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The Magazine of the Maine Municipal Association

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Maine Municipal Association Executive Director Christopher Lockwood offers his perspective on the state of intergovernmental relations and a July meeting in South Portland with U.S. Sen. Angus King.

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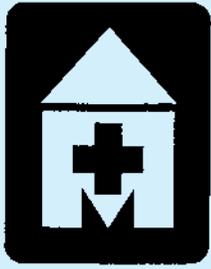
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COVER ILLUSTRATION: The 2013 MMA Convention logo was designed by Graphic Artist Jaime Clark. The theme "Mission: Possible" was developed in concert with the keynote speaker, Capt. Mark Adamshick (U.S. Navy, retired).



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A Message From MMA



by Christopher Lockwood, Executive Director

Seeking a Respectful Dialogue

The July issue of the *Maine Townsman* provided a sobering wrap-up of the legislative session which concluded on July 10.

All too often municipal officials receive a mixed message: “You need to tighten your belts, become more efficient, but at the same time “we (the state or federal governments) will require you to add on to your responsibilities.” These new requirements typically have noble goals, such as the maintenance of burial grounds, but they add to the growing list of demands on property tax-funded municipal services. This same dynamic takes place at the federal level in areas such as environmental and educational programs and requirements.

Can anything be done to get our intergovernmental “partnership” back on track? From my perspective, the most important task is for local officials to establish and maintain a respectful dialogue with their state and federal counterparts. Trust and mutual respect are essential to maintaining a healthy relationship. This is particularly necessary during difficult economic times.

We experienced a glimpse of such a dialogue at a recent meeting with U. S. Sen. Angus King. In coordination with the Maine School Management Association (MSMA), MMA convened a meeting of 18 school and municipal officials in the South Portland Community Center on July 12 to discuss issues related to special education.

At the outset of the meeting, Sen. King made it clear that the massive federal deficit and ongoing sequestration cuts made the possibility of increased federal funding virtually nil. This opened the door for a frank discussion of what in the current special education law is working and what is not working. I recounted our 2001 Federal Issues Paper which had two simple and direct messages to the members of our Congressional delegation:

- Fully fund existing programs before enacting new programs. Despite a stated federal commitment to fund 40 percent of the cost of special education, the federal funding



(Left to right) Marston Lovell, Councilor, City of Saco, and Vice President, MMA; U.S. Sen. Angus King; Christopher Lockwood, Executive Director, MMA; Will Burrow, Special Education Director, RSU #4; James Hodgkin, Superintendent, RSU #4. (Photo by Jill Brady)

level for Maine was 9.7 percent of the cost.

- If you want to provide tax relief to Maine citizens, honoring the commitment to fund 40 percent of the cost of Special Education would equate to a 5 percent reduction of local property taxes statewide.

Instead, Congress and the President enacted a major federal tax cut, enacted the No Child Left Behind Act and the message we received was that the federal government would ramp up funding for Special Education. The ramp is nearly horizontal. Twelve years later, the federal funding of special education has hovered between 14-18 percent of the costs and the pressures on local property taxpayers have

continued to increase as a result of both state and federal government actions.

The school participants were able to point to a wide range of problems and burdensome requirements which drive up costs and detract from the efficient delivery of special education services. The central point of the discussion was that if the federal government is not able to honor its stated funding commitment, then Congress should be willing to modify the mandated requirements of the program.

Sen. King was very receptive to this message. He invited MMA and MSMA to forward him detailed suggestions for program modifications, and provided a commitment to testify in front of the Committee of jurisdiction that will oversee the reauthorization of the Individuals with Disabilities Act this year. He also invited MMA to convene a similar meeting in the fall with municipal officials to discuss federal water-related environmental mandates.

As I reflected on the meeting with Sen. King, I was struck by the value of the frank, respectful dialogue. It would be my hope that similar conversations could take place throughout the state between municipal officials and their local legislators to discuss the recently adopted state budget and the effects on municipal services and taxes. A mutually respectful dialogue is essential if we have any hope of restoring trust and getting our intergovernmental “partnership” back on track. [mm](#)

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Job Sharing Works If Communities Are Ready

By Douglas Rooks

There's been a focus on collaborating municipal services and consolidating school districts in recent years, but less attention to another method of inter-municipal cooperation: staff sharing, the employment of one professional by two or more towns.

Such sharing arrangements aren't common but they exist in a variety of municipal specialties and may represent an option to create savings and efficiencies for communities. So far, Maine municipalities have hired common police chiefs, fire chiefs, assessors, code enforcement officers and town managers.

The Aroostook County towns of Mapleton, Castle Hill and Chapman have perhaps the oldest such arrangement, sharing a town manager for more than 65 years. The three-town agreement was undertaken informally in 1947, and was formalized by interlocal agreement in 1992.

Mapleton, where the combined town office is located, has about 2,000 residents; Castle Hill and Chapman each have about 500. The arrangement allows them to employ a full-time manager, which otherwise wouldn't be available to the smaller communities.

Jon Frederick, hired a year ago, is the latest manager to take on the challenge of dealing with three separate communities and boards of selectmen. Frederick came to the County from the municipal staff of Portsmouth, N.H., where he was manager of transportation and parking. He finds Aroostook County to be a "nice, peaceful part of the state" and small-town life "a good fit" for his family.

When he was interviewed for the

position, a selectman who'd been in office for 40 years told Frederick: "This works because we want to make it work."

The first week of the month is devoted largely to selectmen's meetings in each town, and the rest of the schedule "depends on what's going on," Frederick said. On one particular week, he was dealing with a request for a septage spreading permit in Chapman, the first the town had received. Frederick said this was an example of the kind of service a small town couldn't afford on its own.

"You want to make sure everything is done right, that you're following the law and understand the ins and outs of it," he said.

STILL SOME DIFFERENCES

Frederick said the towns have tried, over the years, to become more consistent in dealing with the public, although there are still a few differences. Mapleton approves concealed weapons permits itself – generally a two-week process – while Chapman and Castle Hill rely on the Maine State Police, which can take two months or more.

"We've had people who wonder why they can't get the same service as in the other town," Frederick said.

Another issue arose when a newspaper decided, on its own, that town

meetings were held at the same time, even though they occur on different days, causing some confusion. "But we've been talking about that to see if we might be able to use the same time in the future," Frederick said.

The inter-town manager system is not unique in Maine; Smyrna and Merrill, with a population of 750 between them, share a part-time manager, currently Candis Nevers. But attempts to institute such arrangements aren't always successful. Selectmen in Pembroke, Perry and Charlotte proposed hiring a common manager in 2008, but voters turned it down.

Frederick thinks other towns could do it successfully, but recognizes that there are barriers. "There's the perceived forfeiture of a town's identity," he said, which he finds in practice is not much of an issue. "These towns are all very different places. There's no chance of losing that."

Elizabeth Sawyer has been the assessor for South Portland since 1986. In 2004, she added the same job in Westbrook under circumstances that suggest why successful staff sharing is relatively rare.

Sawyer's husband, David, was then the Westbrook assessor. The same job in Windham had opened up, and he suggested a sharing arrangement with the two municipalities and possibly a third, Gorham. It turned out that Gor-

COLLABORATION CORNER

This article continues a regular feature in the *Maine Townsman*, highlighting ways that municipalities work together to become more efficient and better serve citizens.

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

ham wasn't interested and Windham wanted its own assessor, hiring David Sawyer. But Westbrook was interested, and Elizabeth Sawyer agreed to help with the annual tax commitment, and then stayed on.

Since then, the two offices have consolidated in South Portland with a part-time clerk in Westbrook. For other hours, the code enforcement and planning staffs deal with walk-in customers. Two additional appraisers were hired in South Portland, which represented a reduction of one position from Westbrook's previous staffing.

WE MAKE 'HOUSE CALLS'

Sawyer said the two cities now have a common software program and information is widely available by computer. "And we do make house calls," she said. Requests in either city can usually be accommodated within a day or two.

Assessing is a service that could be widely shared, Sawyer believes, in large part because everyone is operating under state law and not local ordinances. Many municipalities do use assessors

from private firms.

Shared arrangements are often contracts with individual employees and don't always survive their departure. Bill Healey, the long-time assessor for Yarmouth and Cumberland, recently took the same job in Scarborough. Yarmouth and Cumberland are considering their options, according to Yarmouth Town Manager Nat Tupper.

"The timing was a bit awkward, since commitments were coming up,"

he said. Both towns are making separate short-term arrangements for that purpose. For the future, a number of possibilities are being discussed. One might be a contract with Cumberland County – in many states, counties provide assessing services – and managers in the area are discussing expanding the shared position to include Falmouth, where veteran assessor Anne Gregory plans to retire, and possibly North Yarmouth.

"We'll have to see what works,"



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Tupper said. "At this point it's too soon to say."

William Longley began his job as code enforcement officer for Cumberland and Yarmouth about a year after the two towns hired Bill Healey as their joint assessor, using the assessor contract as a model.

The arrangement has gone smoothly from the beginning, Longley said. "It's worked great," he said. When he was first hired, in 2004, demand for permits was high, but it collapsed with the economic crash four years later.

"If this were still a one-town job, I'd be spending a lot of time in the office," he said.

Longley likes to stay busy, and he keeps to a set schedule, usually alternating days in the two offices so townspeople know where he'll be. There's usually a one- or two-day turnaround for inspection requests. With voice-mail and e-mail, working for different communities doesn't create any delays, he said.

He has noticed some differences in development resulting from the town's contrasting approaches. Yarmouth has a traditional downtown, but little commercial growth, while diversifying the

tax base is a priority for Cumberland, which has several large new commercial buildings under construction along Route 1.

Longley says things function well in large part because of the administrative support in both towns. "Having such knowledgeable assistants makes my job a lot easier," he said.

SHARING IN WATERVILLE, WINSLOW

David Lafountain has been the

fire chief of Waterville and Winslow for five years, and the joint chief arrangement precedes him by another five. He begins his day by checking in at the Winslow station at 7:30 a.m. "When there's no crisis," he noted, he is usually at the Waterville station by 8 a.m. He goes home for lunch at noon and then heads to Winslow for the afternoon. Both departments are staffed by full-time firefighters, six in Winslow and 15 in Waterville. The annual budgets are \$1.9 million for Waterville and

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Lafountain said the joint chief job works well but it is a lot of work. "I've been at this for 30 years," he said. "It's never just 40 hours. I'm very busy and I have a very understanding wife."

He supports the arrangement, he said, "because it's all about service to the public."

The two departments operate largely separately, though they do blend their training and educational programs and cover for each other whenever an engine or ladder truck is out of service. Merging the two departments probably wouldn't save much money beyond what the joint chief's job created, but Lafountain does think there are other opportunities.

Ten years ago, a study of a possible fire district, analogous to water and sewer utilities' district, found that Fairfield, along with Waterville and Winslow, could save money for property taxpayers. The key reason is that, while large employers such as hospitals and private colleges are exempt from property taxes, they do pay utility bills.

In the case of Waterville, allocating costs that way could save property taxpayer as much as \$2 on the tax rate, he said. "To me, that's huge," Lafountain said, even as he quickly adds that it seems unlikely to happen any time soon.

When such plans are discussed, "The lobbyists come out," he said. "That's politics and I don't get involved in that."

Police services, often the second or third most expensive municipal service after schools and roads, have attracted several recent proposals. Bethel disbanded its police force in 2010 and contracts with the Oxford County Sheriff's Department. Damariscotta considered a similar contract with Lincoln County in 2012 but voters rejected it.

Norway and Paris considered a formal merger of their police departments last year, and the plan included new arrangements for chief and deputies. While Norway approved it, Paris did not.

NEXT-DOOR NEIGHBORS

Eliot and Kittery may be able to succeed, not by merging departments, but by sharing a police chief. Theodor Short is currently police chief in Eliot and interim chief in Kittery. If all goes

according to plan, the agreement will become final near the start of the fiscal year.

