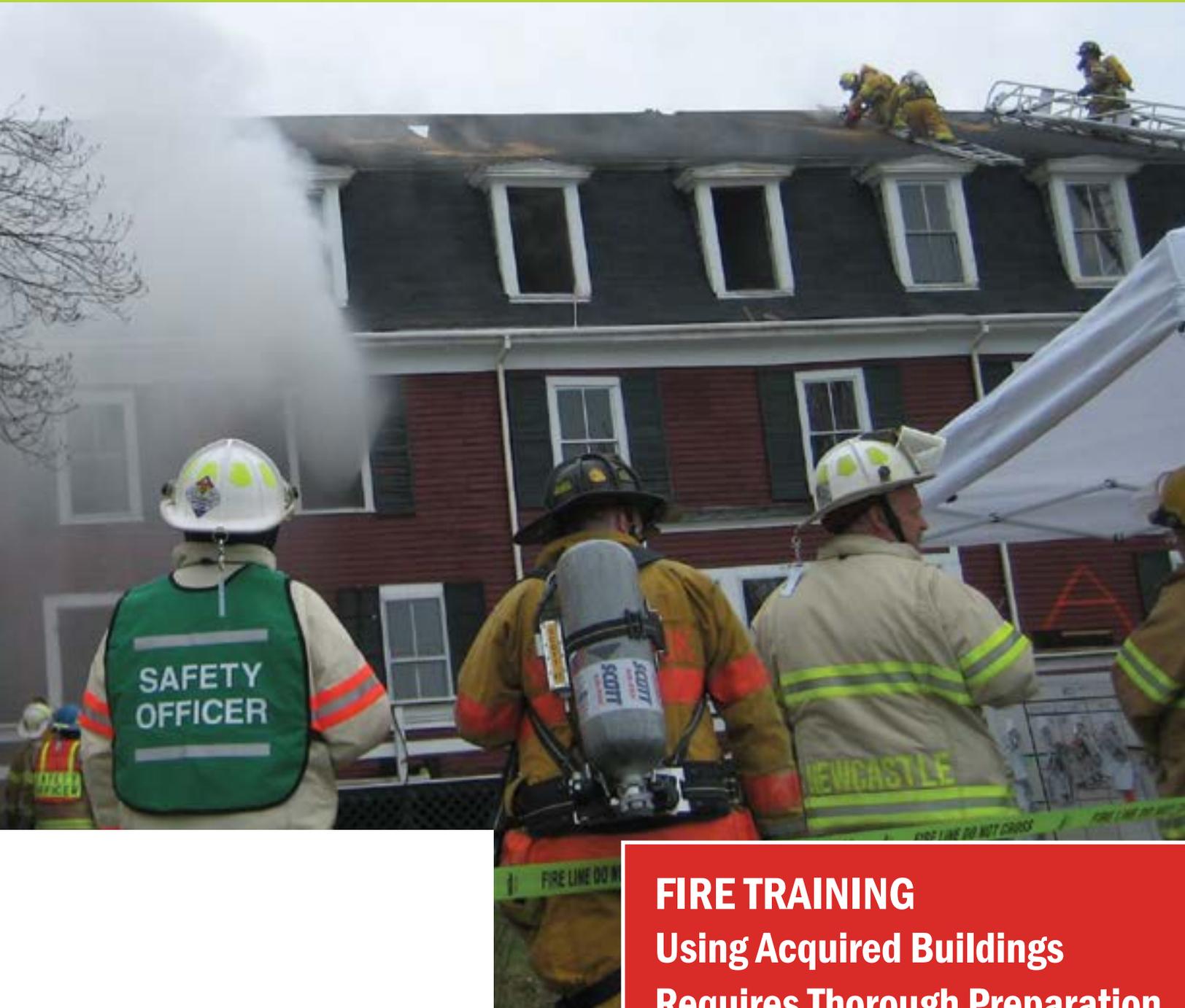


April 2013

maine townsman

The Magazine of the Maine Municipal Association



FIRE TRAINING
Using Acquired Buildings
Requires Thorough Preparation

ALSO IN THIS ISSUE:

Foreclosure Notifications | Parking Ticket Amnesty | Budget Series | Election Roundup

Thriving downtowns are good for all of Maine.

Thanks to all our municipal clients who contribute greatly to our downtowns.

- | | | | | |
|--|--------------------------------------|--|--|---------------------------------------|
| Abbot | Dexter Utility District | Lewiston Auburn Economic Growth Council | Monmouth | Region 9 School of Applied Technology |
| Alton | Dixfield | Lewiston School Department | Monmouth Sanitary District | Rumford |
| Andover | East Millinocket | Liberty | New Portland | Rumford Water District |
| Anson-Madison Sanitary District | Eastport | Lowell | New Sharon | Saco |
| Atkinson | Embden | MSAD 22 | New Sharon Water District | Scarborough |
| Auburn Housing Authority | Falmouth | MSAD 30 | Northern Oxford Region Solid Waste Board | Searsport |
| Bangor Housing Authority | Franklin County | MSAD 31 | Northport | Sebango |
| Bangor Water District | Garland | MSAD 55 | Northport Village Corp. | Sidney |
| Beaver Cove | Glenburn | MSAD 74 | Old Town | Skowhegan |
| Biddeford Saco Area Economic Development Corp. | Greenbush | Machias | Old Town Water District | Smithfield |
| Brooks | Hampden Water District | Madison | Otis | Somerset County |
| Brownfield | Hancock County | Madison Electric Works | Palermo | Springfield |
| Brunswick | Hartland | Madison Water District | Parsonsfield | State of Maine |
| Bucksport | Housing Authority of Old Town | Maine Municipal Association | Penobscot | Stockton Springs |
| Burnham | Howland | Maine Public Employees Retirement System | Perry | Strong |
| Cambridge | Jay | Maine Turnpike Authority | Peru | Thorndike |
| Canton Water District | Katahdin Chamber of Commerce | Medway | Piscataquis County | Unity |
| Chelsea | Kenduskeag | Mexico Sewer District | Pittsfield | University of Maine |
| China | Kennebec Sanitary Treatment District | Mexico Water District | Porter | Veazie |
| City of Westbrook | Kennebec Water District | | RSU #3 | Verona Island |
| Clinton Water District | Knox | | RSU #10 | Waldo County |
| Cornish | Lagrange | | RSU #20 | Waterville |
| Cornish Water District | | | RSU #26 | Winslow |
| Cornville | | | | Winterport Water District |
| Cumberland County | | | | Woodville |
| Deer Isle | | | | York Water District |
| Dexter | | | | |



At Bangor Savings Bank, we help our downtowns thrive by ensuring that our municipalities can provide security, efficiency, and prudent management of taxpayer money. We'd like to thank all our municipal clients and their associates listed here for using the tools we provide—from payroll services to cash management solutions—to keep the character and businesses of our downtowns vibrant and strong.

Contact us to see how we can help your municipality.

Bangor Savings Bank

You matter more.

1.877.BANGOR1

www.bangor.com

Member FDIC

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

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

© 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.

April, 2013
Vol. 75, No. 4



FIND US!



www.facebook.com/MaineMunicipal



@Maine_Municipal

maine townsman

The Magazine of the Maine Municipal Association

Maine Municipal Association Updates 5

Executive Director Christopher Lockwood writes about topics ranging from the MMA Executive Committee to municipal collaboration to a new website about the proposed 2014-15 State Budget.

Firefighter Training and Old Buildings 7

A time-honored practice has seen municipal and volunteer fire departments use older buildings to do live fire training. While the training is valuable, it can be dangerous without proper preparation.

Madawaska Case: State Supreme Court Rules 11

Maine's highest court ruled recently in a civil case that asked the question: How much notification is required during the tax-lien notification and property foreclosure process?

Collecting Back Parking Revenue 15

Larger cities and tourist towns can wrestle with collecting overdue parking fines. Several cities are experimenting with new approaches, including using vehicle registration time as leverage.

Budget Series: Last Installment 17

Since January, the Maine Townsman has featured articles looking at approaches to municipal budgeting. In the fourth and final chapter, Heather Hunter of Lewiston encourages municipalities to think outside the box.

Risk Manager 19

Retirements, new hires and new program benefits are all explored in this installment of MMA's Risk Management Services' Risk Manager.

Town Meeting Elections 23

As we all know, March is a busy time for Town Meetings throughout the state. Here is our annual rundown of local elections.

Municipal Technology Conference 27

It's not too late to register for the Municipal Technology Conference, which will be held on April 30 at the Augusta Civic Center. Turn here for a complete guide to the timely, one-day event.

People 34

News 35

Municipal Bulletin Board 36

Legal 37

COVER PHOTO: This photo, published courtesy of the Maine Fire Service Institute, was taken at a live fire training event in Bristol.



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





A Message From MMA



by Christopher Lockwood, Executive Director

A 'Potpourri' of Thanks and Updates

This will be a potpourri of items that hopefully will be of interest. To begin, I want to thank former MMA President Steve Bunker for his dedicated service to the Maine Municipal Association. We have valued Steve's insights and leadership skills, as most recently evidenced in the meetings he led with members of Maine's Congressional Delegation during the National League of Cities conference in Washington, DC in mid March.

Looking ahead, we welcome the opportunity to work with Peter Nielsen, Oakland Town Manager, who has assumed the position of MMA President, and Marston Lovell, Saco City Councilor, who was appointed to fill the position of MMA Vice President for the remainder of 2013.



Peter Nielsen (left) and Marston Lovell.

MEMBERSHIP SURVEY

MMA is conducting a membership survey this month with the assistance of the University of Maine's Foster Center for Student Innovation. This will be an electronic survey touching on some of the questions asked during our last comprehensive Membership Survey in 2006 and looking at some possible future member needs for services and programs. The survey is estimated to take about 10 minutes to complete. We appreciate your willingness to respond to the survey and look forward to your input to assist us in providing valued services and programs.

TRACKING THE 2014-15 STATE BUDGET

If you're looking for information regarding the 2014-15 State Budget, please check out <http://mainetaxshift.memun.org/>. This website can be accessed on its own or by clicking on "Tracking the 2014-15 State Budget" on MMA's homepage (www.memun.org). The website contains a wealth of information regarding the major components of the Governor's proposed budget, the projected impacts on communities throughout the state, news stories and editorials,

and a broad array of information regarding municipal collaboration. It's an excellent resource not only for municipal officials, but for legislators, citizens and businesses in your community.

CONSOLIDATION OR COLLABORATION

I recently participated in a Bangor Region Chamber of Commerce panel discussion with Roger Raymond, Hermon Town Manager, and Peter Baldacci, Penobscot County Commissioner. The focus of the panel was the proposed State Budget and its potential effect on municipal governments.

One of the questions posed by the moderator regarded "consolidation" – with the implicit suggestion that municipalities aren't willing to join together to find efficiencies. Roger Raymond took the first crack at responding, outlining the broad array of over 30 functional areas in which the Town of Hermon joins with other entities or contracts with the private sector to provide needed services.

Consolidation and collaboration both start with the letter "C," but there's a world of difference between them. Municipal governments in Maine have a long and solid record of collaboration. Collaboration is based on functional areas. What works for one function, such as solid waste, might be different from assessing or public works or police or fire services.

Through collaboration, municipal officials seek out appropriate partners and forge inter-local arrangements which maintain accountability and flexibility. It's precisely as a result of this long history of collaboration that a series of recent independent studies have recognized that municipal governments in Maine are highly efficient. These reports are referenced in the "Municipal Collaboration" section of the above noted MMA website on Tracking the 2014-15 State Budget.

I encourage municipal officials to take every opportunity you can to tell your legislators and citizens and businesses about the many collaborative arrangements you have made to find efficiencies in providing services. You have a great story and we need to keep telling it.

A NOTE OF RECOGNITION

Although Eric Conrad, MMA Director of Communication & Educational Services (and editor of the *Maine Townsman*) will most likely want to edit out this final item of my column, I am pleased to inform you that Eric was recently presented with an award for distinguished work in journalism and communication by his alma mater, Shippensburg University of Pennsylvania. We value Eric's work on behalf of our members and congratulate him on this well deserved recognition. [\[mf\]](#)



**All States
Materials Group®**

Latex modified chip seal on Shepard Hill Road, Union, Maine.

AHEAD OF THE CURVE



ASMG CONTINUES TO GROW ITS FAMILY OF COMPANIES IN MAINE!

ALL STATES ASPHALT, INC., HAS JUST PURCHASED THE ASSETS OF (FORMER) **RAMPART BITUMINOUS, LLC**, AND WILL OPERATE ITS NEW BUSINESS AS, "RAMPART BITUMINOUS" WITH THE EXTENSIVE RESOURCES & TECHNICAL SUPPORT OFFERED BY ASMG. ALL STATES' SUBSIDIARY, **AUBURN ASPHALT, LLC**, IS ANOTHER RECENT MAINE ACQUISITION, ADDING HOT MIX ASPHALT PRODUCTION AT ITS FACILITIES IN AUBURN AND WINDSOR.



AUBURN ASPHALT, LLC AND RAMPART BITUMINOUS WILL NOW BE ABLE TO OFFER THEIR CUSTOMERS **THE MOST DIVERSE SELECTION OF INNOVATIVE PAVEMENT TREATMENTS** IN MAINE. IF YOU'RE LOOKING FOR LOWER COST **ALTERNATIVE TREATMENTS THAT PROVIDE SOLUTIONS** FOR YOUR PAVEMENT PRESERVATION & MAINTENANCE PROGRAM, THEN **CONTACT AN ASMG PROFESSIONAL TODAY** AT (207) 894-5040.

