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COVER PHOTO: The photo by freelance photographer Jill Brady shows Jay Police Detective Richard Caton IV and RSU 73 Superintendent Robert Wall, with Spruce Mountain High School in the background.



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A Message From MMA



By Stephan M. Bunker, MMA President, Chair, Farmington Board of Selectmen

Busy Times for MMA in 2013

As I enter into my first months as the new Maine Municipal Association President, I am both excited and honored for the opportunity, combined with a bit of trepidation as I consider the critical issues facing our member cities and towns in this year. Fortunately I am able to draw upon the knowledge and skills of past presidents and my mentors – Sophie Wilson, Mark Green and John Sylvester – and that of my Vice President Peter Nielsen. So, too, do I have the wise council of a fine Executive Committee made up of talented appointed and elected officials from across the state and the support of an experienced MMA Executive Director and staff.

As I pen this first letter for the *Maine Townsman*, I am sitting at MMA, observing the workings of our dedicated and focused Legislative Policy Committee, as its members review the early pieces of proposed legislation to come from the Revisers Office, along with the Governor's proposed supplemental and biennial budgets. Although it is early in the legislative process and only a few LDs have emerged, it is clear that the LPC must focus on some critical elements of the Governor's attempts at generating a balanced budget, elements that will have a significant impact on state and local relationships and the delivery of services.

In its first meeting, the LPC formed a consensus position that MMA would focus its legislative agenda on a philosophy of "protecting the core" elements of revenue flow from state to local entities, to include revenue sharing, general purpose aid to education, highway funding and wastewater/drinking water system improvements. This consensus was developed prior to the Governor unveiling his budget proposal. It proved to be an accurate predictor of what are now clear topics of debate for the legislative session.

While it is premature to predict what the final outcome will be on the state budget, it is clear that cities and towns have few tools in the toolbox as options for raising critical revenue – primarily being the property tax, the most regressive form of taxation. We encourage the Legislature to carefully evaluate the more varied options at their disposal for added revenue, however unpleasant and unpopular they may be to consider, before creating an unintended and unfortunate consequence of shifting the burden to local property taxpayers. Should the proposed revenue cuts be enacted, cities and towns will be left with two sad options: Either increase local property taxes, cut essential public services or a combination of both. We look forward to the opportunity to have ongoing dialogue with the Governor and Legislature to seek viable alternatives to the current proposals.

No less daunting is the state of the federal government and efforts by the President and Congress to come to grip with the federal deficit. Headlines decry the fiscal cliff, sequestration, the lack of bipartisan problem-solving, all adding to the public's frustrations with Washington, D.C. Washington could learn lessons from Maine's cities and towns as we generate balanced budgets and live within our means.

This spring, as part of the annual National League of Cities conference, I will travel to Washington with our Executive Director and Vice President Nielsen, among other municipal leaders from Maine. We will receive detailed briefings on state and national issues and benefit from many professional workshops. We will also carry Maine's annual Federal Issues Paper, currently being drafted, and meet in person with our congressional delegation, always an interesting and important event.

As the scenarios play out in Augusta and Washington, I hope to find the time and energy to focus attention upon guiding MMA as a service organization to be as effective and efficient as possible. Already under way is an internal review led by the Executive Director Christopher Lockwood and his management team to identify possible efficiencies, streamline procedures and keep MMA's operating budget at a responsible level, while retaining the level of services its members expect and deserve. Our Strategic & Finance Committee and Executive Committee in 2013 will carefully review MMA's membership dues formula to create a well-balanced matrix that assesses dues in a fair and equitable manner for cities and towns.

For my personal goals as President, I hope to find ways to encourage newly elected officials to attend one of MMA's great Elected Officials workshops, a session that I felt was so valuable as I first took office, a real eye-opener to the weighty responsibilities that we accept. Attendance also provides a great awareness to the many services that are available from MMA, but not always used to full benefit by all towns. Secondly, I hope to increase attendance at MMA's annual convention, especially for newly elected officials. As the host for the 2013 convention I am working with staff to make this the best, most informative event yet, with a wide array of high quality topics, speakers and vendors.

In closing, I feel even stronger than when I first reiterated this statement at my swearing-in ceremony, that given the challenges facing us already, "We as communities, united together under the banner of MMA, need each other more now than ever before." I am honored to serve you and look forward to meeting and talking to you in the year before us. 

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Police, School Officials: Urgency over Safety

By Douglas Rooks

The shootings at the Sandy Hook Elementary School in Newtown, Conn. on Dec. 14 – in which 20 first graders and six adults were killed – sent shock waves across the nation, with Maine being no exception.

Throughout the state, school officials checked security plans, police reviewed emergency response protocols and many public agencies considered anew what more can be done to protect schoolchildren.

But the new debate is occurring at a time when there are few, if any, new financial resources to draw on. Nevertheless, municipalities and school districts are trying to incorporate new safety measures in a process, for most, that's been going on for more than a decade.