Michael Moynahan, Chair of the Eliot Selectmen, sees it as part of a regionalization strategy that began five years ago and now includes joint arrangements for dispatch, transfer stations, water and sewer service, and, most recently, a joint contract with a private ambulance service.

"We see ourselves as next-door neighbors," Moynahan said of Kittery, with 10,000 residents and Eliot, which has 6,000. Eliot recently tried to extend those discussions to South Berwick, with which Eliot shares a SAD/RSU, "but it's not as good a fit," he said.

Under the joint contract with Chief Short, Kittery will pay 60 percent of a \$110,000 salary and Eliot 40 percent; benefits will be split 50-50. That compares with the \$82,000 each town was paying its chief separately, "so that's a substantial savings for us," Moynahan said, resulting in a budget reduction of \$70,000.

He has no doubt the arrangement will work. It was initiated after Kittery's police chief and town manager resigned, "and we offered them our services," Moynahan said. Since then,

"we've been very transparent," holding six different meetings to allow for public comment and involvement, he said.

The Eliot department has seven full-time officers, while Kittery, with a more extensive commercial area, has 16. Moynahan noted that Short formerly managed 50 officers as a State Police supervisor. "This won't be a problem for him," he said.

Moynahan said that towns and cities have been under pressure to cut costs and be more efficient for a long time, and he see no letup. "This is part of our job, to provide a better service and make it more efficient, if we can. This helps us do that."

Chief Short said that, while he's still easing into the new arrangement, he thinks it can work well. "Kittery had a lot of outstanding issues when I came aboard, and it's taken a lot of extra time in the short term." Short said that neither Kittery nor Eliot has asked him to spend a set amount of time within their borders, though "I need to stay in close contact with my officers."

Other forms of cooperation may be tried. He's asked the two detectives in Kittery and one in Eliot to draw up a plan for how they might work together on investigations. [me](#)

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

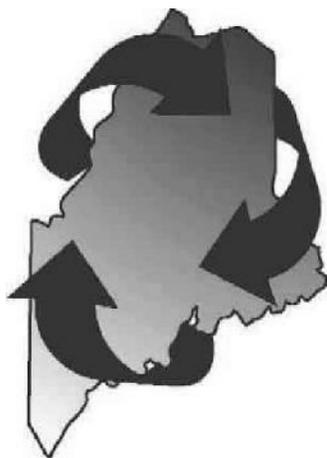
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Towns Plan For, Deal With, Rising Seas

By Lee Burnett

While the political debate over climate science rages on, the folks responsible for infrastructure in coastal areas are quietly resizing culverts, raising bridges, building levees and squirreling away money to deal with rising seas of the future.

At the local level, the big debate is not about whether the sea level is rising. The debate is whether to let the rising sea come in or try to keep it out.

Kennebunk Sewer District has already built a levee to keep at bay the tidal portion of the Mousam River, which inundated the plant in the Patriot's Day 2007 storm. (Ninety percent of the \$3.45 million cost – which included building repairs – was covered by state and federal dollars.)

Ogunquit Sewer District is exploring tying into Wells Sanitary District lines or relocating its treatment plant to higher ground. Its plant is built on a back dune of Ogunquit Beach.

Wiscasset and Boothbay Harbor are in the early stages of exploring options. Wiscasset's plant is built on a manmade rock pile in the Sheepscoot River. Boothbay Harbor's plant is built on the shores of the inner harbor.

Machias is wrestling with the Maine Department of Transportation over whether to replace the tidal valves, called flappers, and a man-made dike that carries Route 1 across the Middle River, or build a bridge that would allow tidal flows further inland.

Since 2006, a dozen storms in Maine – including the Mother's Day 2006 storm, Patriot's Day 2007 storm and Hurricane Irene in 2011 – have qualified for federal disaster assistance, according to the Federal Emergency Man-

agement Agency.

Current forecasts call for a rise in sea level of one to six feet by 2100. So far, adaptation strategies have assumed something less than a worst-case scenario. Saco, for example, now requires reconstruction in flood-prone areas to be three feet higher than the flood plain. Previously, Saco had required only a one foot "freeboard" above the flood plain. (See *Maine Townsman* article, *January 2013*.)

BIG PROJECTS

Each of the efforts above is potentially a multi-million dollar project. So, far only the Machias project has become controversial, although others may get to that point when the costs become clear. Ogunquit held two public forums to outline its options but only a handful of people attended, according to Superintendent Philip Pickering. Generally, discussion has been unheated, according to J.T. Lockman, a sea-level adaptation consultant who has facilitated public forums up and down the coast.

"I've been at public meetings with activist folks raising issues of conspiracy and so forth, but the business people in the room tell them to pipe down. They're just not interested in hearing that," said Lockman, vice president of Catalysis Adaptation Partners. "They've experienced repetitive damages and they want government help."

Lockman likes to employ an analogy of a homeowner whose house has been repeatedly burglarized to drive his point home. "You can say you're not going to do anything until it's proven beyond a reasonable doubt what's causing it. Or you start to adapt to the situation and buy a lock," he said.

Except for the Kennebunk plant, none of the treatment plants mentioned

above has been touched by flood once. (An Ogunquit pump station has been damaged. And since its construction in 2009, the Kennebunk levee proved its value twice in a six-week period, said District Engineer Nick Rico.)

Typifying the matter-of-fact tone is Wiscasset Town Manager Laurie Smith. She acknowledges the enormity of the challenge of armoring or relocating a treatment plant, but said: "Towns and cities deal with enormous issues on a pretty regular basis."

"We can't even begin to foresee how the world is going to change," she said. "But that is the challenge of municipal government in a changing world – deal with issues as they arise. This is just another day at the office."

Smith would like to see Wiscasset put away a little money each year. "It needs to be a reasonable, planned approach. Either put in it in a capital improvement plan or reserve fund... The issue is breaking it up into bite-size, manageable pieces."

ONLINE TOOL

To help communities assess their vulnerabilities and adopt sound adaptation strategies, two Maine companies have jointly developed an on-line tool for estimating costs and cost savings. It's called the Coastal Adaptation to Sea Level Rise Tool (COAST). Blue Marble Geographics in Hallowell and Catalysis Adaptation Partners in Scarborough use it to compare the cost of various infrastructure projects and the avoided cost of not having to repair cumulative property damage from multiple inundations.

It projects, for example, the costs and savings of various flooding scenarios in Back Cove in Portland. The tool showed it would cost \$103 million

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

to build either a surge barrier at Tukey's Bridge or a levee around Back Cove, but doing so would save anywhere from \$356 million to \$447 million in accumulated property damage.

In simplest terms, that's a choice of spending \$1 today or spending \$3 to \$4 tomorrow. Patrick Cunningham said the cost calculations are pretty accurate. For example, a similar analysis of the predicted consequences of a storm of the magnitude of Superstorm Sandy in the New York metro area matched "almost perfectly" the actual damage caused by the storm, he said.

"They knew these things were going to occur," Cunningham said. "The question is: How do you get people to do something about it?"

The accuracy of data helps with decision-making, but it cannot remove the subjective element in decision-making, he said. Is the property at risk low-value real estate or especially strategic, valuable or historic?

"It's complicated, it's not a black and white thing," he said. The COAST tool cannot account for the cost of disrupted lives and the "years trying to fix things," he said. "We're not just talking about dollars."

The tool is most helpful in the context of facilitated community discussion, said Sam Merrill, director of the New England Environmental Finance Center at the University of Maine and President of Catalysis Adaptation Partner. Merrill and Lockman help communities work through their emotions to arrive at "a parcel-based sense of vulnerability to create policy and financial options," Merrill said. "We catalyze civic engagement."

MACHIAS DEBATE

The debate in Machias suggests how volatile the issue may become. Maine DOT held a hearing in Machias in December 2009 to outline the options for fixing the deteriorating condition of the flappers and dike. The dike is constructed of a hodge-podge of wood pilings, shell middens, rock and dirt. It is sealed with an asphalt roadbed, according to Judy Gates in DOT's environmental office. The four flapper valves are 80 years

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old and are beginning to fail. Replacing the system with a box culvert would cost \$2.8 million, while replacing it with a bridge would cost \$3.2 million.

However, getting environmental permits from US Army Corps of Engineers and others to continue to block natural tidal flow may be problematic. The mere suggestion of building a bridge has ignited intense opposition in Machias because it would allow farmland upriver to be flooded.

"It's very unpopular," said Machias Town Manager Chris Loughlin. "There's land used for haying, cattle and everything else... The whole thing has been on hold for three years." Flooding (unrelated to the dike issue) is already a problem in the Court Street area of its downtown, said Loughlin. The sewer district was forced to upgrade pumps to "push (discharge) water past the (incoming) tides."

Gates said some in the community have prejudged the outcome before decisions have been made. "The public thinks we have made a decision when we haven't even begun exploring the process," she said. "Cost is just one consideration. The social consideration is definitely something we take into account."



Work crews replace a culvert under the road just outside the front gate at Kennebunk Sewer District August 2009. Replacement was part of construction of a berm encircling the plant to protect it from future flooding. (Submitted photo)



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OGUNQUIT'S PLANT

When it was built in 1960s, the Ogunquit Sewage Treatment plant's low-lying location behind a barrier beach and fronting on the Ogunquit River seemed good because it would reduce pumping costs. It doesn't seem like a good location today. The Patriot's Day 2007 storm put sea water up to the edge of the plant and the barrier dune system is moving inland.

Building a levee has been ruled out

because of DEP rules against building on barrier beaches and because federal and state funds would not be available. Relocation would be very expensive because it would mean buying valuable coastal property or incurring prohibitive pumping costs. That leaves some kind of cooperation with the neighboring Wells Sanitary District.

Superintendent Pickering says talks have begun with Wells district. Ogunquit would be willing to pay to double

the capacity of Wells' 1.5 million gallons a day treatment plant to handle Ogunquit's load. There would also be additional pumping and pipe laying costs. However, Wells opposes a complete merger and wants Ogunquit to continue to operate a separate system with its own billing and maintenance staff.

"It seems redundant to have two separate small districts," said Pickering. [mf](#)

STORM SURGE 2050: SCENARIOS FOR PORTLAND'S BACK COVE

Sea Level Rise Scenario 2050	Adaptation	Cost	Estimated real estate damage
No Rise	No action	\$0	\$356M
	Surge barrier or levee	\$103M	\$0
Low Rise (7.9")	No action	\$0	\$407M
	Surge barrier or levee	\$103M	\$0
High Rise (19.7")	No action	\$0	\$447M
	Surge barrier or levee	\$103M	\$0

Source: *Muskie School of Public Service*

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Efficiency Program Helps With Energy Bills

By Janine Pineo

Wouldn't it be nice to save \$14,000 on the annual heating bill?

Or more than \$2,300 yearly on electricity at a facility that runs 24 hours a day, seven days a week?

Or, in one fiscal year, cut energy consumption by 559 gallons of fuel oil, 360 gallons of propane and 21,500 kilowatt hours of electricity?

These are some of the rewards municipalities reaped after completing energy efficiency upgrades in, respectively, Mechanic Falls, Thomaston and New Gloucester.

"We've been thrilled with the results and kind of raised everyone's level of awareness," said Sumner Field III, town manager in New Gloucester, where changes have been made to four buildings in the town's historical district.

Upgrades were made possible by grants, giving towns the opportunity to tailor unique changes, oftentimes at little to no cost to taxpayers.

The bulk of the grants stemmed from 2009 when the federal government awarded Efficiency Maine more than \$9.59 million in stimulus funds to help municipalities with energy efficiency and conservation projects.

Efficiency Maine then awarded Energy Efficiency & Conservation Block Grants to 129 municipalities in the state, with that program ending in May. Many municipalities used the grants to conduct energy audits and develop a management plan. Efficiency upgrades have been made at scores of municipal buildings, including town halls, community centers, libraries, water treatment facilities and other public buildings.