D/B/A



Rampart Bituminous
All States Materials Group®



Auburn Asphalt, LLC
All States Materials Group®

INNOVATION THROUGH LIQUID ENGINEERING



**All States
Materials Group®**

(800) 343-9620 | www.asmg.com

Steps Before Using Buildings to Train

By Douglas Rooks

The scene is common across the state: A municipal fire department gathers to burn down an abandoned house, in the process learning about structure fires in a way volunteer departments may get to do only a few times a year.

Live burns are vital tools for firefighter training, according to fire chiefs across the state. But houses and other structures donated for training must be checked out carefully, or fire departments could run afoul of state and federal laws, and even be faced with expensive cleanups.

Bryan Calderwood, South Thomaston fire chief and an instructor at Southern Maine Technical College, said there are two must-read documents for any departments thinking about conducting a training burn: the National Fire Protection Association's Regulation 1403, and the Maine Department of Environmental Protection's rule summary.

The former covers issues such as certifying ownership of the property being donated, and whether insurance has been removed from the property. That's important because the holder of an insured property could conceivably try to collect damages. The fire department will also need a demolition permit that covers the exact date and time of the burn.

DEP rules cover the environmental hazards that could exist in an abandoned building. Two of the most difficult to contend with, according to Louis Fontaine, a compliance manager in DEP's Bureau of Air Quality, are asbestos and lead paint.

"The assumption is that any build-

ing constructed before 1978 may have lead paint," Fontaine said. "Asbestos content varies a lot but it's often present and has to be dealt with."

CHECK THINGS OUT

Most fire departments that accept buildings for training burns require hazards to be mitigated by the owner first, said Freeport Chief Darrel Fournier. "The building always has to be checked out first," he said. "We won't accept a structure that has hazards or needs remediation."

Owners are often willing to take those steps because fire can be an efficient and rapid way of disposing of an unwanted structure – and, except for fire training, burning for such purposes is not legal in Maine.

"It's really the cheapest method of disposal, most of the time," said South Thomaston's Calderwood.

In Freeport, Fournier said the fire department and neighboring mutual aid departments have burned nearly 40 buildings over the past 20 years in training exercises, although there's been a short supply recently. Many abandoned buildings are being replaced by their owners with something better on the same lot, and with the housing slump, opportunities have been scarce, he said.

"We're looking at a garage and attached one-story structure now," he said. It's the first one that's been offered in two years – and it's small enough so only Freeport firefighter training can be accommodated."

Casco Fire Chief Jason Moen said small departments like his may only fight a structure fire four or five times a year, which may involve anything from a single room to an entire house being engulfed.

While training simulations can be helpful, there's really nothing like an actual fire to learn the trade. "You can't simulate crawling into a dark smoky room, and dragging a hose up several flights of stairs," Moen said. "You have to learn by doing."

An actual fire, for instance, allows firefighters to get the right balance of water on the flames. Too much, and the thermal balance can be upset, creating "hot spots" at other levels of the building.

Calderwood agrees, and said live training is particularly helpful at coordinating mutual aid units.

'FAMILIAR FACES'

"We may not see each other for months, except when we're responding in an emergency," he said. A training burn helps departments explore different ways to collaborate and use various equipment to best advantage. Said Calderwood: "It just works better when we're dealing with familiar faces."

But first the building has to be suitably prepared. Though word is getting around about the state rules and national regulations, not everyone has heard. Louis Fontaine recalls following up on one training burn where firefighters apparently hadn't noticed piles of chicken manure stored in the basement.

"It burned for three months," he said. "And people at the elementary school next door weren't exactly pleased."

Notifying neighbors is also important. Notices that specify that traffic may increase, especially for mutual aid exercises, should go out first. Rick Perkins, a specialist in the DEP regional office in Portland, also recommends

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

going door to door a day or two before.

“People will want to know that it’s not a good day to hang out laundry, for instance, and that they might want to keep pets indoors,” Perkins said.

The permits DEP supplies for training burns can be revoked if valid complaints from neighbors are received. Perkins said DEP has compared notes with Maine Forest Service rangers and it applies the “four corners” rule when evaluating whether it’s a nuisance complaint or something legitimate.

“If the smoke is contained within the four corners of the property, that’s OK. But if it’s going onto neighboring properties, they’ll have to shut it down,” he said.

If neighboring homes or businesses are very close to the structure, the fire department may have to pass, Perkins said.

Chief Fournier said that does happen. “We can’t accept them all. There are some we have to turn down if the hazards can’t be mitigated.”

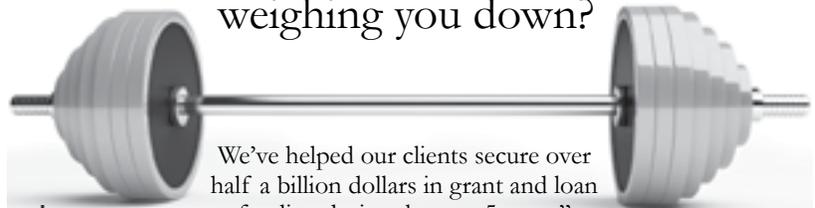
LEAD CAN PROVE COSTLY

The consequences for not following the rules can be severe. Paula



Firefighters practice on a “car fire.” (Submitted photo)

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

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!



Please contact:

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

Clark, director of the DEP's Bureau of Solid Waste, said there have been incidents where high lead levels were found in ash from a training burn. In those cases, "It had to be disposed of as hazardous waste and that can be very expensive," she said. Costs can run into the thousands of dollars.

Clark said most fire departments seem aware of the rules but the DEP continues to get complaints, some of them well founded. "It's like any aspect

of the law," she said. "Some are better at complying than others."

Stripping down a target building does not have to be unduly complex. In general, asphalt shingles and vinyl siding should be removed. In older structures, lead paint is often concentrated on window casings and trim, with wallpaper used elsewhere, so removing windows and using separate disposal for them can solve the prob-

lem.

When in doubt, though, do testing, Louis Fontaine said. Asbestos can present knottier problems. "You'll need a qualified technician if it needs to be removed. Not just anyone can remove asbestos. It's easy to make the problem worse," he said.

On the other hand, "We try to be flexible. We know that firefighters may encounter this material when they

ONLINE RESOURCES

Further information is available online at:

NFPA website: www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=1403

DEP rules on live fire training: www.maine.gov/dep/waste/solidwaste. See under "Guidance." The informative document is entitled: "Guidance and Checklist for Live Fire Instruction and Training Activities."

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

NEED TAX BILLS PRINTED AND MAILED?
NEED SEWER BILLS PRINTED AND MAILED?
NEED WATER BILLS PRINTED AND MAILED?
NEED RUBBER STAMPS?

WE CAN DO IT ALL FOR YOU IN-HOUSE!

THE
SNOWMAN
PRINTING • MAILING • STATEMENT PRINTING • BANKING SUPPLIES
GROUP

Tax Bills • Sewer Bills • Water Bills • Town Reports • Newsletters • Printing & Mailing

1 Printer's Drive • Hermon, ME 04401
Toll Free 1-800-675-7669 • Fax 207-848-7400



respond,” Fontaine said. For instance, DEP may allow vinyl siding to remain on one side of a building so firefighters can learn how to handle it during combustion.

In the end, though, health and safety protections are vital. “Firefighters get exposed to a lot of nasty stuff,” Fontaine said. “We don’t want to add to that problem.”

Electrical wiring can generally be left in the structure. “We’re not expecting them to go through and take apart every interior wall,” he said.

Due diligence requires that all fuel tanks be emptied and removed, along with appliances, and that no liquid fuels are present anywhere on the premises.

BE PREPARED

Despite the challenges, the fire chiefs say the effort is worth it, and that the formula for successful training is to be prepared.

“We have to follow our own rules, such as two in, two out,” said Jason Moen. “Plus, we’ll have at least two observers inside to evaluate the work and report back to the others.”

Training burns allow studying particular techniques that may not have been used before. Noting the lack of volunteers many departments are experiencing, including Freeport’s, Fournier said the latest training burn will use exterior techniques to quell the blaze.

“We may not always have the manpower to enter the building the way we want,” he said. “Plus, it’s hazardous. We’d like to see whether an exterior approach can be as successful.”

Often, a structure can be used for a half-dozen different exercises, room by room, or wall by wall. The final burn is quick. “It usually takes an hour or an hour and a half to turn it into ashes,” Fournier said.

He said the Southern Maine Fire Academy has a mobile trailer that can be used for training exercise. “But it’s small, and it can only show you so much.” For a full look at what a firefighter needs to know, “There’s really no substitute for a full-sized structure.”

Moen said fire safety awareness, plus better construction materials, has reduced the number of serious fires departments face.

“But you’re never going to elimi-

nate the human factor,” he said. “People will still mishandle hot ashes. People will still not properly dispose

of smoking materials. And for those occasions, firefighters need to be trained and ready.” [mfl](#)

TRAINING: BURN PADS MAY REPLACE ACQUIRED BUILDINGS

While the “live fire” exercises involved in burning abandoned buildings can help beginning firefighters learn, and keep veterans sharp, they may become more the exception than the rule in years to come.

Bill Guindon, director of the Maine Fire Service Institute (MFSI) at Southern Maine Community College’s Brunswick campus – the state’s designated fire training center – says acquired buildings aren’t used in any of its classes.

There are several reasons. One is that “we can’t legally acquire a building the way municipalities can,” Guindon said. But there are other issues that may lead to a decline in the number of such practice burns, in Maine as elsewhere.

“It takes a lot of time and resources to properly prepare a building,” Guindon said, “and you never know exactly what you’re going to find.”

A municipal department may set up for, say, 10 practice burns and then find that on the second one, the entire building goes up in flames.

“The lack of fire stops in old buildings can mean they burn a lot faster than you expect,” he said.

The required removal of asbestos and other hazardous materials means it’s a bigger job to prepare for a burn, though Guindon is all for such precautions. “It’s all about safety,” he said. “We have to make sure that all training exercises are as safe as we can make them.”

For MFSI, that means using burn pads rather than structures, for the most part. Ignition is created by hay or straw on pallets, the same method used by municipal departments. Gasoline or diesel accelerants, once commonplace, are no longer allowed. Through the use of reflective tile and other techniques, the burn pads can realistically create some of the hazards firefighters will face in burning buildings, including dense smoke.

There are training burn pads in Caribou, Bangor, Ellsworth, Wiscasset, Auburn, Yarmouth and Hollis. MFSI has nine full-time instructors and 100 contract instructors, training 2,000-3,000 firefighters a year.

Guindon said he supports chiefs who still prefer full-structure training. “We’d never try to limit what training opportunities communities can offer.” But he said it’s important to be aware of the risks.

“Live fire exercises have caused serious injuries and even fatalities” elsewhere, he said. “Making sure it’s safe is always the first priority.”

Douglas Rooks

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

Supreme Court Rules in Tax Lien Case

By Lee Burnett

How many times must a town or city warn a property owner about an impending tax lien foreclosure before actually taking ownership of the property?

It's a question that municipal officials may often ask themselves since they send out hundreds of notices each year, warning property owners of unpaid taxes, the filing of a tax lien and the impending foreclosure. Many of those letters are returned unclaimed.

The Maine Supreme Court recently weighed in on notification procedures, taking its cue from a 2006 U.S. Supreme Court decision. The high court ruled that it's not enough to send notices; there must be proof that the warning is actually received. The state's law court also ruled that as long as two properly delivered warnings are sent, there needs to be proof that that one of them was received. The decision vindicates the Town of Madawaska, as its foreclosure process was held under a microscope.

No one keeps overall track of tax lien foreclosures, although bank mortgage foreclosures are rising, according to Maine's Bureau of Consumer Credit Protection. The 3,880 foreclosures in November 2012 were a three-year high and January 2013 was expected to top 4,000, according to Mark Susi, chief investigator for the foreclosure diversion program. He suspects many homeowners have tapped out their back up reserves.

"People struggle for a long time. A lot of people. They've been using their savings, dipping into retirement. That money is running out," Susi said.

Lee Burnett is a freelance writer from Sanford and regular contributor to the Maine Townsman, leeburnett_maine@hotmail.com.

The Madawaska case, which ultimately did not involve the town as a named plaintiff or defendant, was brought by Pine Tree Legal Assistance on behalf of Jeffrey and Jeanne Stoops, who lost their property to foreclosure in 2009. They sued the new owner, Richard Nelson.

Pine Tree argued that the Town of Madawaska failed to sufficiently warn the Stoops about the impending foreclosure. Furthermore, Pine Tree argued that the U.S. Supreme Court had raised the bar on foreclosure notification in its decision in *Jones v. Flowers*, 547 U.S. 220 (2006). The Maine Supreme Court disagreed, saying the Supreme Court case didn't quite apply and even if it had, the town had done everything right.

Both lawyers involved with the case agree that towns and cities should take heed.

"They (towns) need to document they took an extra step or else it is subject to challenge," explained Rick Solomon, who represented Richard Nelson, the eventual owners of the property. "That is a new twist. Previously, as long as you made a good faith effort, that was enough. If (the property owner) didn't get it, too bad. You need something to show you are really trying to get a hold of the taxpayer because things happen: They move, there's divorce or they're not home."

