities construed it as meaning the land conveyed could not be a buildable lot. But most title attorneys read it as referring not to minimum lot size but to merger of title, and they argued that since a lot transferred to an abutter always merges with the abutting land, this phrase was essentially meaningless.

PL 2013, c. 126 (eff. Oct. 9, 2013) amends 30-A M.R.S.A. § 4401(4)(D-6) by deleting the phrase "that does not create a separate lot" altogether. The exemption is still subject to the qualifier "unless the intent of the transferor is to avoid the objectives of [the subdivision law]." Also, the law continues to say that the exemption is lost if anything less than all of the merged land is transferred to another person within five years. (By R.P.F.)

### DISABILITY VARIANCES 2.0

The Maine law authorizing zoning variances for equipment or structures necessary for access to or egress from a dwelling by the disabled has been amended once again, this time to authorize code enforcement officers, in lieu of appeals boards, to grant disability variances *as long as the ordinance also authorizes it*. (The law was last amended in 2009 to add accessory garages.) The Legislature created this new local option not only to streamline the variance process for disability-related structures but also, presumably, because disability variances don't require a complicated determination of "undue hardship" – a task probably best left to a board. For details, see PL 2013, c. 186, enacting 30-A M.R.S.A. § 4353-A. (By R.P.F.) 



**A. E. HODSDON  
ENGINEERS**  
10 Common Street  
Waterville, ME 04901

[www.aehodsdon.com](http://www.aehodsdon.com)  
207-873-5164



**ARCHITECTS ~ ENGINEERS  
BUILDING SCIENTISTS**

**The Turner Group is  
Celebrating 20 Years of Success!**

26 Pinewood Lane, Harrison, ME 04040  
(207) 583-4571 ~ [www.hlturner.com](http://www.hlturner.com)

*Making a Difference for Maine's Communities*

# MAINE MUNICIPAL BOND BANK



*Call us when you  
need capital  
financing for your  
next project. Let us  
put our Strong  
Credit Rating to  
work for you.*

For thirty-five years, the Maine Municipal Bond Bank has provided a successful, simple, and cost-effective borrowing program for Maine's municipalities. The Bond Bank's long-term loans provide Maine's communities access to low cost funds for all their capital needs through the sale of our highly rated tax-exempt bonds. Let us save money for you too on your next capital acquisition or improvement project.

FREE RELIABLE FINANCIAL ADVICE

LONG-TERM BORROWING

COST-EFFECTIVE FINANCING

LOWER COSTS OF ISSUANCE

P.O. Box 2268  
127 Community Drive  
Augusta, ME 04338  
PH: (207) 622-9386 • FX: (207) 623-5359  
[www.mmbb.com](http://www.mmbb.com)



# HP FAIRFIELD WICKED TOUGH SNOW PLOWS

When it comes to outworking the weather, the combination of heavy duty push frames, reinforced moldboards and cutting edges made with Hardox® wear plate, THE BOSS Power-V XT is among the toughest and most reliable snowplows on the market.

You need a wicked tough snow plow. You need THE BOSS.



## YOUR PLOW SALES, SERVICE & PARTS EXPERTS

For over 60 years, we have upfitted your chassis with the best in snow removal equipment in the industry. We now offer a full line of BOSS snowplows, box plows and spreaders for contractors and municipalities. Check out our inventory at our Scarborough location or contact us today to learn more.

Authorized Dealer



Visit our BOSS showroom at  
65 Pleasant Hill Road  
Scarborough, ME  
(207) 885-4895



Sign up for our newsletter  
[hpfairfield.com/signup](http://hpfairfield.com/signup)