Janine Pineo is a freelance writer from Hudson and relatively new contributor to the Maine Townsman, jepineo@gmail.com.

Calling these buildings the "lifeblood" of Maine communities, Efficiency Maine points out that one facility often serves as everything from meeting space to bean supper dining room to health screening clinic.

A survey of five municipalities – Brewer, Caribou, Mechanic Falls, New Gloucester and Thomaston – that have completed upgrades using grant money reveals a host of options, from small to extensive.

ENERGY AUDITS

Most towns start with an energy audit to discover what is happening in municipal facilities, laying the groundwork on what projects should be pursued. Efficiency Maine encourages getting an audit to provide a detailed report, spotlighting critical steps to take before tackling larger improvements.

Caribou has undertaken a number of upgrades to lighting, including to its seven municipal buildings. "We recently completed a lighting retrofit across the buildings," said City Manager Austin Bless.

Other changes started a few years back, Bless said, with 45 metered streetlights in a three-block, downtown area that used to cost the city about \$10 per month for each light. After the city replaced each fixture with a decorative LED streetlight (the entire fixture has to be replaced, not just a bulb), the cost is now \$40 per month for all 45 lights.

After the recent removal of about 100 streetlights elsewhere in the city, next up is the replacement of 580 remaining non-metered streetlights that cost more than \$100,000 per year to light, Bless said. Efficiency Maine offers rebates on this, he said, which will

help the city replace the entire units.

At Caribou's airport, a fair amount of money was spent monthly to keep the lights running on the length of two runways totaling about 7,200 feet. Bless said after changing to LEDs, the monthly cost dropped to "\$30 at the most." Additionally, pilots can send a radio signal to turn the lights on and off, instead of leaving them on all night.

Efficiency Maine points out that Caribou saves even more in maintenance, eliminating the need to replace burnt-out bulbs since LEDs' lifespan is tens of thousands of hours of use.

Brewer targeted the Brewer Auditorium for lighting upgrades. Ken Hanscom, director of Parks & Recreation, said the city has seen a 10 to 15 percent drop in its electricity costs after replacing 20 400-watt halide lights. The old fixtures would take several minutes to warm up before reaching full lighting strength, while the new lights are "instant on, instant off," he said.

The new fixtures are 15 x 4-foot panels with six high-output fluorescent bulbs that use 4,500 watts, down from the previous 8,000. Hanscom said the project cost roughly \$8,000, with Brewer's share being \$1,400.

In addition to changing outside walkway lights to LEDs, Brewer is placing occupancy sensors in the lower-level restrooms and halls instead of leaving lights running all the time. "We're on our own with this one with funding," Hanscom said.

SENSORS FOR MECHANIC FALLS

Mechanic Falls also installed occupancy sensors, according to Town Manager John Hawley. The town used

some of its grant money to make that change along with installing LED lights around building entrances. "A lot of exterior lighting had been there a long time and were energy hogs," he said.

During an energy audit, a thermal-imaging camera is used to find trouble spots for heat loss. For Mechanic Falls, it meant filling those spots with spray insulation after looking at their 90 x 54-foot, three-story town office that used to be the high school.

However, the bigger problem was the foyer that "lost so much heat," Town Manager Hawley said.

Using about \$9,000 of a \$36,225 grant, the town installed a glass interior foyer, described as a type of air lock that minimizes heat loss in winter.

"We keep it at about 65 degrees," Hawley said, mentioning that prior to the change no amount of heat would keep the area warm.

"We have noticed quite a difference in the building," he said. "That air lock prevents the cold air from coming into the building."

The town also insulated heating pipes in the town office and the building housing the public works and fire department.

Hawley said the drop ceilings on the third floor of the town office got a layer of insulation after it was discovered during the energy audit that blown-in insulation in the walls had settled, leaving a gap that could be offset by putting insulation in the ceiling.

New Gloucester found heat loss in

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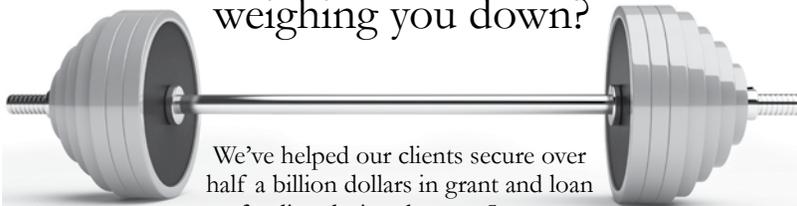
Testing

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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

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the basements of the historic town hall and meeting house, Town Manager Field said. Spray insulation was used to seal those leaks.

Sometimes heating solutions are unique, as New Gloucester discovered for its community building, which has radiant heat installed in the concrete floor slab. Field said the radiant heat took a while to change the room temperature, often not warming the space until after whichever group was using the facility had left the building.

The answer was to install a wall heater for a faster response, keeping the floor temperature at 50 degrees.

The public works building required “thermal destratification.” Field said fans were installed in the garage’s high ceilings to better “mix the air” to a more even temperature year round. The result in one fiscal year was to use

360 fewer gallons of propane to heat the garage, he said.

In Mechanic Falls, the town put up half of the money to match a grant from the Maine Department of Agriculture, Conservation and Forestry to install a single wood-pellet boiler to replace two oil burners that heat the town office and public works build-



Caribou airport runway light. (Submitted photo)

ing. John Hawley said the town saved \$14,000 in heating costs last winter, with the added benefit of buying the fuel – the pellets – locally from an Athens business.

PELLET BOILERS IN CARIBOU

Caribou’s Bleess said the city just completed in June its installation of four pellet boilers to serve five buildings. Manipulating temperatures in various sections of buildings used to mean walking to that area, reading the temperature and adjusting accordingly.

New Gloucester and Mechanic Falls have both installed thermostats that can be programmed via computer. Mechanic Falls’ Hawley said he can change the temperature in the town office’s basement gymnasium, for example, from his personal computer at work or home.

Field described the programmable thermostats in the New Gloucester town hall as “perfect,” saying the building can be kept at 62 degrees overnight but warmed to 70 by the time employees arrive.

Solar panels may be the poster child for energy efficiency; however, the cost can be prohibitive. John Fancy, superintendent of the Thomaston Pollution Control Facility, said this was true when the town investigated installing panels atop the 60-foot-long control building with its south-facing location.

“We had the ideal situation for doing this,” he said, but it was a no go because of the price tag.

Enter the stimulus money, which paid more than \$77,000 of the \$83,377 cost to install 78 solar panels. The town’s cost: \$6,104.

Fancy said estimated savings were \$2,500 per year, and after 26 months of operation, the facility has saved about \$2,365 per year with the panels generating 13 percent of the power used to run the wastewater treatment facility 24 hours a day.

The power generated by the panels is enough to run four single-family homes, he said, and on days when there is any excess power generated, it is fed back into the Central Maine Power grid with the town receiving a credit.

“We are extremely happy with the arrangement,” Fancy said of the solar units. “This is something we would not have done if we had not gotten the grant from Efficiency Maine.” [\[ML\]](#)

ONLINE RESOURCES

Twelve video features highlight municipal projects completed with EECBG grant money at www.energymaine.com/municipal.

Efficiency Maine offers incentives to municipalities for a number of energy efficiency measures listed at www.energymaine.com/at-work/business-programs.

Municipalities can find contractors familiar with Efficiency Maine’s business incentives through the Qualified Partners network, accessible at www.energymaine.com/at-work/qualified-partners/qualified_partner_search or 866-376-2463.

Municipalities can benchmark municipal buildings using ENERGY STAR’s Portfolio Manager, an interactive energy management tool that allows users to track and assess energy and water consumption at facilities. Visit www.energystar.gov/index.cfm?c=guidelines.guidelines_index for more info.

For more tips, visit www.energymaine.com/at-work/tips-advice.

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U-Maine Conducts MMA Membership Survey

By Timothy Blier, Foster Center
for Student Innovation, University of Maine

In 2013, the Maine Municipal Association (MMA) contracted with the University of Maine's Foster Center for Student Innovation to develop and implement a survey of MMA's membership. The purpose of implementing this survey was to gain insights into the MMA membership. This effort is in conjunction with MMA's ongoing strategy to conduct evaluations of membership satisfaction every five years.

The survey instrument was designed and implemented using the Survey Monkey service provided at surveymonkey.com. The survey contained a total of 27 questions: four demographic questions; 17 questions regarding MMA provided services and general attributes of MMA; five open-ended questions; and, one question regarding level of interest toward potential new services. Included in the open-ended questions was the option for respondents to provide their names and contact information to participate in an optional telephone interview. The interview process was an effort to gain a second perspective on attitudes toward MMA. Questions regarding MMA provided services, as well as the question regarding potential new services, were rated using an 11-point rating scale (0-10) known as the Juster scale. On all rated questions a rating of 0 is attributed to a highly negative rating and 10 is attributed to a highly positive rating. The Juster scale was elected based on its ability to maintain a high level of validity with a

Timothy Blier is a student at the University of Maine, timothy.blier@maine.edu. Renee Kelly is Director of Economic Initiatives at the University of Maine and served as the author's adviser on the project, rwkelly@maine.edu.

relatively small sample size.

The request to interview participants met with disappointing results. Approximately 15 respondents indicated they would be willing to participate in an interview. However, the principal investigator was only able to schedule six MMA members for interviews. There was an attempt to gain more interviewees by offering those willing to be interviewed the option to answer the interview question via email. However, there were no responses to the email request. Because of these factors, the interviews were viewed as non viable and abandoned.

Measured was the level of perceived importance of each service provided by MMA, the level of satisfaction with provided services and the level of knowledge regarding certain provided services. Also measured were attitudes toward potential new services. Space was provided for respondents to provide feedback and more detailed responses in the form of narratives.

Links to the electronic survey were emailed to 1,636 randomly selected, elected and appointed municipal officials from the MMA database. This sampling frame is from a population of approximately 13,000. This popula-

tion was chosen on the criteria that all are employees of a Maine municipality that is a member of MMA. Nineteen percent of the sampling frame either completed or partially completed the survey. The average error for the 17 rated questions was 0.015 ± 0.0078 with 95 percent confidence. This shows a high level of validity for the survey results.

KEY FINDINGS

64.7 percent of respondents indicated that they represented a municipality with populations of 2,000 or more. The majority of respondents indicated that they are an elected official (34.2 percent) or a city/town manager/administrator (25.2 percent). Almost half (48.9 percent) of respondents said that have been involved in municipal government for more than 10 years.

Respondents view MMA as very valuable to their municipality. When asked to rate how valuable MMA is, they gave an average rating of 9.58 (± 0.011).

In terms of knowledge of subject matter, response time to inquiries and availability/accessibility the sampling gave average ratings of 9.87 (± 0.00059), 9.37 (± 0.0104) and 9.61 (\pm

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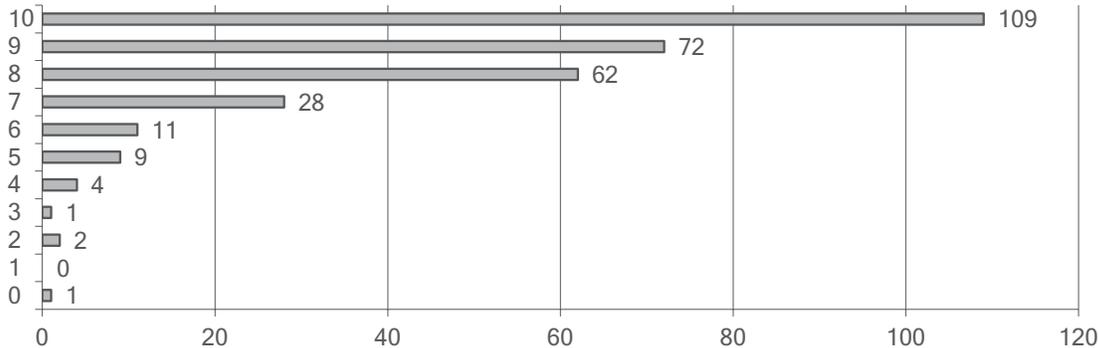
tel: 207-512-3305

e-mail: Stephanie.Fecteau@mainepers.org

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Figure 1

**How valuable is the Maine Municipal Association (MMA) to your municipality?
0-Not at all valuable, 10-Very valuable**



0.0080) respectively. This shows high degrees of satisfaction by members in all three areas.