Pine Tree lawyer Jeff Ashby, who disagreed with the decision, said sending a letter certified mail is a minimum first step, but it should be followed up if it comes back unclaimed. "Certified mail is the gold standard – when they get it. When the town knows they didn't get it, they need to do more."

THREE PHASES

In the foreclosure process spelled out by Maine law, there are three phases:

1. Eight months after taxes are due, the tax collector is allowed to send a "30-day demand notice" warning the property owner that, if taxes and interest are not paid within 30 days, a tax lien will be filed in the county Registry of Deeds. The filing of tax lien prevents the property from being sold without discharge of the lien first.

2. Following the filing of a tax lien, the property owner has 18 months to redeem the property by paying back taxes and interest. If the tax lien goes unpaid, the municipality must send a subsequent notice of impending foreclosure, allowing an additional 30 days to redeem the property.

3. Foreclosure is automatic as long as these steps are followed, although a municipality may choose to waive foreclosure by affirmative vote of its legislative body.

According to the court decision, the Stoops failed to pay taxes in 2004 and thereafter. The record shows that Madawaska sent three warning letters per tax year for the next three years. Two letters each year were sent by certified mail, as required by law: the "30-day demand letter" and the notice of impending foreclosure. An additional warning letter, not required, was sent by first class mail. (Of the nine letters, there was proof of receipt for three letters.)

On the last day of 2008, the town finally foreclosed on the property to collect back taxes totalling \$9,277. (See table on P. 12.) The property was seized and sold to the Nelsons in 2009. The Stoops sued and the Nel-

Timeline in the Madawaska Tax Lien Foreclosure Case

Action			
Notice sent to Jeffrey and Jeanne Stoops by certified mail that taxes are 30 days overdue	5-19-2005 (Jeanne Stoops signs for letter)	5-16-2006 (letter returned unclaimed)	5-15-2007 (letter returned unclaimed)
Tax lien recorded in Registry of Deeds office	6-23-2005	6-19-2006	6-19-2007
Notice sent to Stoops by first-class mail that taxes secured by lien are still not paid	10-26-2006 (not returned)	10-16-2007	11-13-2008
Notice sent to Stoops by certified mail of impending foreclosure	11-14-2006 (return unclaimed)	11-15-2007 (Jeanne Stoops signs for letter)	11-17-2008 (Stoopses' adult daughter signed for letter)
Foreclosure	12-31-2008		
Property sold to Richard Nelsons	2-3-2009		
Stoops filed complaint to block sale; Nelson counter sues.	August 2009		

sons countersued. The Nelsons finally prevailed in the case decided in early March and the Stoops were making arrangements to leave.

Pine Tree Legal Assistance raised three challenges:

- The U.S. Supreme Court's *Jones v. Flowers* decision trumps the lower court decision.
- The town failed to comply with the additional requirements of *Jones v. Flowers*.
- More than a single notice is constitutionally required.

On the first issue, the Maine court found the facts are different and therefore the *Jones* case does not overrule. It involved a case in which the government failed to notify, whereas in there was no dispute that the Stoops received noticed

On the second issue, the Maine high court found that the town had in fact taken "additional reasonable steps to inform the Stoopses that they were in danger of losing their home, and the Stoopses actually received additional warnings."

On the third issue, the Maine high court found "information provided by the (30-day demand notice) is suffi-

cient to apprise property owners that they will lose their property if they do not take action."

Note: Maine Municipal Associa-

tion's Legal Services Department filed an amicus curiae, or "Friend of the Court," brief in support of Madawaska's handling of this case. [\[m\]](#)

Green and Healthy Maine Streets: New Economic Vitality for Downtowns!

May 31, 2013

Point Lookout, Northport & Downtown Belfast



8:00 AM - 5:00 PM

Education Sessions • Networking • Tours
Local Foods • Displays • Silent Auction
Achievement Awards

Keynote: Inaugural Poet Richard Blanco

Register Today: www.mdf.org



The Downtown Center would like to thank Bangor Savings Bank, this year's "Full Bloom" Sponsor.



Consider These Factors Before Foreclosing

By Lee Burnett

Once a foreclosure process starts, delinquent taxpayers have little wiggle room under Maine law. They have 18 months to clear their names and they may apply for a rebate to reduce their tax bills. But if they haven't made amends before the clock runs out, they are out of luck.

Municipalities are different. They have the authority to waive foreclosures if they decide the properties to be foreclosed upon are not ones that they wish to own. There are many reasons why municipal officials may choose to avoid owning the property. They may prefer to avoid the anguish of eviction, particularly if the occupants become burdens on general assistance. They may prefer to avoid the liabilities of owning a contaminated property, although there are common misconceptions about this.

In the recent Town of Madawaska foreclosure case decided by the Maine Supreme Court, town officials withheld actual foreclosure for two years longer than they were legally obligated to do. Madawaska Town Manager Christine Therrien said the town finally took action after learning that the owners threw a neighborhood Christmas event at their own expense.

"We'd rather (the property) go back to the original owner, but you can only put up with so much," said Therrien. "The last straw for me was when they (old owners) took out an ad for an open house at Christmas. They had trees all decorated, refreshments. They invited the public in, took out a newspaper ad. That was it for me. I said, 'This time, when it comes up, let's sell it.'"

Camden foreclosed on a highly contaminated former industrial site in 2003 and is still trying to market the property. The town secured a \$200,000 Brownfields grant and raised another \$960,000 locally to demolish the old Apollo Tannery and clean up the site.

Town Manager Pat Finnegan said

the project has been controversial because of the expense and risk of redeveloping a site with historical contamination. But hopes are high because of the property's desirable location – 3.5 acres on the banks of the Megunticook River in the downtown. The town is willing to give away the land to a developer who fronts \$200,000 (rebateable over time) and who creates 24 good-paying jobs in a high-tech or research field.

TAKING THE LONG VIEW

"People think it's a good move as long as we can attract the kind of business we have in mind. We know we're not going to make money back in short term, but we take the long view of things," Finnegan said.

Foreclosing on property with perceived contamination is a difficult one, acknowledges Nick Hodgkins, Maine's Brownfields program coordinator. Some towns are "overly cautious" and mistakenly believe not owning the site exempts the municipality from responsibility, he said. Should the property become an attractive nuisance, the town has a responsibility to protect the public, he said.

"If vagrants to get in building and set fires, there's the public safety issue," he said. "I think most (environmental attorneys) will tell you the (towns) have the responsibility, even though they don't want it."

Maine law shields municipalities from becoming "responsible parties" for non-petroleum contamination in cases of "involuntary taking," which includes tax-lien foreclosure, said Hodgkin. "There are protections in the law," he said. He advises municipalities to hire an en-

vironmental lawyer and work with the state Department of Environmental Protection.

Similar to Camden, the City of Lewiston faced decisions on two different mills in the early 1990s: the sprawling Bates Mill complex, which included half a dozen brick mill buildings covering 1.5 million square feet; and, the smaller Libbey Mill, with its iconic tower. The city foreclosed on the Bates Mill and is in the process of redeveloping it.

One building was demolished, two are fully occupied, two more partially occupied and the largest is still vacant, said Lincoln Jeffers, Economic and Community Development Director. The city waived foreclosure on Libbey Mill, which later burned down. Though smaller, the Libbey Mill had greater contamination issues and litigation. "It was messy," said Jeffers. He said foreclosure decision depends on the situation.

"You don't want to give people a pass, but you also don't want to burden the city with excessive costs upon taxpayer," he said. "What's the best way to make things whole?" [me](#)



The former Apollo Tannery in Camden. (Submitted photo)



The tannery site today. (Submitted photo)

Lee Burnett is a freelance writer from Sanford and regular contributor to the Maine Townsman, leeburnett_maine@hotmail.com.

The Maine Chapter
American Public Works Association

presents...

The Twenty Second Annual
Highway Congress

SKOWHEGAN FAIR GROUNDS

Thursday — June 6, 2012 — 7:00 a.m. - 3:00 p.m.



FREE ADMISSION • Door Prizes • Skid Steer Loaders and Backhoe Contests

Complimentary LUNCHEON Sponsored by Maine Chapter APWA



The Lions will serve breakfast from 7:00-9:00 a.m.



Maine Local Roads Center — “Time Out for Training”



Erosion Control and Spill Prevention Training

Sessions Sponsored by Maine DEP and J.E.T.C.C.



DEMOS ♦♦♦ DEMOS ♦♦♦ DEMOS

WHO SHOULD ATTEND?

- All Highway Departments
- Solid Waste Departments
- Municipal Officials and Managers
- Water and Sewer Utility Departments
- Parks and Recreation Departments
- YOU!!!

Maine and New England's Premier Public Works Exposition. There is no better show or deal in the industry!

Annual State Snow Plow Rodeo
Championship and Award Presentation



Brochure and registration forms will be sent out in mid-April. Registration Deadline is May 23, 2013. For more information call the Affiliate Services Office—Maine Chapter APWA, 1-800-452-8786.

More Cities Offering Ticket Amnesty

By Liz Chapman Mockler

If you think getting a good parking spot is the bane of a great, in-town shopping spree, wait until you try to register your car before paying for those old tickets.

In a growing trend in some of Maine's largest municipalities, police and finance officers are collaborating to ensure that residents pay up before they register their cars. And don't think about doing an end-run around City Hall: Only cities and towns may collect excise taxes and, without that payment and those license plate stickers, your new car or truck is legally grounded.

South Portland is the latest city to offer an amnesty program before tying parking tickets to car registrations. Police Chief Edward Googins said the city wanted to give residents a chance to clean up their tickets before getting a rude awakening when they walk in to register or re-register their vehicles.

The move coincides with the city's police department switching to an electronic ticketing system that should save time both for police and finance staff and improve the efficiency of the overall parking-ticket operation.

The amnesty program expired at the end of February.

"Ordinance changes were done" to allow the new system, Googins said. "We are trying to clear some of the backlog of tickets on file while softening the blow" when people are forced to pay old tickets before getting through the excise tax office.

Under the program, violators can pay only the face value of the ticket, even if they are late. Residents who don't take advantage of the amnesty

offer must pay the old tickets, penalties for late payment and, in some instances, towing and "boot" costs.

Googins said police don't use the "boot" often – a device attached to a wheel to prevent the owner from being able to operate the car. But they will tow cars when owners have three or more outstanding tickets. "We also tow chronic offenders' vehicles. We do that on occasion," he said.

Greg L'Heureux, South Portland finance director, said he didn't hear any complaints. He said the finance office staff thought the new system would be effective in tracking the tickets and helping reduce chronic parking scofflaws.

"We don't take a heavy-handed approach," he said. "We don't send claims out to a collection agency. We don't tow cars, traditionally. We get most of our problems in the winter when plowing streets can be difficult" because of illegally parked cars."

Parking tickets don't generate significant revenue for the city – about \$40,000 annually – but like many communities, there are chronic offenders, as well as out-of-towners who figure they can get away with not paying the fines.

According to L'Heureux, the amnesty program resulted in \$10,000 in back fines being paid off between Dec. 21, 2012 and Feb. 14, 2013, compared to \$4,000 for the same period last year.

LEWISTON PRACTICE

The City of Lewiston has tied parking ticket payments to vehicle registration for more than 15 years, according to Tammy Bureau, investment officer and deputy treasury manager. Even in a city where parking violations and penalties amounted to \$150,000 in the

last fiscal year, there is little hubbub over the policy.

"I think it's a great idea and it works well," said City Councilor John Butler, who has served on the council for three years, preceded by 16 years as a city school board member. Butler, who admitted he's been ticketed over the years, paid his fine on time and has no problem when it's time to get his vehicle registered.



John Butler

Butler said he's not heard a single complaint about the parking policy.

Bureau, meanwhile, said "people aren't surprised" when they're told they cannot get a vehicle registration if they haven't paid their outstanding fines – and penalties. Nine out of 10 times, she said, the residents pony up the ticket money without a confrontation.

"Once in a while someone gets upset," Bureau said. "We just apologize and tell them, 'You have to deal with the police first and then we'll register your car.'"

In Lewiston, the treasury office gets a monthly list from police showing who has \$100 or more in outstanding parking fines. Staff then goes into the database and flags a vehicle's registration so when the owner comes into City Hall, he or she is directed to the police station three blocks down to pay what they owe. Residents can then return to treasury with a receipt from police, pay their excise tax and get a new or renewed registration.

According to Bureau, there isn't

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

any way out.

“Even the state can’t stop” the policy because only municipalities are empowered to assess and collect excise taxes. Going to the Department of Motor Vehicles branch serves only the purpose of being re-directed to City Hall, she said.

Rockland doesn’t have plans to link parking fines to vehicle registration, but officials are gearing up for a second amnesty program to try to flatten the backlog of unpaid tickets and penalties. The last amnesty period lasted six months in 2005 and was deemed successful, Police Chief Bruce Boucher said recently.

The latest amnesty program took effect on March 13 and was scheduled to last for a month. The seaside city, one of Maine’s most popular tourism communities, has about \$27,000 in back fines and penalties on the books – including 34 people who owe \$4,000 combined.

Boucher said half of the outstanding parking tickets have been issued to chronic violators. The city takes in \$20,000 to \$27,000 a year in parking fines and penalties, he said.

Some of the fines are unlikely to be paid as tourists motor through town, stop to shop and eat, get a parking ticket and keep on trucking. That same problem presents itself in all cities and towns that attract non-resident workers, visitors and shoppers.

Boucher said Rockland is buying a second boot and plans to use it more aggressively than in the past. One of the problems with having a single boot is the city’s inability to boot a vehicle at critical times because the first boot, bought in conjunction with the 2005 amnesty program, is being deployed elsewhere.

Under a new ordinance conceived by Boucher and approved by the City Council, parking violators with three unpaid tickets can either get the boot or have their vehicles towed. Under the old language, such action required police to wait until a violator had racked up five tickets.

“The parking problem had not been addressed” effectively before the 2005 amnesty program, the chief said. “It was getting out of control.” The tougher rules passed seven year ago also “sent out a message that the city was taking parking violations more seriously.”

He thinks the more aggressive policy that will take effect this spring will send an even stronger message. “We’ll see how this plays out,” Boucher said.

WHAT PARKING PROBLEMS?

Some municipalities don’t share the same hassles that parking can bring in other locations. In Brewer, where there is no defined downtown and most parking is free in commercial lots, officers don’t use up their ink writing tickets, according to Police Chief Perry Antone.

“Parking tickets are rare here,” he

said. “Most of what we do is deal with (parking) bans” during snowstorms and snow removal.

In Caribou, Police Chief Michael Gahagan said the only parking problem is the low cost of a ticket, which encourages vehicle owners, mostly attorneys who park close to the courthouse, to just “come in at the end of the month and pay their tickets” rather than parking legally, the chief said.

“We’re reviewing our parking ticket ordinance,” Gahagan said, laughing, “because tickets are still two bucks.” m



Lewiston Officer Patrick Griffin hands a parking violation “ticket” to City Councilor Craig Saddlemire for a photo the city uses to encourage residents to sign up for the its “Notify Me” online offering. (Photo by Dottie Perham-Whittier, Administration, City of Lewiston)

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 for more information

AndroscogginBank

1-800-966-9172
AndroGov.com

Member
FDIC

Education Critical to Building Budgets

By Liz Chapman Mockler

Lewiston Finance Director Heather Hunter is concerned about the possibility of losing State Revenue Sharing funds, the impact of which she has described to taxpayers as an “almost unimaginable” financial problem for the city. She and other Lewiston municipal leaders have detailed the possible funding cuts for residents and continuously work to keep taxpayers informed about what services they pay for and where their money is spent.

Q: *Would you recommend to others a career in municipal finance?*

A: Yes I would, because of its diversity and ever-present challenges. Rarely are two days the same. You interact with a variety of people, and the rapidly changing environment provides frequent learning opportunities and the chance to work on special projects that make a real difference to the community.

Q: *What is your concern about Gov. LePage’s proposal to suspend State Revenue Sharing for the next two fiscal years, among other proposals that would reduce municipal funding and shift costs to local government? How has that impacted the way you build and balance the budget?*

A: During Fiscal Year 2013, the city initiated curtailment efforts and a hiring freeze in January as a precautionary measure until we see the end result of the state’s budgetary impacts. To quote Lewiston’s City Administrator Edward Barrett on the subject, “State revenue sharing accounts for about \$4 million of the city’s \$44 million municipal budget. Losing that revenue would be severe, triggering tax increases or steep budget cuts – and possibly both.”

Barrett said the city’s tax rate would have to increase about \$2 per \$1,000 of property value to make up the difference. That’s about a \$300 increase in property taxes on a \$150,000 home. “It creates a significant problem for us in terms of balancing how Draconian the cuts would have to be against how much the citizens could afford to pay in additional property taxes,” Barrett said. “There is no question in my mind it would be virtually impossible to maintain an adequate service level without a property tax increase to make up some of the difference.”

Our 2014 budget message contains the following narration: *State Revenue Sharing, which has been in effect since 1972, sets aside 5 percent of state income and sales tax revenues for local property tax relief. Under the formula, Lewiston should receive \$6.1 million next year, an amount already reduced by \$2 million due to past state raids. Under this new proposal, Lewiston could lose the \$4 million that remains. Replacing this through property taxes would require a rate increase of \$2.18. The state budget would also transfer the excise tax on tractor trailers from cities to the state, a revenue loss to us of at least \$91,000. Finally, state reimbursement for General Assistance would be reduced, cutting our revenues by another \$86,000. The impact of such cuts on municipal services and taxes are almost unimaginable. As a result, the proposed budget has generally been built on the basis of current state law, not the proposed budget. Should some or all of the proposed cuts be enacted, we will have to reassess and revisit what follows.*

The late state budget adoptions put Lewiston in a precarious position as the city’s charter requires our budget to be adopted by May 31, which includes the school department and its referendum vote. We may not have

an approved state budget by that deadline. Depending on the outcome at the state level, we may be forced to approve a supplemental budget. This plan of action works OK on the city-side but, as we understand it, once the school department receives budget referendum ratification, it effectively cannot be changed. The school department accounts for 57 percent of our municipal budget.

Q: *Do you have any ideas to improve municipal finance practices?*

A: Evaluate everything! Consider streamlining the paper flow, partnerships with other organizations to reduce costs and don’t accept the phrase “it’s always been done that way.” Conversely, in trying economic times, one should keep an eye on your internal controls and implement your independent auditor’s recommendations when feasible. Many people are financially stressed right now.

Q: *Do you think cities and towns should have a capital improvement plan, regardless of the size of the municipality?*

A: Yes, although the scope and dollar threshold will vary largely amongst municipalities based upon size. All municipalities have capital needs and it is necessary to evaluate the timing and funding possibilities for those purchases. It never hurts to have a list of needed projects available in case grants or other funding becomes available, such as the recent federal stimulus.

Q: *How should a CIP be financed?*

A: This will depend greatly on the size of the municipality and the amount of the project. With the current historically low bond rates, it’s a cheap time to finance projects, especially coupled with the sluggish construction market. Conversely, if a municipality has significant reserves,

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

ABOUT THIS SERIES

This is the fourth and final question-and-answer article in a series about municipal budgeting which the Maine Municipal Association began publishing in January.

Heather Hunter earned a Master's Degree in Business Administration from New Hampshire College in 2002 after graduating from the University of Southern Maine with a Bachelor's degree in Accounting, with a concentration in Finance. She worked as a staff auditor in 1988 and 1989 for Ernst & Young in Portland before being hired as Lewiston's Deputy City Auditor, a position she held for nine years. She was named Deputy Finance Director and City Auditor in January 1998 and was promoted to Finance Director in February 2010. She has taught and developed accounting and finance curriculum for Central Maine Community College in Auburn since 1991. During her career in Lewiston, she has twice been named Employee of the Year (citywide in 2004; finance department in 2000), as well as winning the City Administrator's Award in 1998. She serves on a dozen boards and committees, many of which she has been elected president or treasurer. She also serves as a consultant and speaker for local governments and small businesses.

given the equally nonexistent returns on investment income, it's a great time to invest in your municipality from a capital standpoint. Most likely you will receive a higher rate of return.

Q: *How do you address financial emergencies or unexpected expenses?*

A: Depending on the dollar value, small emergencies or surprises can usually be absorbed within the current budget. For example, if a department has unexpected vehicle repairs, maybe they forego some departmental training this quarter or year. Larger ticket items require a city-wide approach as noted above by activating curtailment efforts and hiring freezes or inter-department transfers.

Q: *Do you think most property taxpayers understand municipal and school finances, municipal services and how they affect tax bills?*

A: Being optimistic, I would like to think so, but probably not the detailed intricacies. The most difficult issues to effectively convey are the federal and state unfunded mandates and municipal costs related to them. Most taxpayers are visually orientated; therefore, they want to see their trash being picked up, firefighters showing up when they're called and the roads cleared during a snowstorm. But municipal services aren't like shopping at the mall where you find something you like and pay for it right then. You receive municipal services throughout the year, but pay for them in one or two lump sums. As a result, there's a disconnect between the services you get and what you pay for. Therefore, municipal officials need to educate res-

idents repeatedly on what is included in their tax bills and the importance of those functions.

Q: *How can municipalities save money now, after decades of collaborative efforts?*

A: Continue to be open-minded on revamping processes, exploring technology and/or forming partnerships. I think the focus is often on one big silver bullet, rather than considering some low-hanging fruit and smaller

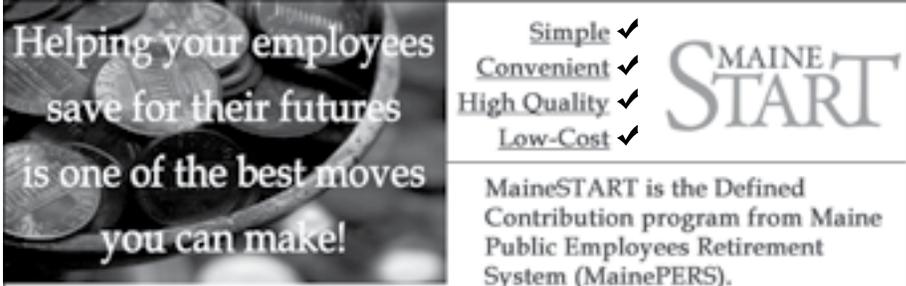
adjustments that may have a large cumulative impact.

Q: *Is there something weird that has happened to you over the years in developing or presenting a budget? Can you share?*

A: I've been pretty fortunate in preparing budgets. I think my most difficult one was the FY2011 budget, when the city cut approximately 22 positions – layoffs are never easy. Our city administrator tells the story of one budget where the city assessor grabbed him about two hours before the council was to adopt the budget and informed him that he had made a mistake in the assessed value number in the budget, a mistake in the wrong direction. They had about two hours before the last budget workshop to revise the budget and present the new, and worse, numbers to the council. Luckily, nothing like that has ever happened to me.

Q: *Do you have any parting thoughts for our members?*

A: Keep lines of communication open to employees, suppliers, elected officials and the community. I find people tend to think more rationally when they have information and feel they are a part of finding a creative solution. 



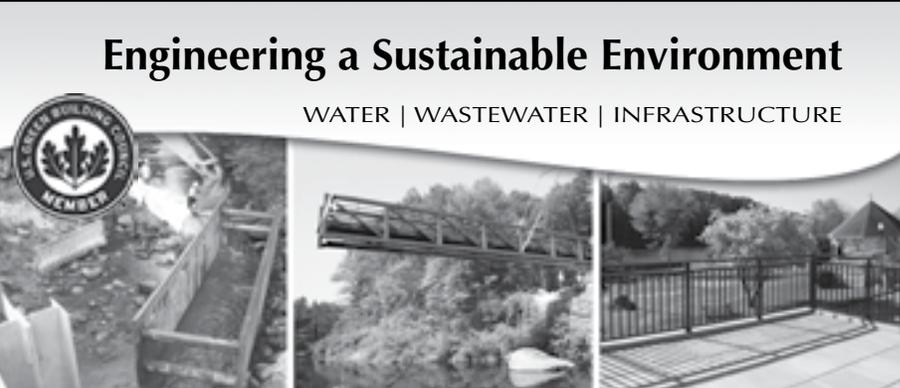
Helping your employees save for their futures is one of the best moves you can make!

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

MAINE START

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

Contact: Stephanie Fecteau
tel: 207-512-3305 e-mail: Stephanie.Fecteau@mainepers.org
www.mainestart.org



Engineering a Sustainable Environment

WATER | WASTEWATER | INFRASTRUCTURE

WRIGHT-PIERCE
Engineering a Better Environment

Offices Throughout New England
888.621.8156
www.wright-pierce.com

The Municipal RISK MANAGER

APRIL 2013

A Publication of the Maine Municipal Association

RMS Claims Announces Retirement and Promotions

Tom Conger, Workers Compensation (WC) Assistant Claims Manager retired on 3/31/13. Tom joined MMA in November of 2007 bringing with him vast experience and knowledge in the insurance field and extensive claims management experience. All of RMS benefited from his insight, mentoring and strong commitment to our members. We wish him all the best in his retirement.



Tom Conger, Retired Workers Compensation Assistant Claims Manager.

We are pleased to announce that Tracey Gould has been promoted to the WC Assistant Claims Manager position. Tracey is a 2003 gradu-



Tracey Gould, WC Assistant Claims Manager and Matt Pitcher, WC Claims Supervisor.

ate of Thomas College in Waterville, Maine. She completed school with a bachelor's degree in finance and economics. During college, she was very active in field hockey, softball, and other campus organizations. Tracey joined MMA in July of 2003 as a Workers Compensation Claims Representative and was responsible for handling lost time

claims in the central part of Maine. In January of 2011 she was promoted to Workers Compensation Claims Supervisor and oversaw the work of the three medical technicians. In her new position she will oversee the entire WC Claims Department and directly supervise our four WC Claim Representatives, Nurse Case Manager and the WC Claims Supervisor.

Matt Pitcher has been promoted to the WC Claims Supervisor position made vacant by Tracey Gould's promotion. Matt Pitcher graduated from Thomas College in 2001 with a degree in business management. He was hired by the Maine Municipal Association as a Workers Compensation Claims Representative in June

2005. In 2008, Matt was promoted to Senior Claims Representative, and in 2009 he took over the City of Portland account where MMA acts as the third party administrator. Matt will continue to serve in this role along with his new duties as WC Claims Supervisor. He will have oversight of the three WC medical technicians who handle medical only and small lost time claims.