When asked to rate their involvement in and knowledge of MMA advocacy efforts and the Legislative Policy Committee, respondents gave average rating of 5.77 (\pm 0.020) and 4.45 (\pm 0.022) respectively. This illustrates moderate to low involved in and knowledge of MMA advocacy efforts and the Legislative Policy Committee.

Respondents rated MMA very highly in terms of its representation of municipal interests with an average rating of 9.49 (\pm 0.012).

Overall, the sampling rated each MMA provided service very highly when asked to rate their overall satisfaction regarding each service. MMA Communication & Educational Services, Legal Services, Personnel and Labor Relations Services, Risk Management Services and the Maine Municipal Employees Health Trust received average ratings of 9.24 (\pm 0.012), 9.62 (\pm 0.012), of 8.59 (\pm 0.032), 9.61 (\pm 0.013) and 9.45 (\pm 0.016) respectively. It is worth noting that 145 respondents choose the "don't know" option when asked to rate Personnel and Labor Relations Services.

Respondents indicated that their municipality frequently takes advantage of the services provided by Legal Services, average rating of 8.17 (\pm 0.015), as well as training programs and publications provided by MMA, average rating of 8.43 (\pm 0.015), but only moderately take advantage of services provided by Personnel and Labor Relations, average rating of 5.13 (\pm 0.028).

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The sampling was asked to rate their interest in a number of potential new services MMA is proposing. (Average ratings are shown in Figure 4.) The averages for each potential service show a moderate to low interest in these services.

The survey enjoyed a large number of narrative responses; all responses were provided to MMA in the survey materials. When asked to express any challenges and/or problems faced by their municipality, a common theme involved budget and revenue issues. Respondents also expressed high satisfaction with MMA advocacy and training programs/materials. A common complaint was MMA's apparent focus on larger municipalities and a desire for MMA to advocate for issues affecting small municipalities.

RECOMMENDATIONS

MMA should continue its advocacy efforts and possibly develop those efforts further. MMA should also attempt to better educate its members regarding its advocacy efforts and the Legislative Policy Committee.

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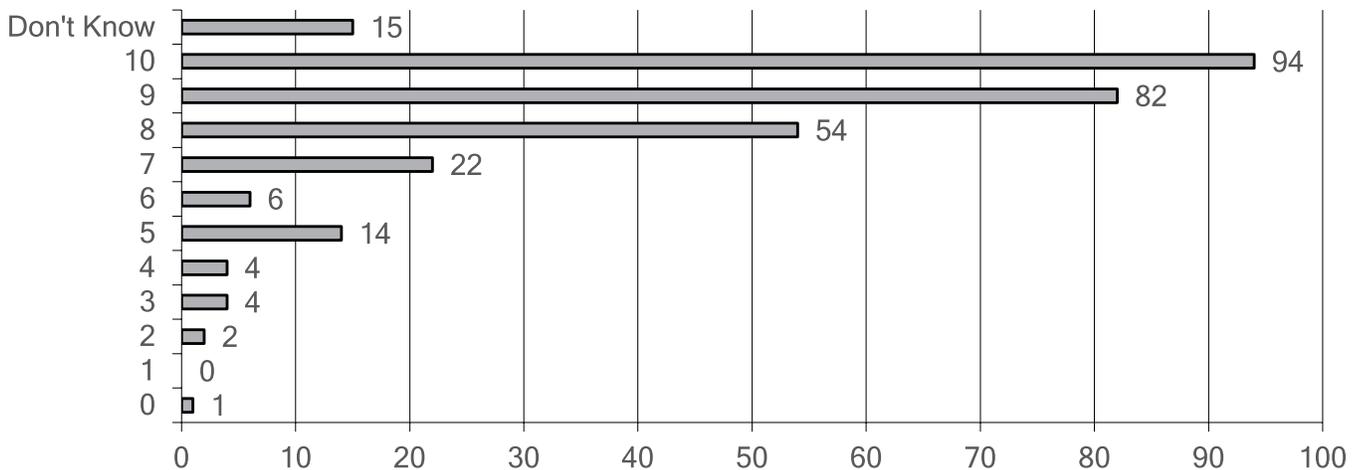
Wastewater Collection

Survey

Inspection Services

Figure 2

**How would you rate MMA in terms of its representation of municipal interests?
0-Poor, 10-Excellent**



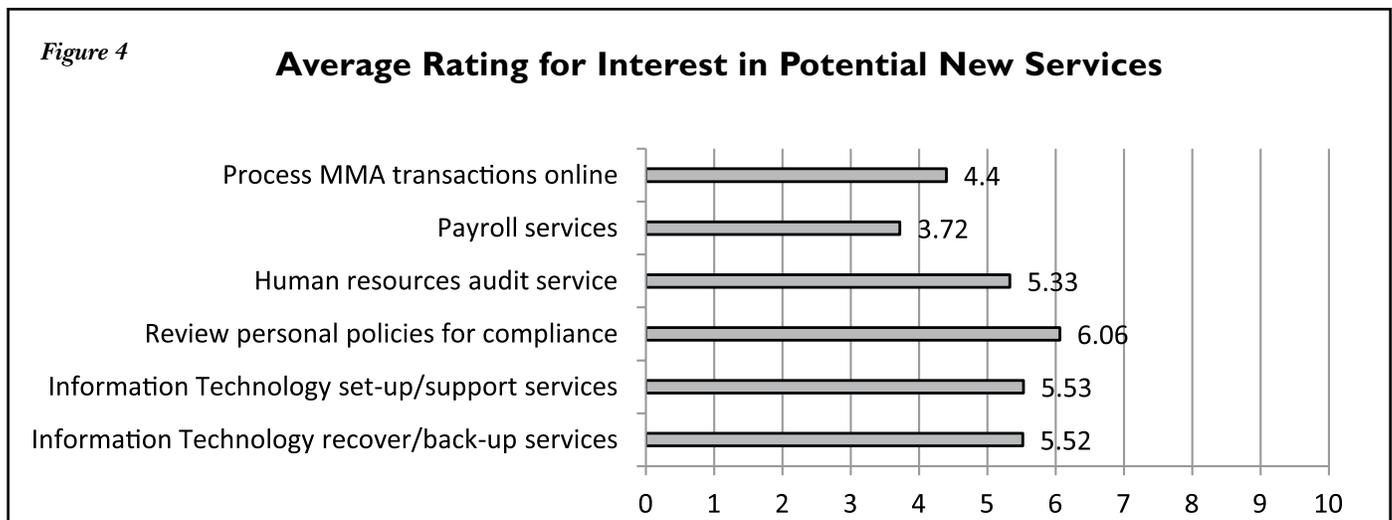
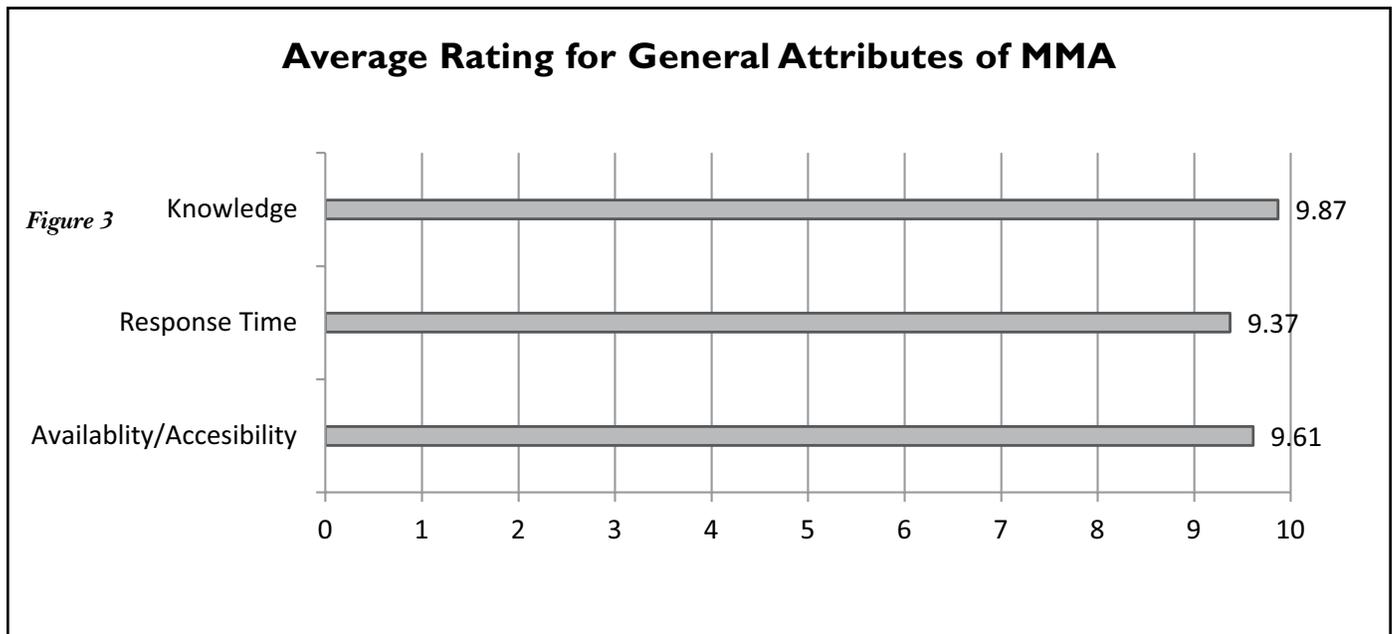
Smaller municipalities feel that their needs are not being advocated for by MMA. MMA should allocate resources to alleviate these concerns.

An evaluation of Personnel and Labor Relations could be effective in discovering possible areas for improvement or to create more awareness.

The potential new services proposed should not be implemented

until a more comprehensive evaluation focused on these services can be done. The data for each service showed a moderate to low interest in the proposed services. New services should be developed by identifying significant member problems and then attempting to elevate those specific issues. Based on the survey results, MMA should develop these concepts further before implementation.

In the future, surveys should not be conducted during budget time. Though the 2013 survey received a significant number of responses, this will ensure that future surveys also receive a significant number of responses. It should be discussed whether the MMA membership is more responsive to a mailed, hard copy survey instrument over an electronic survey. [\[m\]](#)





2013 MMA Convention

October 2-3, 2013 - Augusta Civic Center

DON'T MISS THESE SPECIAL FEATURES & EVENTS!



Keynote - Capt. Mark Adamshick Moral Leadership, Reconciling Differences and Getting to Yes!

Wednesday, October 2 - 9:00-10:15 a.m.

Our special guest is Capt. Mark Adamshick, USN (ret.), Ph.D. Chair for the Study of Officership at the Simon Center for the Professional Military Ethic, U.S. Military Academy, West Point.

An essential skill for today's leaders is breaking impasse and getting to yes! This talk will outline the necessity of maintaining public trust and the essentiality of moral behavior and character among our elected and appointed municipal leaders. We explore why seemingly good people sometimes do bad things and suggest a framework for exercising moral leadership and decision-making.



Civility in City Hall

Wednesday, October 2 - 10:30-11:45 a.m.

One of the purest predictors of success for your community is the morale of your citizens and staff. This session highlights the relationship between the cultural environment and your community's future. By extension, as individual behaviors improve, each community becomes a more enjoyable place to live. A surface examination of the human condition in our present culture reveals deterioration in "citizenship" and provides evidence that self-reflection, if it occurs at all, often does not lead to self-improvement. This session will identify evaluation points and action steps designed to move the work environment toward a positive, successful culture.