Both Tracey and Matt bring a wealth of experience and a strong service commitment to our members. We are excited about their new roles in the Risk Management Department of MMA. 🏠



Important Reminder About Independent Contractors

As a reminder, members of the Workers Compensation Fund who use independent contractors should obtain a certificate of insurance with evidence of Workers Compensation coverage or an approved "Predetermination of Independent Contractor Status" (WCB 266). These forms are available on the Maine Workers' Compensation Board's website. 🏠

Potholes and Municipal Responsibility

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

The Property & Casualty Pool recommends that each municipality have a written process for recording when notice was received and when the road defect was fixed. The written process should include a well organized work flow documenting the reported defect. It may be advisable to have one person handle the incoming reports. The designated person should keep a log of the time the defect was reported and the location. After the notice is received, trucks need to be dispatched for a reasonable repair of the defect within 24 hours of that report. The time of repair needs to be logged along with the type of repair (gravel, cold patch) and any comments. This log should be retained for at least a 6 month period since that is the amount of time the public has to report the defect to the municipality.

If there is more than one report for the same location and/or there is a recurring pothole from a problem area, the use of a sign and/or cone may help motorists to avoid the defect until a reasonably satisfactory repair

can be completed. The statute does not specify what type of repair must be made. The repair will be judged by a reasonableness standard. The frequency of defects rises usually in March and April as the frost leaves the ground. Potholes can also occur in the late fall. Potholes are usually more frequent during and after heavy rain fall in these same months.

The limit for any damage claim when

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

Transfer Stations Can Present Serious Fall Hazards

Municipal, quasi-municipal, and private waste transfer stations are found throughout Maine and play an important role in a community’s waste management system. Their design and operation is dependent on the location serviced, volume, and method of ultimate disposal. Waste transfer stations range from basic to quite complex. In the most basic, the public drives onto the grounds and places the waste into the appropriate bin which is hauled away when full either by transfer station employees or by a contracted company. Other transfer stations have drive-up off-loading, where a metal roll-off container or bin is placed below grade so the public can easily throw or dump their waste into the container. These containers, usually equipped with a mechanical compactor, are 8 feet or more deep and can present serious hazards for falls to the public and to employees of the transfer station. Sorting containers for recyclables such as metal, demolition materials, etc. are often located below grade or are accessed from platforms. These also present hazards for falls and there have been documented fatalities and injuries in Maine, resulting from persons either falling or driving into containers.

OSHA CFR (Code of Federal Regulations) 1910.23 outlines requirements for fall protection at openings where one could fall into a container. A “standard railing” 42 inches in height with a mid-rail at the mid-point between the top rail and ground level and capable of withstanding 200 lbs. of lateral force should be provided. Standard railings must be provided on all sides of loading pits or other locations that are adjacent to walking and working surfaces and on all platforms or working/walking areas with a drop of more than four feet.

Safety Options and Tips:

- a. If the transfer facility as constructed is equipped with railings, traffic stops, barriers and other safety devices, don’t remove or obstruct them. Repair or replace if damaged.
- b. Leave gates in front of compactor hoppers closed. If a gate must be opened, (example-when dumping a truck) it should be opened by attendants and closed immediately after. Post signs stating the policy.
- c. “Stop logs” (curb stops) should be placed at locations that warn drivers and prevent vehicles from backing

Story Continued on Page 22

Global Harmonization System (GHS)

If, when you hear of “global harmonization”, you envision an international group of people singing peaceful words in harmony in candle light - forget it! GHS stands for the “Globally Harmonized System of Classification and Labeling of Chemicals.” GHS is a system that defines and classifies the hazards of chemical products and communicates health and safety information on labels and safety data sheets (SDS). The goal is that the same set of rules for classifying hazards and the same format and content of labels and safety data sheets (SDS) will be adopted and used around the world and become “globally harmonized”.

Why do MMA members care? Building on the success of OSHA’s current Hazard Communication Standard (CFR 1910.1200), often referred to as HazCom, which gives employees the “Right to Know” about the dangers of working around hazardous chemicals and methods for protecting themselves from dangers, the new rule will enhance the opportunity to “Right to Understand”. The HazCom standard, enacted in 1983, still requires having a written program, container labeling and data sheets for chemicals and employee training. The new rule changes how communication is made. Two significant changes in the revised standard require the use of new labeling elements and a standardized format for Safety Data Sheets (SDS), formerly known as Material Safety Data Sheets (MSDS). The bottom line is, if you have a written program that was in compliance with the original standard, it must be updated to include the changes required by the new rule.

To help employers comply with the revised standards, OSHA (and the Maine Department of Labor in the public sector) is phasing in the specific requirements over several years (December 1, 2013 to June 1, 2016). By 12/1/13 employers must have trained employees on the new label elements and the SDS format. Among

other things, this training includes a new labeling system with standard language for “product identifiers” and the use of pictograms on labels to alert users of chemical hazards to which they might be exposed.

Other critical dates:

- By 6/1/15 manufacturers, distributors and importers must be in compliance by providing the new SDS with each shipment. Distributors may ship products labeled by manufacturers under the old system until December 1, 2015.
- By 6/1/16, employers must have switched to the new SDS labeling.
- Chemical manufacturers, importers, distributors and employers may comply with either 1910.1200 as revised by the new rule, or the current version of the standard, or both during the transition. Completing employee training early in the transition process and prior to the 12/1/13 deadline is important, since workers are already

beginning to see the new labels and SDS on chemicals in the workplace. To ensure employees have the information they need to better protect themselves from chemical hazards it is critical that employees understand the new label and SDS formats.

Sources of assistance include: OSHA’s Hazard Communication website <http://www.osha.gov/dsg/hazcom/index.html> has QuickCards and OSHA Briefs to assist employers with training.

Maine Department of Labor – Safety-Works! (207) 623-7900 or 1-877-723-SAFE or www.safetyworksmaine.com

MMA, Risk Management Services (RMS), Loss Control Department, (207) 626-5583. Contact your assigned Loss Control Consultant. For participants of RMS self insured programs, online training is available at <http://www.memun.org/RMS/RMS.htm> “Best Practices,” also available on our website, are currently being updated to reflect the new rule. 📌

National Police Week 2013



and protection of others. Please join us as we thank all Police Officers for their dedication, loyalty and service. 📌

In 1962, President John F. Kennedy signed a proclamation which designated May 15th as National Peace Officers Memorial Day and the calendar week in which May 15th falls as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week gives special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety

Transfer Stations *(cont'd)*

too far and striking fencing or backing into a container. These should be painted with a high visibility paint or striping.

d. Use concrete barriers (“Jersey Barriers”) to block vehicle access from pedestrian areas, edges of elevated areas, containers, fuel tanks, structures, etc. If barriers are also serving as a railing for fall protection they should be modified to have 42 inches top height.

e. When roll-off containers (bins) are placed so that the top edge is below grade (ground or floor level) or is above grade but not 42 inches, a “standard hand rail” must be provided.

f. Some facilities are designed to have users drop wastes onto a concrete pad (if inside, called a tipping floor) and the transfer station operator uses a bucket loader to move the waste to the compactor hopper. This provides additional control of the public from exposures. If the drop-off area is more than four feet above the slab, a standard rail should be provided. Stop logs or barriers should also be

provided to prevent vehicles from falling to the tipping floor and to prevent the loader from falling into the hopper.

g. Signage should be provided to restrict public drop off areas from more hazardous areas with entrance limited to employees. Example – **Restricted Area-Authorized Employees Only**

h. To prevent falls and other injuries to the public, no scavenging or salvage should be allowed.

i. To eliminate fall injuries, employees should be trained to the OSHA standards for Walking and Working on Surfaces, Floor and Wall Openings and General Housekeeping, including spill cleanup.

This list is intended to raise awareness of waste transfer station fall hazards and is not all inclusive. Each facility should conduct a hazard assessment to identify additional controls that might reduce risk. Please contact the Risk Management Services, Loss Control Department for assistance or more information. 🏠

Welcome New Members

Property & Casualty Pool

Town of Warren
Hampden Water District
Town of Owls Head
New Gloucester Water District

Workers Compensation Fund

Town of Paris
Town of Plymouth
Town of Owls Head
Freeport Economic Development Corp.
New Gloucester Water District

Unemployment Fund

North Berwick Rescue Inc.



National Public Works Week May 19th-25, 2013

National Public Works Week (NPWW) acknowledges the extraordinary efforts put forth by the men and women who provide for and maintain our communities. NPWW brings to light the importance of the work performed daily by our Public Works Departments. NPWW is observed each year during the third full week of May and seeks to raise the public’s attention to and awareness of the accomplishments achieved by Public Works Departments.

Join MMA Risk Management Services at the annual “Highway Congress” where the professionalism and expertise of Public Works Departments are put on display annually. The Highway

Congress is an annual trade show event sponsored by the Maine Chapter - American Public Works Association. The Highway Congress will be held June 6, 2013 at the Skowhegan Fairgrounds located on Madison Avenue (Route 201) in Skowhegan, Maine. The Highway Congress began in 1991 and it has continued to thrive and expand and is now known as the premiere opportunity for public officials in Maine to gather and see the latest in equipment, supplies and services for the municipal sector. For additional details please visit www.mcapwa.org.

Please join us by celebrating and thanking the hard working and dedi-

cated Public Works Departments throughout the State of Maine. 🏠



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

March Brings Wind, Snow and Elections

By Liz Chapman Mockler

This is a partial roundup of March town meeting election results, based on published media reports and interviews with municipal officials. Uncontested races are not included unless the candidate was either a former selectman or councilor or was filling a vacant seat.

Anson: Two incumbent selectmen, Arnold Luce and Philip Turner, were returned to office after defeating a challenger. The winners received 46 votes each, while the third candidate won 38 votes.

Belgrade: In a three-way race for two selectmen seats, Richard Damren and incumbent Ernie Rice defeated another candidate to win the positions. Damren collected 248 votes, while Rice picked up 200. A third candidate won 187 votes. Damren will replace Penny Morrell, who did not seek re-election.

Benton: Newcomer Antoine Morin defeated a challenger, 199-128, to replace Kimberly Cormier, who did not seek re-election.

Burnham: Anne Goodblood defeated incumbent Selectman George Robison by a vote of 206-139.

Cranberry Isles: Charles Dunbar defeated one other candidate, 25-17, to fill the vacancy created when Christopher Hathaway resigned last fall. Cranberry Isles is comprised of five islands located off Mount Desert Island and Dunbar is the first resident of Bear Island to serve as selectman in the town's 183-year history.

Eddington: Two incumbent selectmen, Peter Lyford and Charles Baker Jr., held off a challenger to win re-election. Lyford garnered 89 votes, while Baker received 74. The challenger col-

lected 68 votes.

Farmington: Four candidates vied for two selectmen seats, with Budget Committee Chairman Joshua Bell winning the most votes with 304, followed by incumbent Andrew Hufnagel with 226. Incumbent Stephen Bunker collected 187 votes, and a fourth candidate won 142 votes.

Fort Kent: Six candidates, including two incumbents, competed for two selectmen seats. Newcomer Peter Saucier won the most votes with 151, followed by incumbent Priscilla Staples, who won the second seat with 117 votes. Incumbent Zachary Voisine, who was elected last year as an 18-year-old high school senior, narrowly lost with 112 votes.

Frenchville: Incumbents Clarence Roy and Percy Thibeault held off a challenger to win re-election with 66 and 58 votes, respectively.

Friendship: David Benner received 125 votes to a challenger's 38 to succeed Selectman Earl Bachelder, who did not seek another term.

Harpwell: Rick Daniel garnered 443 votes to easily defeat two challengers to replace Selectman James Henderson, who did not seek another term.

Lovell: Incumbent Selectman John Ramsden defeated a challenger by a vote of 80-54 to win another term.

New Vineyard: Niilo Sillanpaa III was elected to replace Doug Withey, who resigned with two years left in his term.

Newburgh: Newcomer Scott Preston won 157 votes to defeat incumbent Selectman Steve Burgess, who collected 121 votes. In a second race, incumbent Stanley "Skip" Smith defeated two challengers to win the seat



Joshua Bell

with 210 votes.

Nobleboro: Former Selectman Harold "Bud" Lewis received 257 votes to fill the unexpired term of Deborah Wilson.

Norridgewock: Voters returned all five selectmen to office from a field of nine candidates. Jim Hilton won the most votes with 233; Ron Frederick collected 221; Matthew Everett garnered 216; Charlotte Curtis received 211; and Sara Wilder picked up 180 votes. Two of the four challengers tied with 155 votes, followed by the last two with 133 and 123 votes.

Pittston: Former Selectman Jane Hubert garnered 350 votes to defeat incumbent Wanda Burns-Macomber and former Selectman Stanley Byrne, who collected 39 and 101 votes, respectively.

Searsport: Meredith Ares defeated Travis Otis by one vote, 155-154, to fill the unexpired term of Selectman Roland Lareau. Ares said her first goal is to win over the residents who voted for Otis, saying if she had not run herself, she might have supported him at the polls. The outcome serves the purpose of accentuating the adage that "every vote counts," Ares said.

Sidney: Incumbent Selectman Kelly Couture won re-election while newcomer Laura Parker was elected to replace Brent Dugal, who did not seek another term.



Laura Parker

Solon: Longtime Selectman Elaine Aloes defeated a challenger, 80-54, to win another three-year term.

South Portland: Michael Pock bested three other candidates during a special election to fill an unexpired term on the city council. Pock received 180 votes, while the other hopefuls ended the day with 178, 139 and 111 votes.

Strong: Mike Pond defeated incum-

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

bent Selectman Rupert Pratt, while incumbent Milt Baston won the second open seat. Pond collected 120 votes to Baston's 94 and Pratt's 89.

Warren: Incumbent Arnold Hill won another term as selectman, besting former selectman and school board member Wayne Luce by a vote of 164-131.

Weld: Former Planning Board member Michael Pratt was uncontested for a three-year term. He replaces Nancy Stowell, who did not seek re-election.

West Gardiner: Former state lawmaker Earle McCormick defeated incumbent Selectman Victor Goodwin Sr. by a vote of 218-203. A recount listed the final vote as 215-203. Goodwin served the town for 44 years, with his tenure interrupted by only a two-year break in the 1970s. McCormick served two terms in the Maine House, beginning in 2002 and three terms as a state senator, from 2006 through 2012.

Whitefield: Incumbent Selectman Frank Ober received 83 votes to win re-election, while Anthony Marple won 116 votes to fill the seat of Tom Colpitt, who did not seek another term. A third candidate received 70 votes. 

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

60 Community Dr., Augusta, ME 04330

ONE NAME STANDS BEHIND ALL THE OTHERS.

Milton 

www.miltoncat.com

Scarborough, ME • 207-883-9586

Brewer, ME • 207-989-1890

State Budget Hearings: Statehouse, City of Brewer



Galen Larrabee, Selectman in the Town of Knox and former MMA President, testifies in Augusta.



Mexico Manager John Madigan Jr. and Councilor Richard Philbrick, at the Statehouse.



Town Manager Matthew Pineo of Brownville testifies in Brewer.



Kathy Littlefield, Selectman in the Town of Waldo, says local frugality has its limits.



Appropriations Committee members take notes while municipal officials testify.



David Pearson, Town Manager in Sangerville, testifies in Brewer.

(Photos by Jeff Pouland and Ben Thomas)

Meet our attorneys Peter Garcia

Peter has more than 25 years of experience as a municipal bond lawyer planning and executing transactions to make the preferred rates of municipal bonds available for qualified private development. He is recognized in "The Bond Buyer's Municipal Marketplace" and approved as bond counsel by the U.S. Department of Agriculture, Maine Municipal Bond Bank, Maine Health & Higher Education Facilities Authority, Finance Authority of Maine and most of Maine's commercial banks.

Eaton Peabody
Attorneys at Law

1-800-564-0111 | eatonpeabody.com



Read more
about Peter's
story >>



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

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.

REGISTER NOW!

April 30, 2013

2013

Municipal **Technology** Conference

Innovation
Ideas
Solutions

Sponsored by: Maine Municipal Association and the Maine GIS User Group
In Cooperation with: ConnectME Authority

AUGUSTA CIVIC CENTER, AUGUSTA, ME

Sponsored by:

Maine Municipal Association

Maine GIS User Group

In Cooperation with:

ConnectME Authority



2013 KEYNOTE SPEAKER

Ted Janusz will keynote the upcoming Technology Conference. Ted is a sought-after, high-energy speaker who specializes in social media, e-bay, time management and marketing.

2013 Technology Conference

Highlights and Agenda

8:00 – 8:30am

Registration & Continental Breakfast

8:30 – 9:30am

Keynote Address

Sought-after national speaker Ted Janusz will engage the audience with a presentation on Time Management, Consumer Trends & You. Do you realize that Americans, on average, spend 128 minutes on their smart phones each day, but only 12 minutes using the phone as an actual telephone? Are office emails setting your priorities and controlling your schedule? Mr. Janusz, an expert on social media, communication and technological trends, will lead attendees through the 21st Century electronic maze and show “how to make technology your slave, not your master.”



9:30 – 9:45am Morning Break/Visit with Partners

Door Prize Give Away! Come to the Partner Area for your chance to win! Bring your raffle ticket behind your badge! (*Must be present to win*)

9:45 – 10:45am

Maine's FOA Law: Potential and Pitfalls

With the recent changes to Maine's Freedom of Access Act, it is more important than ever for municipal officials and employees to understand how technology plays an integral part in meeting the requirements of the law. This panel discussion reviews legal updates, provides lessons learned and answers your questions.

Presenters: Eric Conrad, Director of Communication & Educational Services, Maine Municipal Association; Jay Feyler, Town Manager, Town of Union; Amanda Meader, Staff Attorney, Legal Services Department, MMA

Managing Email

This session walks you through important email functionality and will help you manage email more efficiently. Overwhelmed with the volume of emails you get? Want to save time sending emails to multiple receivers? These are just a few of the topics to be covered. (Instructor will use Microsoft Outlook as the template and will be available to answer your specific email questions as well.)

Presenter: Robert Moore, CEO/President of Mortec Solutions, Inc. & VTEC Technical Instructor

Updated Aerial Photography and Elevation Data for Maine

The Maine GeoLibrary Board is in the second year of a five-year program to update aerial photography for the State, partnering with federal, state, and county government to fund it and optional buy-ups for towns. Hand-in-hand with this is the effort to get improved elevation data (lidar). This presentation will outline the two types of data, common uses, and how your community can participate.

Presenters: Mike Smith, State GIS Manager, Maine Office of GIS/State of Maine, Office of Information Technology; Dan Walters, Geospatial Liaison for Maine, Massachusetts and Rhode Island, USGS NSDI Partnership Office

Virtual Maine: Real Time Visual Situational Awareness

This session will introduce community leaders to a Google-based GIS tool that has been developed to automatically map events that are occurring during an emergency situation and combine that information with numerous GIS databases to analyze potential impact.

Presenter: Bruce Fitzgerald, Deputy Director, Maine Emergency Management Agency; Alana Buck, Virtual Maine Administrator, Maine Emergency Management Agency

Health Information Technology Implementation (HIT) Challenges, Solutions and Funding at a Local Level

Maine has received national recognition for efforts to expand the effective use of electronic health records, health information exchange and other technology tools to improve patient care and health outcomes in the state. HIT will result in higher-quality coordinated care and more people taking an active role in their own health. It's an investment that has and will continue to reap benefits throughout Maine communities.

Presenters: Dawn Gallagher, Social Services Program Manager, Office of the State Coordinator for Health Information Technology, Maine Department of Health and Human Services; Ralph Johnson, Chief Information Officer, Franklin Community Health Network; David Maxwell, Program Director, ConnectME Authority

10:50 – 11:50am

Email Archiving and Record Retention

Both state and local governments receive requests from citizens and the media for public information. The way information is stored plays an important role in the efficiency and accuracy of providing this information in accordance with law. This session will focus on various technologies available for municipalities to maintain records as well as tips on storing efficiently for quick retrieval.

Presenter: Farokh Karani Lam, Northeast Regional Sales Manager, ArcMail

The Cloud: What's in it for Municipalities?

We keep hearing about “The Cloud” but what is it, really? Cloud computing is the practice of using an Internet-based network to store, manage and process data instead of using a local physical server. Understanding and implementing this technology has the potential to save municipalities time and money. This discussion will focus on defining the “cloud,” various cloud tools and the benefits, as well as possible pitfalls.

Presenter: Victor Chakravarty, Enterprise Architect, Office of Information Technology, State of Maine

Web-Based Records Management for Public Works, Water & Sewer, and Practical Applications of GIS at Portland Water District

This two-part session will focus on the method that Boston Computer Scanning, Inc. has created, through input from public works' superintendents and crews, an easy-to-use, affordable, web-based records management tool for municipalities. In the second half of the presentation, see practical application of GIS

by Portland Water District staff (both ArcGIS desktop and ArcGIS Server) to complete various work functions from locating assets in the ground to managing large projects.

Presenters: Ted Dooling, Boston Computer Scanning, Inc.; Shana Lowe, GIS Analyst/Business Systems Analyst, Portland Water District

Innovation Through Civic Technology: An Introduction to the Code for America Brigade

Across the U.S, local governments are finding new ways to improve the delivery of essential services, significantly reduce expenses and engage new stakeholders by harnessing the power of the open web. Code for America Brigade is an organizing force for local civic engagement - a national network of civic-minded technologists who contribute their skills toward using the web as a platform for local government and community service. This session will examine Maine's existing traditions of participatory governance and how civic technology can build on them.

Presenters: Andrew Jawitz, Brigade Captain, Code for America Brigade, Code for Maine; Emma Burnett, Brigade Captain, Code for America Brigade, Code for Maine

Municipal Broadband Networks

Broadband networks are essential infrastructure for economic development, public safety, and healthcare. Some underserved communities have taken matters into their own hands and built out local networks. These networks leverage diverse technologies and business models. Representatives from Tilson Technology and Red Zone Wireless will discuss their experience and opinions about municipal networks.

Presenters: Josh Broder, President, Tilson Technology Management; Jim McKenna, President, RedZone Wireless

11:50 – 12:30pm Buffet Luncheon

12:30 – 1:30pm Luncheon Address

COAST – Coastal Adaptation to Sea Level Rise Tool – Modeling Cost Avoidance with GIS

The New England Environmental Finance Center (NEEFC) has developed a new GIS-based tool for modeling and estimating losses that are the result of climate change with the aim of developing the practice of smart growth. This modeling will allow communities to analyze specific mitigation strategies and adopt the one most suited toward dealing with the climate change needs of their locale. Currently, utilization of this approach to present the model in software requires a number of separate steps from secondary data collection. NEEFC has developed a free GIS tool in conjunction with Blue Marble Geographics, called COAST. Based on the Global Mapper platform, municipalities can model and estimate these flooding events and publish the data to the public via Google Earth. Patrick will discuss some of the challenges faced with this type of initiative, as well as exploring the benefits of this type of specialized GIS implementation

Presenter: Patrick Cunningham, President, Blue Marble Geographics

1:30 – 1:45pm Afternoon Break/Visit w/ Partners

Door Prize Give Away! Come to the Partner Area for your chance to win! Bring your raffle ticket behind your badge! *(Must be present to win)*

1:45 – 2:45pm

Creating a Data Disaster Recovery Plan

2012 put “disaster recovery” at the forefront of everyone’s minds. What do we do when “x” happens? And when it happens, how is

the technology we use affected? From power outages, ice storms, hurricanes or even a random accident – when disaster strikes, you need to have a plan in place to ensure that technology is restored quickly and, when it is restored, that it works.

Presenters: Paul Lawton, Practice Director, Cavan Group; Marc Roy, Solutions Executive, Dell/Global Commercial Channels; Kevin Pazera, Senior Storage Architect, Dell Compellent; Matthew Raymond, Solutions Architect, Dell/AppAssure

Technology, Communication and Your Citizens Part I

We hear the phrase all the time: “Transparency in Government.” But it seems that every technology available has good, bad and ugly, and can be quite confusing. Municipalities can use electronic marketing tools to inform, build relationships and maintain a happy citizenry. Part I will cover how to optimize your municipal website for search engines so citizens can find your content.

Presenter: Ross Lasley, The Internet Educator

Leveraging the Power of Cloud-Based GIS

This session will demonstrate how to create and share maps that can be accessed by anyone through a browser, a mobile device, traditional desktop GIS software or custom application with focus on tools to manage map data through an easy-to-use catalog that allows public sharing or content – to all or specifically designated groups. This session will demonstrate how to make a map using ArcGIS with little or no training.

Presenter: Jon Cassidy, Environmental Systems Research Institute

MaineDOT’s Online Map Viewer

MaineDOT has an online Map Viewer that is used to show aspects of transportation infrastructure to municipalities, regional planning organizations and other external entities. This tool helps to facilitate communications and provides a location index for much of MaineDOT’s infrastructure data. The public version is available to anyone and can provide a quick and easy mapping tool for basic, municipal needs. This session will provide an overview of the tool.

Presenter: Nate Kane, GIS Administrator, MaineDOT

Gigabit Network Coming To Orono and Old Town

Gigabit Maine Street Internet Network in the Old Town and Orono communities surrounds the University of Maine campus. Panel members will discuss how this network is bringing people from the public and private sector and the university community together to drive innovation and create economic opportunity. The completed network will give the Maine communities an Internet network as fast as any in the world and be one of the fastest business-residential networks in the United States.

Presenters: Fletcher Kittredge, CEO, GWI; Jeff Letourneau, Executive Director, NetworkMaine; Geoff Gordon, Council Chair, Town of Orono; David Wight, Director of Public Works, City of Old Town

2:45 – 3:00pm Afternoon Break/Visit w/ Partners

Door Prize Give Away! Come to the Partner Area for your chance to win! Bring your raffle ticket behind your badge! *(Must be present to win)*

3:00 – 4:00pm

Information Security on a Budget

The technology budget has been cut – again. And, now, you’re starting to worry about how secure your information is. The cost of compromised security is so much higher than the cost of implementing and maintaining security for your systems, why is it

so hard to keep it in the budget? This session will discuss information security, affordable options available and how to plan for maintenance, upgrades, etc. Most importantly, it will answer the question: "Can we afford to NOT implement or maintain information security?"

Presenter: Dr. Eugene Slobodzian, Practice Director, InfoSecurus

Technology, Communication and Your Citizens Part II

In part II of this session, Ross will continue the discussion by introducing email communication and social media tools as communication tools – not just what tools are available, but how to take charge of social media and email and make them work for your municipality. And, he will wrap up with a question and answer period. Bring your burning questions here!

Presenter: Ross Lasley, The Internet Educator

Low-Cost GIS for Small Municipalities

Often considered beyond the reach of small municipalities, GIS technology is now part of the daily workflow for local government departments of every size. No longer constrained by overly complex software requiring highly skilled technicians, or by expensive acquisition and maintenance costs, municipal officials are learning the value of GIS self-sufficiency. This session will demonstrate Maine-based Global Mapper, a powerful, low-cost GIS software offering that is ideally suited to the challenges of local government operations.