Michael G. Fann, Director of Loss Control, Tennessee Municipal League Risk Management Pool. (This appearance sponsored by MMA's Risk Management Services Department.)



Dynamic Downtowns

Thursday, October 3 - 8:30-9:45 a.m.

Nothing makes a municipality look and feel better than a healthy, busy downtown. But building one is far from easy. The recipe can require community buy-in, vision, municipal loans, consistent communication - and lots of patience.

Delilah Poupoure, Director, Heart of Biddeford; Audrey Lovering, President, Lovering & Associates, Rockland, former Director, Main Street Skowhegan.



Who's in Charge of Stress? It Starts With You

Thursday, October 3 - 12:00-1:30 p.m.

These are stressful times for new and veteran elected officials and for municipal employees in all kinds of jobs. So let's enjoy light-hearted speaker Dr. Scott Sheperd as he shares the key to dealing with challenging times. His answer? Changing the way you think, a necessary first step before altering behavior, town hall culture - and even how your citizens see you. Dr. Sheperd is eminently qualified, having worked for 35 years with people facing pressure from high-stress jobs to terminal illnesses. A jazz pianist and composer, he holds college degrees in Music, Mass Communication and a PhD in Counseling from the University of Toledo.

2013 MMA Convention

General Sessions & Events (preliminary)

Wednesday, October 2, 2013

7:30 a.m. Registration Begins

7:30 – 8:45 a.m. Continental Breakfast in Exhibit Area

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

Moral Leadership, Reconciling Differences and Getting to Yes!

Our special guest is **Capt. Mark Adamshick**, USN (ret.), Ph.D., Chair for the Study of Officership at the Simon Center for the Professional Military Ethic, U.S. Military Academy, West Point.

An essential skill for today's leaders is breaking impasse and getting to yes! This talk will outline the necessity of maintaining public trust and the essentiality of moral behavior and character among our elected and appointed municipal leaders. We explore why seemingly good people sometimes do bad things and suggest a framework for exercising moral leadership and decision-making. *(This session approved for the following credits: 1.25 CMA/CAT recertification credits through Maine Revenue Services, 1.25 points through MTCMA Certification – Ethics category.)*

10:15 a.m. – 10:30 a.m. Break Time with Exhibitors

10:30 a.m. – 11:45 a.m. SPECIAL SESSION!

Civility in City Hall

One of the purest predictors of success for your community is the morale of your citizens and staff. This session highlights the relationship between the cultural environment and your community's future. By extension, as individual behaviors improve, each community becomes a more enjoyable place to live. A surface examination of the human condition in our present culture reveals deterioration in "citizenship" and provides evidence that self-reflection, if it occurs at all, often does not lead to self-improvement. This session will identify evaluation points and action steps designed to move the work environment toward a positive, successful culture. *(This session approved for the following credits: 1.25 points through MTCMA Certification – Leadership & Human Resources categories.)*

Presenter: Michael G. Fann, Director of Loss Control, TML Risk Management Pool. **(This appearance sponsored by MMA's Risk Management Services Department.)**

10:30 a.m. – 11:45 a.m. CONCURRENT SESSIONS

Property Values, Economic Trends & Underused Assets

The long-running myth in Maine has it that the state's economy is forever mired in the doldrums. But that isn't the whole story. Pockets of economic activity – some in surprising places – have existed throughout Maine, even during the recent recession. This workshop points out why and how targeted development and property values played important roles. *(This session approved for the following credits: 1.25 CMA/CAT recertification credits through Maine Revenue Services, 1.25 points through MTCMA Certification – Finance/Budget category.)*

Presenters: Dave Eldridge, Senior Vice President and Manager of Commercial Lending, Androskoggin Bank; Drew Sigfridson, Designated Broker, CBRE/The Boulos Company, Portland; Denis Lachman, Principal, Lachman Architects & Planners, Portland.

Pesticide Use & Safety

Protecting public health and safety, keeping outdoor spaces well maintained and meeting citizen expectation and budgets can be successfully achieved through Integrated Pest Management. Please attend this workshop to learn more about using an integrated approach to pest management that includes access to all of the "tools in the toolbox" to manage pests and maintain property, and hear first-hand how the concept is applied in municipalities in Maine. *(This session approved for 1.25 CMA/CAT recertification credits through Maine Revenue Services.)*

Presenters: Karen Reardon, Vice President for Public Affairs, RISE (Responsible Industry for a Sound Environment); Paul Sevigny, President, Mainely Grass, York.

11:45 a.m. – Noon Break Time with Exhibitors

Noon – 1:20 p.m. AWARDS LUNCHEON CELEBRATION!

1:20 p.m. – 1:30 p.m. Break Time with Exhibitors

1:30 p.m. – 4:00 p.m. Special Event

Visit the Interactive Wellness Fair!

1:30 p.m. – 2:30 p.m. MMA Annual Business Meeting

1:30 p.m. – 2:30 p.m. CONCURRENT SESSIONS

State Budget: What Just Happened?

The Governor and Legislature last session made dramatic changes to the municipal revenue picture but also put forth four areas for study: a thorough review of "tax expenditures" with an eye to retiring \$40 million in tax breaks; state mandates, and which ones can be repealed; the mechanics of taxing large, non-profit institutions to address municipal revenue shortfalls; and, the proposed BETR/BETE "conversion." Can it be done? Come here for an update on the progress of these efforts. *(This session approved for the following credits: 1 point through MTCMA Certification – Finance/Budget category.)*

Presenters: Geoff Herman, Director of State & Federal Relations, MMA; other speakers TBD.

Libraries in the Digital Age

Even the slogans are changing. Operating a municipal library today is far from what it was like 10 or more years ago, as patrons expect wifi service, laptop access, computer advice, DVDs, audio books – and more. The Mark & Emily Turner Library in Presque Isle embraces the trend with the slogan: "A Rural Library Connecting Globally."

Presenters: Sonja Plummer Morgan, Library Director, City of Presque Isle; Lisa Shaw, Assistant Library Director, City of Presque Isle.

Maine's Commodities Purchasing Program

It shouldn't be a secret, but perhaps it still is. The State of Maine buys many products and services in bulk – and a fair number of its vendors want to extend discounts to municipalities. Our presenters talk about the program's genesis, current status and offer contact information for businesses that want to work – with you. *(This session approved for 1 point through MTCMA Certification – Finance/Budget category.)*

Presenters: Todd Cummings and Bambi Trefft, State of Maine, Division of Purchases.

Wednesday, October 2, 2013

2:30 p.m. – 2:45 p.m. Break Time with Exhibitors

2:45 p.m. – 4:00 p.m. CONCURRENT SESSIONS

Stormwater Runoff: Solutions that Work

At our 2012 Convention, speakers talked about federal changes to storm water regulations and the municipal impact. This time: How to make changes in construction, landscaping and other activity to manage runoff and improve conditions “on the ground.”

Presenters: Tamara Lee Pinard, Cumberland County Soil & Conservation District; Andrea Dickinson, Environmental Engineer, CES Engineering, Brewer.

Breaking Up Is Hard: The RSU Dynamic

2013 may go down as the year of the RSU withdrawal. Small and medium-sized communities throughout the state considered leaving their Regional School Units, and in some cases they did so. This workshop explores the phenomenon, the law and offers pro and con advice.

Presenters: Paul Frederic, First Selectman, Town of Starks; Sarah Newell, Esq., Shareholder, Eaton Peabody, Bangor.

Recreation, Open Space & Economic Development

Increasingly, communities are seeing their natural assets – riverfront, miles of trails, woods, lakes, mountains or whitewater – as integral parts of their economic-development efforts. Please join our speakers as they talk about their ongoing experiences – the challenges and successes – with turning any town’s natural treasure into a community asset. (*This session approved for the following credits: 1.25 CMA/CAT recertification credits through Maine Revenue Services, 1.25 points through MTCMA Certification – Finance/Budget and Leadership categories.*)

Presenters: Denise LeBlanc, Director, Town of Skowhegan Parks & Recreation; Dick Ranaghan, Senior Vice President, Gorham Savings Bank.

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

Enjoy the “Gypsy Jazz” sounds of Mes Amis – Exhibit Area

Thursday, October 3, 2013

7:30 a.m. – 8:30 a.m. Registration and Breakfast

8:00 a.m. – Noon: Special Event

Visit the Interactive Wellness Fair!

8:30 a.m. – 9:45 a.m. CONCURRENT SESSIONS

Dynamic Downtowns

Nothing makes a municipality look and feel better than a healthy, busy downtown. But building one is far from easy. The recipe can require community buy-in, vision, municipal loans, consistent communication – and lots of patience. (*This session approved for the following credits: 1.25 points through MTCMA Certification – Leadership category.*)

Presenters: Delilah Poupoure, Director, Heart of Biddeford; Audrey Lovering, President, Lovering & Associates, Rockland, former Director, Main Street Skowhegan.

Recall Fever

Why are Maine communities recalling their elected officials or considering doing so? This workshop will walk attendees through one town’s experience with recalls and look at the underlying sentiments that can lead to skepticism about government – and vindication. (*This session approved for the following credits: 1.25 points through MTCMA Certification – Leadership and Elected Relations categories.*)

Presenters: Kim McLaughlin, Clerk, Town of Old Orchard Beach; James Melcher, Professor of Political Science, University of Maine at Farmington.

Federal and State Governments are Here, and They Can Help

Every municipality is in the economic-development game and many have small businesses in need of assistance. Come and listen as experts representing key federal economic development-assistance agencies describe their programs, offer pathways to other resources and talk about Maine success stories.

Presenters: William Card, Economic Development Specialist, U.S. Small Business Administration, Augusta; Bob Jacobs, owner of Jacobs Glass, Winslow; Michael Stoddard, Executive Director, Efficiency Maine Trust.

9:45 a.m. – 10:15 a.m. Break Time with Exhibitors

MMA Tour: Stroll over to the MMA building and let the staff there show you around.

10:15 a.m. – 11:45 a.m. CONCURRENT SESSIONS

Hidden Costs of Budget Cuts

Cut. Cut. Cut. Town and city leaders have heard the mantra for years now. But there are costs beyond the obvious reductions in staffing and municipal services. These experts explore unintended consequences in areas such as morale, succession planning, delayed community projects and employee benefits. (*This session approved for the following credits: 1.5 points through MTCMA Certification – Leadership and Finance/Budget categories.*)

Presenters: The Honorable William Stokes, Mayor, City of Augusta; Bill Bridgeo, Manager, City of Augusta; Laurie Smith, Manager, Town of Wiscasset; Todd Souza, Parks & Recreation Director, Town of Wiscasset.

Right to Know

Attorneys from MMA’s Legal Services Department offer Right to Know training for both Elected Officials and municipal Public Access Officers. (*This session approved for the following credits: 1.25 CMA/CAT recertification credits through Maine Revenue Services. 1.25 points through MTCMA Certification – Legal category.*)

Presenters: William Livengood, Director, and Richard Flewelling, Assistant Director, Legal Services Department, MMA. (**Attending this session counts as completing the state-required Freedom of Access training.**)

Best Labor Practices for Municipalities

The Maine Department of Labor promotes a healthy, safe and fair workplace, as well as cooperative employee-management relations through consultation services, training resources, worksite inspections and regulatory enforcement. And municipal employers are no exceptions. Learn more about the state’s approach and its Safety Works! Recognition program. (*This session approved for the following credits: 1.25 points through MTCMA Certification – Human Resources category.*)

Presenter: David Wacker, Director, Maine Department of Labor, Workplace Safety Division.

Thursday, October 3, 2013

11:45 a.m. – Noon Break Time with Exhibitors

Noon – 1:30 p.m. LUNCHEON AND FEATURED SPEAKER!