Presenter: Sam Knight, Director of Product Management, Blue Marble Geographics

Innovative Stormwater Treatment and Model Building for Communities

This two-part session will focus on Low Impact Development

(LID) techniques like greenroofs, rain gardens and porous pavement as a cost-effective solution for treating pollutants. The second part of this session will demonstrate tools that were developed by the Bangor Area Stormwater Group through an EPA Grant. These interactive land use planning tools were created to develop a user driven process to engage the local communities in understanding the impacts of various planning scenarios on water quality.

Presenters: LaMar Clannon, NEMO Coordinator, Maine NEMO; Judy Colby-George, President, Spatial Alternatives

Overview of RUS Telecom Loan and Grant Programs

Opportunities for federal grants and recent funding formula changes that may benefit Maine will be discussed with a focus on the following programs: Distance Learning / Telemedicine Grant Program, Community Connect Broadband Grant Program, and Farm Bill - Broadband Loan Program.

Presenter: Rob OHara, RUS - Telecom Field Representative, Rural Development, U.S. Department of Agriculture

GovOffice User Group

Presenter: Ross Heupel, Marketing Director, GovOffice Web Solutions

4:00 – 4:45pm

MEGUG Scholarship/Grant Recipient Presentations & Business Meeting

Phone: 207-866-2194



Chip Sealing is an alternative, cost efficient “surfacing technique” that provides a low

maintenance wearing surface for existing pavements. Sunrise Materials, is full service Chip Sealing Company, located in the heart of Central Maine. We specialize in many pavement preservation solutions for Towns and Municipalities. Please give us a call for more details at: **207-866-2194.**



Maine Municipal Association

NOTICE

Seeking Nominations for MMA Executive Committee

Nominations

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

What Is Involved?

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

Who Should Apply?

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

What are the Qualifications?

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

Timetable

February 7, 2013	Appointment of MMA Nominating Committee (2 MMA Past Presidents; 2 Elected Municipal Officials & 1 President of Affiliate Group or Town/City Manager or Chief Appointed Administrative Official)
March 26, 2013	1st Meeting/Conference Call of Nominating Committee
April 2013	Notice in monthly magazine, MMA Townsman, and electronic newsletter, MMA This Month
April 1, 2013	1st Electronic Mailing to Key Municipal Officials — Seeking Interested Candidates
May 6, 2013	Deadline for Receipt of Statement of Interest Forms & Support Letters of Recommendation. The Nominating Committee will hold its 2nd Conference Call to review all Statements of Interest submitted and select candidates to be interviewed in at their next meeting.
May 15, 2013	3rd Meeting of Nominating Committee — Interviews for Vice President position & selected candidates for Executive Committee positions; put forth Proposed Slate of Nominees
May 17, 2013	2nd Mailing to Key Municipal Officials — Proposed Slate of Nominees
July 8, 2013 — 4:30 p.m.	Deadline for Receipt of Nominees by Petition
July 17, 2013	3rd Mailing to Key Municipal Officials — Voting Ballots
August 16, 2013 — 12:00 noon	Deadline for Receipt of Official Voting Ballots
August 19, 2013	MMA Election Day — Counting of Voting Ballots by Municipal Clerk

For Further Information:

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

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

Deadline for Receipt — 12:00 p.m. on Monday, May 6, 2013

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

Name of Candidate: _____

Municipal Position: _____ Years in Position: _____

Municipality: _____ County: _____

Preferred Mailing Address: _____

Work or Office Phone _____ Home Phone: _____

Mobile/Cell Phone _____ E-Mail: _____

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

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

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

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

Please provide a Municipal Reference that we may contact:

Name Municipal Position Telephone #

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

Yes No

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

Name: _____ Daytime Tel #: _____ Email: _____

Municipal Position: _____ Municipality: _____

Address: _____

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

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

Do you have responsibility for your municipality's recycling or solid waste?

Are you a Town Manager, Councilor, Selectman, Public Works Director, Transfer Station Manager, Recycling Manager, or concerned, interested volunteer citizen?

If you said yes to either of these questions, then where do you turn to get the guidance and information you need to make informed decisions? We have the answer to THAT question! The Maine Recycling & Solid Waste Conference is THE event every year where professionals across our industry gather to share their knowledge and experience and learn about the latest developments.

The 20th Annual Maine Recycling & Solid Waste Conference is right around the corner but if you hurry you can still register and attend! It is scheduled for April 29-30, 2013 at the Samoset Resort in Rockport.

Our theme this year is: *Get S.M.A.R.T.**

****Save Money and Reduce Trash***

Find out about the latest news and developments in the sustainable materials management industry and what the future could have in store for us. Experts will present on the economics of solid waste, environmental and public health effects of trash in the ocean, organics composting and anaerobic digestion, and much more!

Conference Highlights Include:

Keynote Presentations by:

Jeri Weiss, EPA WasteWise Program

Juri Freeman, Skumatz Economic Research Associates

John Trotti, Editor, MSW Management Journal

Kara Lavender Law, Seacoast Education Association

Session topics and leaders including:

Maine Department of Labor SafetyWorks!

Maine Department of Environmental Protection

Organics Management for Rural and Small Town Communities Workshop

An Exhibit Hall with a wide selection of equipment & service vendors

Why should you and/or your staff attend?

- * **DEP Training** - do it right to avoid fines and the cost of after-the-fact cleanup
- * **SafetyWorks! Training:** Avoid lost work hours, lost wages, pain and suffering from injuries, lawsuits, and increased workers compensation premiums
- * **Increased efficiency & productivity** - let the experience of others help you and your staff get more done in less time and learn about all the latest developments and trends in recycling and solid waste!

Staying home might save you a couple hundred dollars, but attending could save you

THOUSANDS!

Brought to you by the Maine Resource Recovery Association

A COMPLETE BROCHURE IS AVAILABLE ON OUR HOME PAGE AT MRRR.NET OR CALL 942-6772 & WE CAN FAX ONE TO YOU.



Delaying “the next phase of my life,” **Peggy Daigle** accepted an offer from the Millinocket Council to become the town’s new manager, effective April 1. She replaces interim manager Charles Pray, a former Maine Senate president. Daigle is continuing a 30-year career in local government, which began in the 1990s as administrative assistant in neighboring East Millinocket, as well as interim manager for the city of Caribou, town manager of Enfield, Houlton and Patten and, most recently, city manager of Old Town. She was the council’s choice from among 32 applicants.

Paris interim Police Chief **Michael Dailey** resigned in March to accept a deputy’s job with the Oxford County Sheriff’s Office. Dailey said he preferred a “front-line” police job over an administrative position. He also was concerned about his job security with the town, since talks have taken place recently to determine whether to keep the police department for the town of about 5,000 residents or contract with the county for coverage.

Hollis Town Clerk **Claire Dunne** retired in early February after more than 20 years on the job, but not until receiving the Maine Town & City Clerks’ Association President’s Award for outstanding public service and dedication. Dunne was a member of the state, county and northeastern clerks’ associations and was feted by state and local officials during a Feb. 2 retirement party.

Fort Fairfield Town Manager **Dan Foster** will retire later this year after managing the Aroostook County town for 15 years. He will be succeeded by **Michael Bosse**, the economic development and marketing director for the town’s Chamber of Commerce. “I have truly enjoyed my involvement with the citizens of Fort Fairfield,” Foster told the Bangor Daily News. “It has been by far the most gratifying job I have had in my career.”



Dan Foster

Arthur Frizzle was named Bowdo-

inham fire chief April 1 when Chief Jack Tourtelotte retired. Tourtelotte led the 25-member volunteer fire department for the last 14 years of his 57-year tenure with the department. Frizzle is well acquainted with firefighting: His father, Allan, served as chief in the 1940s and Frizzle, known as “Fudd,” works alongside his brother, brother-in-law, nephew and cousin today. He joined the department 32 years ago as a junior firefighter and went on to become a fully fledged firefighter, then captain and deputy chief. Tourtelotte, who describes his successor as “a sharp fellow,” said Frizzle’s experience with the department and work as dispatcher for the Brunswick Police Department made him well-suited for the job.

Chelsea Selectman **Linda Leotsakos** will resign effective June 30 because of health reasons. She was first elected in March 2011 to fill an unexpired term and was re-elected last year. Leotsakos said she regrets not being able to continue her service. Her replacement will be elected in June.

Pauline Paradis, Durham tax collector and treasurer for 25 years, retired effective March 26 with the hope of traveling the country, golfing and exploring the lakes and rivers of central Maine in her kayak.



Pauline Paradis

Until a charter change last year, Paradis was required to stand for re-election every year. Paradis will be replaced by **Pamela Cloutier** of Durham.

Scarborough Assessor **Paul Lesperance** retired on March 29, ending a 29-year career with the town. An Air Force veteran and Lewiston native, Lesperance worked for the state for several years before taking the assessor’s job in Millinocket. He was hired as Scarborough assessor in 1984. Lesperance noted the stability of Scarborough, which has hired just two police chiefs, two public works directors and three managers in nearly 30 years. The co-owner of an Old Orchard Beach restaurant, Lesperance said he and his wife hope to

travel once the summer tourism season is over.

Brian McLaughlin was hired as the new Medway fire chief, effective in early March. Formerly the assistant chief, McLaughlin succeeds John Lee. McLaughlin has 10 years of experience as a firefighter.

Robert Peabody Jr., formerly Rockport town manager, has been named Old Orchard Beach interim manager, replacing Mark Pearson. Peabody worked as Rockport manager from 2004 until mid-February. He was elected to the city council three times and was chosen mayor by his peers three times during his council tenure before taking the manager’s position.

Somerville Town Clerk **Ernestine Peaslee** will retire this month after serving the town for 22 years. Peaslee, whose sister once served as town clerk, graduated from Erskine Academy in China and Gates Business College in Augusta. She worked in banking for 32 years and sought the town clerk’s job after retiring in 1991. She has volunteered for numerous town committees and event organizations and plans to stay involved in town affairs.



Ernestine Peaslee

South Berwick firefighter **Jeffrey Pino** died March 11 after battling heart disease. He was 39. Pino, a former security officer and safety instructor, also worked as a firefighter for the Eliot Fire Department.

Sarah Tracy defeated one challenger to win a special Freeport Town Council election in March. Tracy will replace Kate Arno, who resigned her position in January. Tracy won 304 votes; the second candidate garnered 133 votes. The attorney and state employee will serve until Arno’s term expires in November 2014. [lmt](#)

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

Statewide: Projects in four municipalities will share \$3.5 million in grants from the USDA Rural Development: Orono will receive \$2 million to expand a downtown public parking lot; the Bethel Water District will receive \$275,000 to replace old cast iron mains for more than 600 users; the Bath Area YMCA was approved for \$1.15 million for energy efficiency upgrades and debt refinancing; and, in Dover-Foxcroft, the Penquis Mental Health Association will receive \$131,000 to buy an existing residential facility for an assisted living program.

Boothbay Harbor: Selectmen in March cited lost revenue in rejecting the idea of forgiving a vehicle owner's first parking fine in one of Maine's most congested summer tourism towns. Officials said parking enforcement is sufficient – and improving – during the warm months, but is virtually nonexistent during the winter. Police Chief Robert Hasch was credited with reducing the number of parking complaints and selectmen told residents and business owners they would take up winter parking problems.

Brunswick: Funding has been secured and a contract awarded for a train layover facility large enough to fit three trains, other locomotives and a station in an ongoing effort to increase passenger rail service in Maine. The \$12 million project, which is opposed by some neighbors concerned about their health and quality of life, will take 18 months to build.

Caribou: In its own version of March Madness, The Weather Channel has named Caribou as among its top eight cities in its "Toughest Weather City Tournament." The nation's most northeastern city was listed among the starting 64 communities known for long, hard winters. In 2012, Caribou was named one of eight "safest weather cities" by the popular national channel.

Houlton: The decision wasn't easy, but the Town Council voted 6-2 in March to borrow \$194,000 for capital improvements, despite concerns about state and school funding and the cost of some of the work. Among the proj-

ects on the council's list: repairs to the town office elevator, at \$40,000; a new police cruiser, estimated to cost \$29,000; and \$38,000 for pavement sealing equipment. The five-year loan, at 1.79 percent interest, will cost taxpayers \$44,000 annually.

Jay: The town has been awarded the state Safety and Health Award for Public Employers for outstanding health and safety policies and practices. The Maine Labor Department has never chosen such a small community for the award. Jay also is only the fifth public employer to receive the SHAPE commendation for all municipal departments since the award program was launched in 2005.

Norway: Two anonymous benefactors have pledged at least \$10,000 to ensure a proposed footbridge will be erected to link Pennessewassee Stream to the historic "Gingerbread House" town residents have spent years acquiring, moving and repairing. Town meeting voters in 2012 approved spending \$20,000 for the walkers' bridge, but the cost came in at about \$30,000. One donor gave the town a \$5,000 check and a second will donate up to \$5,000 to finish the job.

Paris: Selectmen learned in March that the town's general ledger is out of balance by \$2.1 million because figures were transposed during manual entries. Some recent payroll checks have not cleared the bank because of the snafu and a private accountant has been hired to balance the books after the town's auditor suspended their work out of concern that the numbers were wrong. New Town Manager Amy Bernard told the board the town's general fund had not been reconciled since the end of fiscal year 2011, according to the Lewiston Sun Journal.

North Yarmouth: A nine-member charter commission has recommended the town change its form of government to a selectmen-manager form instead of trying to operate local government with an administrative assistant and an ever-declining full-time staff due to budget constraints. The commission has until May 7 to complete its work. Another major proposed change is to reduce the number of municipal committees appointed by selectmen because some of them often cannot muster a quorum. Recommendations will be considered during the June town meeting. [\[M\]](#)

NEW ON THE WEB

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

- **Land Conservation.** The Maine Coast Heritage Trust will hold a two-day Maine Land Conservation Conference, April 26-27, in the Brunswick-Topsham area. The theme of this year's conference: "Reconnecting Children with Nature."
- **Executive Committee.** Materials to serve on the Maine Municipal Association's Executive Committee are available. The 12-member committee, comprised of elected councilors, select board members, mayors and municipal managers, guides MMA in all facets of its operations.
- **New Information Source.** The state Department of Environmental Protection launched an e-bulletin aimed primarily at municipalities, municipal leaders and employees. The first edition looks at drinking water, composting and controlled-burn guidelines, among other topics.
- **Proposed State Budget.** MMA created a separate website that will track the proposed 2014-15 state budget throughout the current Legislative Session. The website includes five topic areas: Key Facts; Impact Data & Analysis; Resolutions & Local Action; Municipal Collaboration; and, In the News.



Municipal Bulletin Board

ELECTED OFFICIALS: SANFORD

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on April 24 at the Elks Lodge in Sanford. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

It is designed for newly elected officials but veteran councilors and select board members may benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; and, conflicts of interest, among others. Cost for the workshop is \$50 for MMA members and \$100 for non-members.

MWWCA SPRING CONFERENCE

The Maine WasteWater Control Association's Spring Conference will focus on "Integrating Water Quality Approaches" on April 26 at the Double Tree by Hilton Hotel in South Portland. The Conference begins with registration at 7:30 a.m. and will conclude at 3 p.m.

Among the other topics to be explored: Stormwater Treatment; Gas Detection; the Long Creek Restoration Project; and, Safety Inspection and Resources. The fee for MWWCA members is \$65 if pre-registered and \$85 for door registrations.

MAAO NORTHERN MAINE TRAINING

The Maine Association of Assessing Officers will hold its Northern Maine Spring Training session on April 26 from 8 a.m. to 4:30 p.m. at the Northern Maine Community College in Presque Isle. Cost to attend is \$60 per person, including lunch.

Darryl McKenney, MAAO President and Assessor for the Town of Waldoboro, will speak on tree-growth changes. Among the other subjects that speakers will explore: Managing Freedom of Ac-

cess Requests; Charitable and Benevolent Organizations; and, Revaluations.

MUNICIPAL TECHNOLOGY CONFERENCE

MMA's annual Municipal Technology Conference, which is co-sponsored by the Maine GIS Users Group and the ConnectME Authority, will be held on Tuesday, April 30 at the Augusta Civic Center. This year's keynote speaker is Ted Janusz, an Ohio-based expert on social media, ebay and time-management skills.

Among the topics to be discussed: Maine's Freedom of Access Act and Electronic Communication; Managing Email; Archiving and Record Retention; Municipal Broadband; Data Disaster Recovery; and, Citizen Communication via Technology. The conference starts with registration at 8 a.m. and concludes at 4 p.m.

VITAL RECORDS

The Maine Town & City Clerks' Association will hold a Vital Records Workshop on May 2 at the MMA Conference Center in Augusta. The day-long session will provide municipal clerks with an overview of the law, rules and regulations concerning vital records in Maine.

The instructors include: Kim McLaughlin, Town Clerk in Old Orchard Beach; and, Roberta Fogg from the Maine State Office of Vital Records. The history and integrity of vital records, certified copies, amendment of vital records and death and marriage records are among the topics on the agenda. Registration begins at 8:30 a.m. The workshop concludes with a Q&A session at 3:30 p.m. Cost is \$55 for MTCCA members and \$75 for non-members.

LABOR & EMPLOYMENT LAW: AUGUSTA

MMA is once again proud to host its popular workshop on Labor & Employment Law, featuring attorneys from the

law firm of Bernstein Shur, Suzanne Benoit of Benoit Consulting and David Barrett, Director of Personnel Services & Labor Relations at MMA.

The workshop, to be held on May 7 at the MMA Conference Center in Augusta, begins with registration at 8:30 a.m. and ends at 2:30 p.m. Speakers will discuss legal trends and changes in employment law, town management tips and how to manage personnel information. Cost to attend is \$65 for MMA members and \$130 for non-members.

MMTCTA ANNUAL CONFERENCE

The Maine Municipal Tax Collectors' & Treasurers' Association will hold its Annual Conference on May 9 at the Hilton Garden Inn in Freeport, emphasizing the topic of Cash Handling. The conference begins with registration at 8 a.m. and is scheduled to conclude at 4 p.m. Attendees are asked to bring magnifying devices. Anthony Francisco, Finance Director for the City of Norman, Okla., will be the primary instructor.

Within the realm of Cash Handling, the seminar will examine: counting currency and coins; checks and check cashing; introduction to daily cashier operations; opening a cash drawer; and, closing activity, among other topics. The conference also includes MMTCTA's Annual Business Meeting. Cost to attend is \$60 for MMTCTA members and \$75 for non-members.

BOARDS OF ASSESSMENT REVIEW

The Maine Association of Assessing Officers, in cooperation with MMA and the Maine Town, City & County Management Association, will hold a workshop on Boards of Assessment Review on May 9 from 4 to 7 p.m. at the MMA Conference Center in Augusta. The seminar will cover an overview of the BAR process and applicable law and how to prepare for and conduct a BAR hearing.

Speakers will be Sally Daggett and William Dale, attorneys with the law firm Jensen Baird Gardner & Henry. Cost is \$40 per attendee, which includes a light dinner. 

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>



CAN PETITIONED ARTICLE BE AMENDED BY VOTERS?

Question: Can a town meeting warrant article submitted by petition be amended by the voters at a traditional “open” town meeting?

Answer: Depending on the type of article, yes, as long as the amendment is within the scope of the article as posted (a requirement for any amendment, regardless of the origin of the article).

The mere fact that an article was submitted by petition does not render it immune from amendment by the voters at the meeting. Rather, the petition method merely entitles those who signed the petition to have their article considered by the voters. While the municipal officers have no authority to alter the wording of the petitioned article, the voters have the authority to amend the article from the floor if and to the extent it is subject to amendment, just as with any other article.

The “rules” for amending warrant articles from the floor are both straightforward and, in some cases, nuanced. Proposed ordinances and ordinance amendments cannot be amended at all because the statutory procedures governing the adoption of ordinances do not permit it. Articles appropriating money can be amended either upward or downward if they are “open-ended” (“To see what sum the town will appropriate...”) but only downward if they are “capped” (“To see if the town will appropriate \$100...”). All other types of articles can be amended provided that the amendment is within the scope of the article as posted. A good rule of thumb is that a procedural amendment (one that changes minor details or the method of implementing the article) is almost always in order, while a substantive amendment (one that affects the basic subject matter) rarely is.

Of course, if an article will be voted on by secret ballot referendum election, there is no opportunity for amendment by the voters, regardless of the article’s origin. The ballot question as printed is the only question before the voters – there is no “open” meeting at which possible amendments can be offered.

Even though petitioned articles

cannot be altered by the municipal officers, they are free to include alternative articles on the same warrant. Giving the voters a better alternative on the same warrant can be an effective way for the municipal officers to counteract an ill-conceived or poorly drafted petitioned article.

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

MAKING COMMUNITIES MORE FARM-FRIENDLY

After decades of decline, farming in Maine is on the rise again, due in part to the growing interest in locally-sourced and healthy foods. For communities that want to promote sustainable local agriculture, there is an organization that may be able to help.

The Maine Farmland Trust is a statewide nonprofit dedicated to protecting and preserving farmland and supporting the future of farming in Maine. Among other things, the Trust provides free technical assistance to municipalities as part of its “Building Farm-Friendly Communities” project. This assistance can include ordinance review, farm and open space planning, economic impact analysis and various other initiatives.

For more information, and to take the Trust’s “Is Your Town Farm-Friendly?” test, visit the Maine Farmland Trust at <http://www.maineFarmlandtrust.org/>. (By R.P.F.)

THE LOWEST BID

Question: When we issue an invitation for competitive bids from contractors or suppliers, are we bound to accept the lowest bid?

Answer: Not exactly. You can reject all bids if you wish, even if you have not expressly reserved that right. But unless your invitation expressly identifies other selection criteria, such as reputation and experience, price will be the principal determinant. So if you accept any bid at all, it must be the lowest bid from a responsive and responsible bidder. (This may or may not be the absolute lowest bid submitted.)

A “responsive” bidder is one whose bid meets the bid specifications or corresponds to the bid criteria. For example, if the bid specifications call for a certain type of product or equipment, and the bid in fact meets the specifications, it is a responsive bid; otherwise, it is not responsive.

A “responsible” bidder is one who is actually able to perform the work or deliver the goods as specified. To determine whether a bidder is responsible, you should ask for references and verify the bidder’s capabilities. If the bidder is in fact able to complete the job, the bidder is responsible; otherwise, it is not responsible.

If other factors, such as credentials, reputation and experience, are as important as price, they should be specified in what is commonly called a request for proposals or RFP rather than an invitation to bid. An RFP is usually used when seeking professional



Municipal Calendar

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

MAY 1 — Licenses for bowling alleys, pool rooms, shooting galleries, etc., issued during the previous 12 months expire (8 MRSA §2).

ON OR BEFORE MAY 15 — Monthly/Quarterly expenditure statement and

claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333 (22 MRSA §4311).

MAY 27 — (Last Monday in May) Memorial Day observed. A legal holiday (4 MRSA §1051); a school holiday (20-A MRSA §4802). Municipal officers shall direct the decoration of veterans’ graves. (30-A MRSA §2901).



Legal Notes

services such as design, engineering or consulting services, whereas an invitation to bid is the norm when commodities or construction services are sought and price is paramount.

Municipalities also sometimes seek to give preference to local bidders, but this can be a risky choice if not handled properly. For some advice on how to minimize the risk, see "Local Preference in Competitive Bidding" *Maine Townsman*, "Legal Notes," May 2009.

Municipal officials are often surprised to learn that Maine law does not generally require competitive bidding for the purchase of goods or services or the construction of public facilities or improvements. One major exception is the construction, alteration or repair of public schools involving a total cost exceeding \$250,000 (see 5 M.R.S.A. § 1743-A). But competitive bidding may nevertheless be required by municipal charter, ordinance or policy or by condition of State or federal funding.

For much more on contracts and competitive bidding, including a wide variety of sample bid and contact forms, see our "Information Packet" on the subject, available free to members at www.memun.org. (By R.P.F.)

CANDIDATE NEED NOT BE QUALIFIED TO RUN

Question: Don't candidates for elected municipal office have to be legally qualified for the office in order to run for it?

Answer: Actually, no, they don't. The legal qualifications for office apply to *holding* the office, not running for it, so someone could be legally unqualified for office while running for it provided he or she legally qualifies by the time the oath of office is administered.

In order to hold a municipal office, a person must be a resident of the State, at least 18 years of age, and a citizen of the United States. A municipal officer (selectman or councilor) must also be a registered voter, which means a municipal officer must be a legal resident of the municipality. Likewise, school board members must be legal residents of the municipality they represent. Additional qualifications for

municipal officer may be imposed by municipal charter. For full details, see "Qualifications for Municipal Officer," *Maine Townsman*, "Legal Notes," May 2008.

Since a candidate need not legally qualify until elected and sworn, a person could run for selectman, for instance, although not a registered voter in or even a resident of the municipality, as long as he or she becomes a resident and registered voter before being sworn in. The failure to qualify within 10 days of a written demand by the municipal officers results in a vacancy (see 30-A M.R.S.A. § 2602(1)(F)).

For details on filling vacancies other than those created by the expiration of an official's term, see "How Vacancies Are Filled," *Maine Townsman*, "Legal Notes," August-September 2007. (By R.P.F.)

HIRING MINORS THIS SUMMER?

With summer approaching, municipalities are beginning to plan for outdoor projects that may require extra staff – for recreation programs, lawn and cemetery maintenance, and building and road repairs, to name a few. If your community is thinking about filling some of these posts with minors (persons under the age of 18), be advised that there are strict State and federal rules on hiring minors and the types and hours of work they are allowed to perform.

For complete details, see MMA's "HR Toolkit" on the subject, available free to members at www.memun.org (enter your ID & password, click on "Information Packets/Guides" and then scroll down to "Minors, Employment of"). (By R.P.F.) 

SENSIBLE SOLUTIONS

Municipal Engineering & GIS Services

www.ces-maine.com

CES INC

ENGINEERING • SURVEYING • PLANNING • SCIENCES



FIVE LOCATIONS IN MAINE

207.989.4824



Professional Directory



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

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

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



Some of us were **Born Ready**



A full line of equipment for

- Snow & Ice Control
- Street Sweepers & Road Maintenance
- Municipal Tractors & Attachments
- Water & Sewer Cleaning
- Recycling & Solid Waste
- Personal Protection & Safety Gear



Need parts?
estore.hpfairfield.com

207.474.9836

sales@hpfairfield.com

207.885.4895

Locations Across New England

Skowhegan, ME | Scarborough, ME | Pembroke, NH | Morrisville, VT | Worcester, MA | Columbia, CT