Who's in Charge of Stress? It Starts With You

These are stressful times for new and veteran elected officials and for municipal employees in all kinds of jobs. So let's enjoy light-hearted speaker Dr. Scott Sheperd as he shares the key to dealing with challenging times. His answer? Changing the way you think, a necessary first step before altering behavior, town hall culture – and even how your citizens see you. Dr. Sheperd is eminently qualified, having worked for 35 years with people facing pressure from high-stress jobs to terminal illnesses. A jazz pianist and composer, he holds college degrees in Music, Mass Communication and a PhD in Counseling from the University of Toledo.

1:30 p.m. – 2:00 p.m. Dessert in the Exhibit Area

Along with Grand Prize drawing, Exhibitor Prizes and more – on the main stage.

2:00 p.m. – 3:00 p.m. CONCURRENT SESSIONS

Road Salt, Sand and Modern Applications

It's kind of an age-old dilemma: Are towns and cities better off using sand or salt – or newer applications – to clear their roads in winter? Weather conditions and the actual roads being plowed and treated are factors. So, too, are emerging technologies that could make a difference.

Presenters: Peter Coughlan & Phil Curtis, Maine Local Roads Center; Shawn Bennett, Road Commissioner, Town of Pownal.

Grant Writing

During tight financial times – heck, all the time – municipal officials and staff want to know more about grant writing and how to win! Our expert will walk attendees through the complicated, but potentially rewarding, grant process. *(This session approved for the following credits: 1 point through MTCMA Certification – Finance/Budget category.)*

Presenter: Chris Shrum, President, The Vibrancy Group.

Animal Control: When Wild Things Move In

Coyotes, turkeys, moose – even bears! As certain wild animal populations rebound and grow, and as some “suburban sprawl” continues into established habitats, interaction between humans and wild animals becomes increasingly common. Our experts discuss the trend of critters moving into human areas and vice versa.

Presenters: Kevin Upton, Animal Control Officer, Town of Houlton; Patrick Faucher, Animal Control Officer, Town of Oakland.

3:00 p.m. – 4:00 p.m. NEW FEATURE: ASK THE EXPERTS!

These “off the news,” discussion-type sessions will have a casual feel, where attendees meet experts in various fields, hear updates and ask questions.

General Assistance Changes

Each session, the Legislature tinkers with General Assistance programs and funding, and 2013 was no exception. Our panel recaps the recent revisions, takes a look at the future – and takes your questions.

Panelists: Kate Dufour, Senior Legislative Advocate, State & Federal Relations Department, MMA; David MacLean, General Assistance Program Manager, Maine Department of Health & Human Services; Sue Charron, Social Services Director, City of Lewiston.

The Affordable Care Act – And You!

The federal Affordable Care Act may have been passed in 2010, but many of its provisions will begin to affect employers in late 2013 and throughout 2014. In this session, representatives from the Health Trust will provide updates on several key provisions, including the Employer Shared Responsibility (Play or Pay) provision that will affect larger employers. *(This session approved for the following credits: 1 point through MTCMA Certification – Human Resources category.)*

Panelists: Anne Wright, Assistant Director, Maine Municipal Employees Health Trust; Steve Gove, Director, Maine Municipal Employees Health Trust and Deputy Director, MMA.

Public Employee Retirement Trends

Tough financial times and a shifting municipal-revenue picture have some cities and towns taking new looks at retirement packages. This panel looks at the trend, plan changes and GASB 68 pension liability reporting requirements. *(This session approved for the following credits: 1 point through MTCMA Certification – Human Resources category.)*

Panelists: Sandy Matheson, Executive Director, Maine PERS; Stephanie Fecteau, PLD Plan Administrator, Maine PERS; David Barrett, Director of Personnel Services & Labor Relations, MMA.

Overnight Accommodations

Overnight Rooms have been blocked for MMA Convention attendees at the Best Western Plus in Augusta. The rate is \$72.00/night (All prices are subject to Maine State Sales Tax – current rate is 7%). To reserve your overnight room, please call 207-622-4751 and mention the Maine Municipal Association (MMA) Attendees & Exhibitors group rate. Rooms are available for reservation until September 17, 2013 on a first-come, first-served basis.

The Best Western Plus is located within the Civic Center Complex and is within walking distance of the Augusta Civic Center.

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

Affiliate Association Programs

Please see full convention program for additional offerings, highlights, special events and CEU/Certification credits/points. The following sessions have been prepared by and are sponsored by individual affiliate associations. All sessions are open to all attendees.

Maine Association of Assessing Officers (MAAO)

Certification: See general sessions for programs and sessions that offer CMA/CAT CEU credits through Maine Revenue Services.

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

Wednesday, October 2

10:30 – 11:45 Website Resources for Assessors:

All the information an assessor could ever want is available to us whether we're working at our desktop computers or in the field with a laptop, iPad or smart phone. The Maine Office of GIS, Maine Revenue Services, IAAO LibraryLink, State Board of Property Tax Review, Superior and Law Court decisions, MLS, and so much more – the information resources available can be as overwhelming as they are valuable. Our moderator, Winslow Assessor Judy Mathiau, and her panel of experts will show us what's out there and how to access and make use of it all.

Presenters: Judy Mathiau, Assessor, Town of Winslow; Panel includes Ben Thomas – MMA Web and Social Media Editor; Elizabeth Sawyer, Assessor; Matt Sturgis, Assessor; Bill van Tuinen, Assessor.

Certification: This session approved for 1 CMA/CAT recertification credit through Maine Revenue Services.

Maine Fire Chiefs' Association (MFCA)

Wednesday, October 2

1:30 – 2:30 p.m. Disaster Response Planning

MFCA sponsored session co-sponsored by the Maine Town, City and County Management Association

This presentation is intended to provide for discussion by public safety, government, and community leaders about their community's ability to respond effectively to a disaster. Every community must consider the possibility that a disaster such as Hurricane Sandy, Blizzard of 2013, and the Brownville, Maine flooding may occur. Most importantly, issues related to lessons learned and recommendations will be presented. Level of training to key department heads and community leaders is important to qualify for Federal Funding reimbursement from disasters. Disasters of this magnitude force us to look at new ways to ensure communities are supported, and that every town/city has an Emergency Operation Plan.

Presenters: Peter Joseph, Town Manager of Freeport; Darrel Fournier, Fire Chief, Town of Freeport; Steve Mallory, Maine Emergency Management Agency.

2:30 – 4:00 p.m. MFCA Annual Meeting and Fire Chief of the Year Awards Celebration

Thursday, October 3

8:30 – 10:00 a.m. When Flame Retardants Burn: Exposure and Health Risks in Firefighters

With the passing of Maine's Cancer Presumption Law, there are many questions left unanswered. What does it mean? What do we do? What changes to our operations are needed to keep our people safe? Come hear from Dr. Susan Shaw, from Blue Hill Maine, who conducted a study of flame retardants and the exposure and health risks they have towards Firefighters. Listen to what she found and what operational changes you may want to consider to help keep your Firefighters and their families safe.

Presenter: Susan D. Shaw DrPH, Founder and President, Marine Environmental Research Institute, Professor, Department of Environmental Health Sciences, School of Public Health, State University of New York, Albany, NY.

10:30 – 11:45 a.m. Fire Department Legal Considerations for Municipal Elected and Appointed Officials

This presentation will provide elected and appointed municipal officials information on legal considerations for providing fire protection through a municipal fire department. Topics will include fire protection laws, municipalities and the fire chief, legal considerations for fire and life safety, mutual aid and liability.

Presenters: William Guindon, Director, Maine Fire Service Institute; Darrel Fournier, Fire Chief, Town of Freeport; William St. Michel, Fire Chief, Town of Durham.

2:00 – 4:00 p.m. Fire Department Training Safety and Risk Management for Elected and Appointed Municipal Officials in Maine

This presentation will provide elected and appointed municipal officials information and best practices in the development of a Fire Department Training, Safety and Risk Management Program. Topics will include firefighter safety, risk management, training program management, professional development, certifications and credentialing.

Presenters: William Guindon, Director, Maine Fire Service Institute; Darrel Fournier, Fire Chief, Town of Freeport; William St. Michel, Fire Chief, Town of Durham.

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

Wednesday, October 2

2:45 – 4:00 p.m. IFW, BMV and MMA Legislative Updates – co-sponsored with the Maine Town & City Clerks' Association

Presenters will give updates on new laws and regulations for Inland Fisheries & Wildlife and the Bureau of Motor Vehicles. MMA State and Federal Relations will discuss legislation enacted in 2013 of interest to municipal tax collectors, treasurers and clerks.

Presenters: Bill Swan, Inland Fisheries & Wildlife; Terry Phelps, Municipal Coordinator, Administrative Office of Motor Vehicle; Geoff Herman, Director, State and Federal Relations, Maine Municipal Association.

Affiliate Association Programs

Thursday, October 3

8:30 – 10:15 a.m. Zombie Foreclosures – MMTCTA sponsored session

This session will focus on the foreclosures that have been started and left in limbo and how municipal process and regulation is affected by it.

Presenters: Wendy Paradis, Esq., Bernstein Shur; Mark Susi and Eric Wright, Bureau of Consumer Credit Protection.

Certification: The MMTCTA will allow 15 points for each day of full attendance to its sponsored and co-sponsored programs.

Maine Resource Recovery Association (MRRA)

Thursday, October 3

10:15 – 11:45 a.m. S.M.A.R.T. Save Money and Reduce Trash: Cost Effective Strategies for Solid Waste Management

What happens when you put your trash out at the curb? It really doesn't just disappear! What does it cost? How can we reduce expenses, recover value and protect the environment? Learn about some options available to best manage your waste.

Presenters: Mark Draper, Solid Waste Director, Tri-Community Recycling & Sanitary Landfill & President, MRRA Board of Directors; Ross Nason, Environmental Planner, KVCOG; Karen Fussell, Finance Director, City of Brewer; Troy Moon, Environmental Programs and Open Space Manager, Portland; Carole Cifrino, DEP, Adela Cifelli, DOL, Victor Horton MRRA, Ross Nason, KVCOG.

Maine Town & City Clerks' Association (MTCCA)

Wednesday, October 2

2:45 – 4:00 p.m. IFW, BMV and MMA Legislative Updates – co-sponsored with the Maine Municipal Tax Collectors' and Treasurers' Association

Presenters will give updates on new laws and regulations for Inland Fisheries & Wildlife and the Bureau of Motor Vehicles. MMA State and Federal Relations will discuss legislation enacted in 2013 of interest to municipal tax collectors, treasurers and clerks.

Presenters: Bill Swan, Inland Fisheries & Wildlife; Terry Phelps, Municipal Coordinator, Administrative Office of Motor Vehicle; Geoff Herman, Director, State and Federal Relations, Maine Municipal Association.

Thursday, October 3

10:15 – 11:45 a.m. Elections Update from the Secretary of State's Office

This session will provide an overview of recent changes to elections laws and procedures as well as a discussion regarding upgrades implemented in the Central Voter Registration System.

Presenter: Julie Flynn, Deputy Secretary of State, State of Maine.

11:45 – 3:00 p.m. MTCCA Annual Meeting & Awards Luncheon

11:45 – 12:15: Awards / 12:15 – 1:15: Luncheon / 1:15 – 3:00: Annual Meeting & Networking Day Activities

3:00 – 3:45 p.m. Maine Office of Vital Statistics

This session will focus on the DAVE Application (EDRS & EBRs) and an overview of the Office of Vital Statistics.

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

3:45 – 4:00 p.m. Networking Day Grand Finale!

Certification: The MTCCA Certification Program allows for 5 optional points for attending Networking Day (Thursday, October 3). It also allows for 2 optional points per year for attending the MMA Convention. Members who attend Networking Day on Thursday, October 3 would be eligible for 5 optional points. Members who attend the full Convention would be eligible for 7 optional points. Members who attend the convention on Wednesday, October 2 only would be eligible for 2 optional points.

Maine Town, City and County Management Association (MTCMA)

Wednesday, October 2

1:30 – 2:30 p.m. Disaster Response Planning – MFCMA sponsored session co-sponsored by the Maine Fire Chiefs' Association

This presentation is intended to provide for discussion by public safety, government, and community leaders about their community's ability to respond effectively to a disaster. Every community must consider the possibility that a disaster such as Hurricane Sandy, Blizzard of 2013, and the Brownville, Maine flooding may occur. Most importantly, issues related to lessons learned and recommendations will be presented. Level of training to key department heads and community leaders is important to qualify for Federal Funding reimbursement from disasters. Disasters of this magnitude force us to look at new ways to ensure communities are supported, and that every town/city has an Emergency Operation Plan. (*This session approved for 1 point through MTCMA Certification – Leadership category.*)

Presenters: Peter Joseph, Town Manager of Freeport; Darrel Fournier, Fire Chief, Town of Freeport; Steve Mallory, Maine Emergency Management Agency.

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

MISSION OBJECTIVE:

Your mission, should you choose to accept it, is to share the MMA Convention experience with as many of your municipal associates and officials as possible.

FILE NOTES:

For 77 years, the MMA has presented its Annual Convention to its members providing quality education, exhibits, member benefit information and networking opportunities. As your member service Association, this is your Convention! Come and enjoy all that the MMA Convention has to offer - you won't be disappointed!

MISSION REQUIREMENTS:

- Your municipality must be a current member of the MMA in good standing for 2013.
- Registrants must be paid conference attendees - elected or appointed officials and/or municipal staff.
- Attendees who work for more than one municipality will be counted toward the municipality that paid for the registration or is indicated on the attendee's registration form.

MISSION COMPLETION:

After the conclusion of the 77th MMA Convention, each municipality that meets or exceeds the minimum registration count in each population category will be entered into a drawing for a 2014 MMA Training Package that includes:

- 2 complimentary registrations to any 2014 MMA sponsored workshop.
- 1 complimentary registration to the 2014 Municipal Technology Conference.
- 1 complimentary registration to the 78th MMA Convention, meals included.

POPULATION SIZE CATEGORIES:

	<u># of Paid Attendees:</u>	
0 - 2,500	2 or more	(One drawing per population size category.)
2,501 - 5,000	4 or more	
5,001 - 10,000	6 or more	
Greater than 10,000	8 or more	



Good Luck! Should you meet this **Mission: Possible**, the MMA will acknowledge your successful mission completion with an entry into this drawing. Winners will be notified post-Convention via de-classified message.

Attendee Registration Form

MMA Convention – Augusta Civic Center – October 2 & 3, 2013

One registrant per form (please photocopy for additional registrations)

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

I plan to attend (choose ONE): Wed 10/2 Thur 10/3 Both Days First Time Attendee? Yes No

CONVENTION REGISTRATION FEES (For one or both days)		Cost
<input type="checkbox"/> MMA Members/Affiliate/Patron	Pre-Registration - <i>must be postmarked/received by 9-10-13</i>	\$ 60.00
<input type="checkbox"/> MMA Members/Affiliate/Patron	Registration - <i>after 9-10-13</i>	\$ 75.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Pre-Registration - <i>must be postmarked/received by 9-10-13</i>	\$ 120.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Registration - <i>after 9-10-13</i>	\$ 135.00
<input type="checkbox"/> Business Representative	Pre-Registration - <i>must be postmarked/received by 9-10-13</i>	\$ 100.00
<input type="checkbox"/> Business Representative	Registration - <i>9-10-13</i>	\$ 115.00
Registration Fee		\$

WEDNESDAY LUNCHEON-OCT 2	Location	Cost
Awards Luncheon (Buffet)	Civic Center (North Wing)	\$ 15.00
Wednesday Meal		\$

THURSDAY LUNCHEONS-OCT 3	Location	<i>Civic Center Luncheons:</i> <i>Due to ticket demand, there are two luncheon rooms - assigned on a first-come, first-served basis. There will be a live video feed of the presentations in the 2nd luncheon room.</i>	Cost
Luncheon & Featured Speaker (Buffet)	Civic Center (North Wing)		\$ 15.00
Maine Chapter of American Public Works Association (MCAPWA)	Augusta Elks Lodge		\$ 17.00
MTCCA Annual Meeting Luncheon	Civic Center (Cumberland)		\$ 15.00
Thursday Meal			\$

TOTAL (Registration Fee & Meals)	\$
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SPECIAL PROGRAMMING - for Wednesday, October 2 and Thursday, October 3 - PLEASE CHECK ALL THAT APPLY

MMA Building Tour: <input type="checkbox"/> Thursday, October 3 (9:45-10:15 a.m.)	Right-To-Know Training: <input type="checkbox"/> Thursday, October 3 (10:15-11:45 a.m.)	MTCCA Annual Meeting & Networking Day: <input type="checkbox"/> Thursday, October 3
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For planning purposes, please select which complimentary activity you plan to attend:

I plan to attend the complimentary Continental Breakfast on Wednesday 10/2.
 I plan to attend the complimentary Member Appreciation Reception on Wednesday 10/2.
 I plan to attend the complimentary Buffet Breakfast on Thursday 10/3.
 I plan to attend the dessert social on Thursday 10/3.

Signature: _____ Date: _____

Payment Options: Send invoice* Check will be mailed** Payment Enclosed** PO #: _____
*(*You will be invoiced after Convention – **Please send a copy of this registration form with payment)*

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

Please make check payable to Maine Municipal Association

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

Please keep a copy of this form for your records.

Maine Municipal Association Ethel Kelley Memorial Award

...MMA's Most Prestigious Award

NOMINATIONS BEING ACCEPTED

Deadline for Receipt of Nominees – Friday, August 30, 2013.



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

In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel Kelley's memory by recognizing other volunteer or employed municipal officials of the same character and dedication. This year MMA will recognize its 28th Recipient!

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

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

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

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

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

PRESENTATION: The Award will be presented at the MMA Annual Convention during the Awards Luncheon with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Luncheon is scheduled for **Wednesday, October 2, 2013 at 12:00 p.m. at the Augusta Civic Center.**

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



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

LOCAL GOVERNMENT
begins with **you**

Maine Municipal Association Ethel Kelley Memorial Award

NOMINATION FORM

**** Due Date – Friday, August 30, 2013 ****

(Please complete all applicable sections)

Nominee's Name: _____

Municipality Served: _____

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

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

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

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

Total Length of Local Government Service: _____

Membership in Professional Associations:

Community Service and Recognitions Received:

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

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

Signed by:

Name: _____

Title: _____

Municipality: _____ Date: _____

Name: _____

Title: _____

Municipality: _____ Date: _____

Please complete and return with up to (5) supporting letters. ***The supporting letters are critical to your success.*** Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by **Friday, August 30, 2013** to:

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



Tracey Steuber

Tracey Steuber was hired as the Director of Economic and Community Development for the Town of Lisbon, succeeding Scott Benson, who accepted a job with Midcoast Economic Development District in Damariscotta. Steuber worked for the City of Auburn for five years and worked for eight years with the City of Waterville. Lisbon officials said Steuber's experience in municipal government, marketing, fundraising and event planning will be an asset for their community.

Portland City Councilor **John Anton** announced he will not seek election to a fourth term. Anton said serving as councilor was challenging at the same time that he is working full-time and raising a family. He was first elected in 2007.

Jay Town Manager **Ruth Cushman** will retire before year's end and selectmen are putting together a search committee for her successor. Cushman has been manager for 12 years and agreed last year to a one-year contract extension. She is developing and compiling information to assist her replacement. Cushman had originally hoped to retire on June 30, but agreed to stay on to help with the transition to a new manager.

Saco Mayor **Mark Johnson** will step down this year, citing time constrictions and his desire to focus more time on his downtown business. Johnson was first elected to the city council as a write-in candidate in 1989 and won re-election in every contest through 2007. At that time, Johnson had already logged 30 years in public service as a member of the planning and zoning board of appeals, as well as the council. Two years later, he returned to the council for a second stint, which will end this year.

Brunswick town councilors **Margo Knight** and **Ben Tucker** will not see re-election in the fall. Knight, who has

served two, three-year terms, is presently the board vice chairman. She said she wants to focus on her family, her job and other interests. Tucker, who also has served two terms, cited similar reasons for his decision to bow out of municipal service.

Former Ogunquit Town Clerk **Judy Shaw-Kagiliery** retired on June 30 after serving the town for 30 years. Kagiliery started her municipal career in 1984 as secretary to the town manager, but took a break to raise a family. In 1993, she was hired as town clerk. **Christine Murphy** has been named the new town clerk, beginning on July 1, a promotion from the position of assistant clerk and treasurer.

Litchfield selectmen have appointed **Trudy Lamoreau** as the town's interim town manager, replacing Michael Byron, an Augusta City Councilor. Lamoreau agreed to take on the temporary job while also serving as tax collector, treasurer, general assistance agent, public access officer and deputy town clerk. Selectmen are inviting residents to join in the effort to find a new permanent manager.

Kittery Police Chief **Theodor Short** has assumed the job as chief for both Kittery and neighboring Eliot in what is may be the first time two Maine municipalities have collaborated to permanently share a police chief. Short has served Kittery for nine years and had been working as Eliot interim chief before the joint agreement was inked by both towns' governing boards. The two police stations are four miles apart. Short's salary will be divided, with Kittery paying 60 percent while both towns will split Short's benefit costs. Previous to taking the Kittery

job, Short served in the Maine State Police for 22 years.

Hallowell City Councilor **Mark Walker** announced in July he will run for mayor to replace **Charlotte Warren**, who will not run for re-election in November. Warren wants to focus more on her political consulting company and has endorsed Walker, a 10-year council veteran, for the mayor's position. Walker, an attorney, is presently council president. Walker was appointed to the council in 2006 to fill a vacancy, and has won re-election since then. Warren was first elected to the council in 2001 and ran successfully for mayor in both 2009 and 2011. [MTC](#)



Judy Shaw-Kagiliery



Trudy Lamoreau

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)

Classified

REQUEST FOR PROPOSAL: LEGAL SERVICES IN YORK, MAINE

The Town of York is seeking proposals from qualified applicants to serve as Town Attorney on a contractual basis under appointment by the Board of Selectmen. The Town Attorney will provide legal advice to municipal officials, town employees, board and commissions, and will represent them in court as may be required. The attorney will also prepare and review contracts, deeds, leases, ordinances, etc., and reserve and provide opinions for the Town on a variety of subjects. Interested parties may request a Request for Proposals (RFP) from the Board of Selectmen office located at the York Town Hall at 186 York Street, York, Maine 03909. The full RFP is available on the Town of York Website at www.yorkmaine.org. For more information you can call the Town Hall at (207) 363-1000 and ask for Ron N Nowell. [MTC](#)

Statewide: Maine State revenues improved to the point that on June 30, the State ended with a revenue surplus of \$46 million and that figure could rise, according to Maine Public Broadcasting.

Revenue re-projections are common and that happened twice during the second half of the past Fiscal Year. The personal income tax outpaced expectations and accounted for the largest chunk of the increase. This was consistent with federal income tax revenues.

“All those states with individual income tax, and the federal government, have seen a substantial bump up,” said Grant Pennoyer, director of the Legislature’s Office of Fiscal and Program Review.

Statewide: The following municipalities have each been awarded a \$10,000 grant from the Marshall L. and Ruth-Anne Gibson Municipal Charitable Program, according to Ruth-Anne Gibson, the program administrator: Ashland; Fort Kent; Littleton; Mapleton; Mars Hill; Norway; Peru; Van Buren; Washburn; Georgetown; New Canada; Otisfield; Wayne; Wilton; Bremen; Buckfield; Farmington; Freedom; Knox; Oxford; and, Plymouth.

The following municipalities were notified by certified mail of the availability of a \$10,000 grant and have until Sep. 15, 2013 to submit a grant request form: Machias; Statesville; Unity; Deer Isle; Hebron; Leeds; Newry; Stonington; Thorndike; Vienna; Belgrade; Clinton; Dixmont; Fayette; and, Wales.

The grant request form should be mailed to: Marshall L. and Ruth-Anne Gibson Municipal Charitable Program, One Wallace Ave., South Portland, ME 04106. Correspond at the above address or call: 207-409-9072.

Ashland: The town is seeking a \$300,000 grant to continue the conversion of the town’s former elementary school to a new community/recreation center. If successful, the grant funds would help pay for demolishing the school classrooms. The finished project will provide the community a place to hold both public and private meetings and events. Town officials also are pur-

suing an \$800,000 grant to help a new business, Ecoshel, which would manufacture specialty shingles. The money would be used for equipment and working capital and create 78 new jobs, as well as up to 150 indirect spin-off jobs.

North Yarmouth: Town Clerk Debbie Grover is compiling a list of historic homes and other structures, such as barns, to inventory any structures that predate 1900 and which remain intact. Grover hopes to complete the task by next month and had already found nearly 130 historic buildings by July with the help of town residents. The project was launched after the water district razed a 19th Century home in 2012 without first getting permits that would have likely halted the effort.

Presque Isle: Reacting to the loss of state revenue sharing funds, councilors from the cities of Caribou and Presque Isle plan to meet this month to discuss possible ways to save money through collaboration. One idea is to share major equipment that represents some of the costliest expenses for both cities, such as ladder trucks and street sweepers. Officials used the Tri-Community

Landfill in nearby Limestone, which has operated for decades, as an example of how municipalities have long collaborated to save money and improve efficiency.

Sanford: Maine’s newest city made it visibly official in July when residents and municipal officials unveiled a new sign at City Hall. Festive events were held all day to mark Sanford’s new ranking as the state’s seventh largest of 23 cities. “In my short time as mayor, I have felt emboldened by the partnership with our fellow Maine cities and been the recipient of many hellos from citizens proud to call (Sanford) a city,” said Mayor Maura Anne Herlihy, according to the Journal Tribune newspaper.

Starks: A group of residents asked selectmen to impose a moratorium on construction of cell phone towers to allow time for the town to draft a telecommunications ordinance. As proposed by their petition, residents want the ordinance to be retroactive. It is unclear whether a moratorium would prevent erection of a cell tower by Bay Communications LLC of Mansfield, Mass., which sought a permit in early June. [mtf](#)

NEW ON THE WEB

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

- **Economic Issues.** The Maine Development Foundation and University of Maine School of Economics released the first in a series of reports about critical economic issues in Maine. This installment focused on per-worker productivity in the state. Maine does not fare well in this regard.
- **Local “Circuit Breaker” Programs.** The recently enacted state budget repealed statutory authority for municipal governments to implement local “circuit breaker” programs providing property-tax assistance to eligible homeowners. Maine Municipal Association is providing background on this action and will address what happened in several ways.
- **State “Circuit Breaker” Changes.** Maine Revenue Services has released new information about changes at the state level to the Maine Residents Property Tax and Rent Refund “Circuit breaker” Program.
- **Health-Care Reform.** An important part of the Affordable Care Act (Health-Care Reform) has been postponed by the Obama Administration and now is scheduled to take effect on Jan. 1, 2015. Anne Wright, Assistant Director of the Maine Municipal Employees Health Trust, explains the change. Municipal employers with more than 50 full-time employees may find it of interest.



Municipal Bulletin Board

ELECTED OFFICIALS: AUGUSTA, CARIBOU (VIDEO)

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Aug. 28 at the Maine Municipal Association Conference Center in Augusta. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. There will be a live, interactive video cast of the workshop to the Northern Maine Development Commission office in Caribou.

The workshop is designed for newly elected officials, but veteran councilors and select board members may benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; and, conflicts of interest, among others. Cost for the workshop is \$50 for MMA members in Augusta, \$40 in Caribou – and \$100 for non-members.

VOTER REGISTRATION: PORTLAND

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

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

TITLE 21-A: PORTLAND

Patti Dubois, City Clerk in Waterville, and Julie Flynn, Deputy Secretary of State, will present a workshop on Title 21-A on Wednesday, Oct. 16 at Keeley's Banquet Center in Portland. The workshop will cover all aspects of administering state and federal elections at the municipal level.

Sponsored by the Maine Town & City Clerks' Association, the workshop

will begin with registration at 8:30 a.m. and end at 4 p.m. Cost is \$55 for MTCCA members and \$75 for non-members. Member attendees are encouraged to wear their name badges.

LOCAL PLANNING BOARDS: SACO

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

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

BOARDS OF APPEAL: SACO

On Oct. 23, attorneys with MMA's Legal Services Department will hold a separate four-hour workshop designed primarily for Local Land Use Boards of Appeal members. It will run from 4:30 p.m. to 8:30 p.m. and will be held at the Ramada Inn in Saco.

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

PERSONNEL PRACTICES: AUGUSTA, MACHIAS (VIDEO)

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

This workshop is a must for elected officials, managers and department heads – anyone who should know more about personnel laws. Among the many items to be addressed: discipline and discharge of public employees;

performance expectations; documentation; due process limitations; First Amendment limitations; Family Medical Leaves; and, much more.

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

ELECTED OFFICIALS: SKOWHEGAN

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Nov. 12 at the Skowhegan Armory in Skowhegan. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

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

MUNICIPAL LAW FOR TAX COLLECTORS, TREASURERS

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

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



UPDATE: ANNUAL REPORTS

Earlier this year the Maine Legislature declined to enact a bill that would have required municipalities to publish their annual reports on a publicly accessible website. The intent of LD 48 was to reduce the cost of printing annual reports, although, ironically, it would have forced many municipalities (at least 200 by MMA's estimate) to purchase the hardware and software necessary to e-post their reports. In the wake of the bill's defeat, however, we want to remind local officials that the law requiring annual reports does not specify any minimum number of printed copies.

Instead, 30-A M.R.S.A. § 2801 simply states that copies must be available at the town office or another convenient place of business for distribution to the voters at least three days before the annual meeting. A reasonable number of copies based on historical demand should suffice. To reduce future demand and save printing costs, a municipality should also consider posting its annual report on its website if it has one.

The law also does not require that annual reports be mailed or physically distributed to the voters, although some municipalities do so anyway. With the increasing use of subscriber email lists, municipalities that wish to distribute annual reports to voters should consider using email instead wherever possible.

We also learned recently that the Maine Department of Transportation no longer wishes to receive annual municipal reports. However, annual reports should continue to be mailed to the following: Maine State Library, Collection Services, State House Station #64, Augusta, ME 04333; Department of Audit, State House Station #66, Augusta, ME 04333; Maine Revenue Services, Property Tax Division, P.O. Box 9106, Augusta, ME 04332-9106; The Fogler Library, Special Collections, 5729 Fogler Library, University of Maine, Orono, ME 04469-5729; and Maine Municipal Association, 60 Community Drive, Augusta, ME 04330.

As for the contents of annual mu-

nicipal reports, see "What Should/Shouldn't Be in the Annual Report," *Maine Townsman*, "Legal Notes," December 2010.

And for more about annual reports generally, see our *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

WRITTEN CONTRACTS

Question: When must a contract be in writing?

Answer: Maine's "Statute of Frauds" (33 M.R.S.A. § 51) requires that certain types of contracts be in writing and signed by the parties in order to be enforceable. Those contracts of potential municipal interest include:

any contract for the sale of land or any interest in land; any agreement that requires more than one year to perform; any contract to pay a debt discharged in bankruptcy; any agreement to give, bequeath or devise any property by will; and any agreement to assume the debt of another.

Also, Maine's "Uniform Commercial Code" generally requires that contracts for the sale of goods for a price of \$500 or more be in writing and signed by the parties (see 11 M.R.S.A. § 2-201).

Even if a contract is not legally required to be in writing, it is often an excellent idea, for the following reasons:

A written contract can specify the



Municipal Calendar

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

SEPTEMBER 2 — (first Monday in September) — Labor Day — a legal holiday (4 MRSA §1051).

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

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

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

ON OR BEFORE OCTOBER 15 — Monthly expenditure or quarterly statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance

Unit, DHS #11, Augusta, ME 04333 [22 MRSA §4311].

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

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

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

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

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



goods to be delivered or the services to be performed; the deadlines for commencement and completion; the time, manner and amount of payment; the grounds and procedure for termination; the method for resolving disputes; and any other matters that may be crucial to a clear understanding and satisfactory performance of the agreement.

A written contract is also proof that a contract does in fact exist and is the best evidence of the contract's terms and conditions.

That said, unless a contract is required to be in writing, an unwritten or oral agreement is nevertheless legally enforceable (although proving its existence and its exact terms could be a challenge).

Incidentally, the terms "contract" and "agreement" are used interchangeably throughout this note to refer to any enforceable promise or obligation.

For sample contracts and contract-related documents such as bid forms, etc., as well as a detailed summary of contract law and contracting considerations, see our "Information Packet" on the subject, available free to members at www.memun.org. (By R.P.F.)

'FLOATING' BIDS

Several months ago we wrote about what qualifies as the lowest bid when a municipality is buying goods or services by competitive bid (see "The Lowest Bid," *Maine Townsman*, "Legal Notes," April 2013). Since then we've had some inquiries about "floating" bids – where the bid is for a certain amount less than any other (for example, \$1 less than the next lowest bid). Does this qualify as the lowest bid?

Although we're not aware of any Maine law on point, we don't think it does. For one thing, such a bid is not for a fixed amount – it floats instead, depending entirely on other bids – so it may not be responsive to the bid specifications if they call for a specific price, as most do. This alone can be fatal.

For another thing, one who submits a floating bid may have no actual

ability to deliver the goods or perform the work at that price because they have no way to determine their actual costs (and therefore their capabilities) until all other bids have been opened. And if a bidder is not ready and able to perform when their bid is opened, they may not be a responsible bidder either. This too can be fatal.

Then there's the dilemma of determining which is the lowest bid if two or more floating bids are submitted!?

For all of these reasons, we recommend rejecting floating bids, whether a municipality is buying or selling. (By R.P.F.)

IS A WHEELCHAIR RAMP PROPERTY TAX EXEMPT?

Question: Are wheelchair ramps and other structural features designed to accommodate someone with a physical or mental disability exempt from property taxation?

Answer: No, they're not. Structures such as wheelchair ramps, lifts, landings and other features constructed for accessibility or accommodation of someone with a disability are taxable if and to the extent they add value to the property (some may not), in the same manner as with any other special structural features. There is no property tax exemption under Maine law for disability-related structures, nor are municipalities free to establish one inasmuch as there is no municipal "home rule" with respect to taxation.

Structures and equipment necessary for accessibility and accommodation of the disabled may be exempt

from building codes and zoning and other land use ordinances, depending on the specific circumstances (see, e.g., 30-A M.R.S.A. § 4353(4-A), authorizing disability variances). But exemption from building and land use regulation is a far cry from property tax exemption.

Also, although disability-related structures are not property tax exempt, there is a partial exemption for the property of certain totally disabled veterans (up to the value of \$6,000), for the property of certain paraplegic veterans who receive a grant for specially adapted housing (up to the value of \$50,000), and for the property of the legally blind (up to the value of \$4,000). These exemptions are detailed in 36 M.R.S.A. §§ 653 and 654, respectively. (By R.P.F.)

FREE BANKRUPTCY INFO

Readers may already know about the U.S. Bankruptcy Court, District of Maine PACER (Public Access to Court Electronic Records) website, which allows public access to bankruptcy case filings online for a fee of \$.08 per page (access this site at <https://ecf.meb.uscourts.gov>).

But bankruptcy case information is also available *at no charge* by using the Court's 24-hour automated telephone VCIS (Voice Case Information System). Tax collectors, treasurers and other local officials with a need to know about the status of a specific bankruptcy case will appreciate this easy, efficient and (best of all) *free* service. For more information about VCIS, go to http://www.meb.uscourts.gov/w_vcis.html. (By R.P.F.) 



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