"It was after Columbine that things really started to change," said James Morse, who was superintendent of the Messalonskee Regional School District for more than a decade, and in Portland from 2010-2012. He was referring to the 1999 shootings at Columbine High School in Colorado that led to major changes in police response tactics and security upgrades in schools across the nation.

"For a long time, we had a debate about whether police SROs" – school resource officers – "should be at schools and whether they should be armed," Morse said. "Now that debate is over."

Portland now has at least seven full-time security personnel. They're concentrated at the high schools and middle school, but have a presence at elementary schools as well, Morse said.

Many schools throughout Maine now have police officers during the

school day, and more are likely to request them. President Obama proposed a \$50 million incentive fund for school security measures in his recent proposals about Newtown.

Bob Hasson, Superintendent of SAD 51 – Cumberland and North Yarmouth – agreed that the major changes began after Columbine, and after the Sept. 11 attacks on New York City and the Pentagon.

'PIVOT POINT'

"It was a stark pivot point at that time," he said. It was easy for public officials to feel overwhelmed by demands to do something – anything – to protect public safety. "One thing we learned was the need to manage expectations about what we can do for kids," he said.

Others agree: There is no way to

guarantee absolute safety. But more can be done. SAD 51 undertook a complete review of its buildings, as did most other school districts.

Guidelines from a host of studies prescribe some basic parameters:

- School buildings should have a single public entrance with double doors, the inside barrier locked, that can be observed by office personnel.
- Doors should remain locked throughout the day.
- Other entrances should be eliminated where possible, with only safety exits provided, and exterior door handles should be removed.

But converting schools built largely in the 1960s and '70s, when Maine's student population was growing rapidly, isn't easy.

"There are entrances all over the



Jay Police Chief Larry White, Detective Richard Caton IV and RSU 73 Superintendent Robert Wall. (Photo by Jill Brady)

place,” Hasson said, noting that school offices often aren’t convenient to parking lot entrances, where most activity originates.

Only one SAD 51 school, the new Greely Middle School, has all the security upgrades school officials would like to make. The high school was renovated, at a cost of \$14 million, rather than the \$60 million it would have cost to replace it. The office location isn’t ideal, Hasson said, but the public has been “largely accepting” of the inconvenience of finding the nearest entrance to the parking lot locked and inaccessible.

In addition to security cameras and locked entrances, the district is using \$50,000 remaining from a bond issue to install an electronic swipe card system, which “allows us to know who’s in the building at all times,” Hasson said.

But not every security device is appropriate for schools, he added. Metal detectors, such as those used at airports, haven’t been installed. In 20 years as superintendent, Hasson said only once has a gun been brought onto school property and only three times have knives large enough to be weapons been confiscated.

Students don’t feel trusted when they have to go through security gauntlets, Hasson said. “The trust bank goes down pretty rapidly when you do that.”

But students need to help, too, he

said. “Use common sense. Don’t prop open the door with a rock for your buddy.”

SPRUCE MOUNTAIN

The towns of Jay, Livermore Falls and Livermore face a dilemma in equipping the new Spruce Mountain high school and middle schools. The three towns agreed to consolidate as RSU 73 with the understanding that the Livermore Falls middle and high schools would close, but then a \$5.3 million bond issue for an addition to the Jay campus was defeated by voters last year.

In January, voters approved a \$1.8 million renovation plan that will leave the new schools without all the recommended security upgrades. But some features – such as an enclosed walkway between the high school and middle school – were added for security reasons, Superintendent Robert Wall said.

He and Jay Police Chief Larry White are now working on a proposal that would expand the police presence at RSU 73 schools.

It’s something that Chief White feels strongly about. “We just have to do something,” he said. “This is a challenge we haven’t had to face before, but times have changed.”

Jay and RSU 73 currently base a detective at the schools two days a week – White doesn’t announce the schedule



Chief White at his desk. (Photo by Jill Brady)

in advance – but would like to upgrade that to a full-time officer. Costs are now shared 75 percent by the school and 25 percent by the town, reflecting the time school is out of session.

Realistically, it will take \$80,000 to add a full-time officer, White said, considering benefits, overtime and equipment. He isn’t sure where the money will come from. If the town and school district can’t accommodate the request, it’s possible a federal incentive grant might fill the gap.

“That’s about the only source of grant funding we’re likely to have,” White said. “Believe me, I’ve looked.”

In the meantime, he’s assigned another officer to visit schools periodically on the town’s dime. “We all have to do what we can,” he said.

Like most school districts, RSU 73 regularly communicates with local police about emergency plans, including lockdowns and evacuations. Superintendent Wall said he also communicates with the Androscoggin County Sheriff’s Department and State Police on a range of issues – including, for instance, what happens if the cell phone network goes down.

LEWISTON SEES LIMITS

Resource limitations aren’t just a problem in smaller school districts, but are present everywhere in Maine, said Ed Barrett, Lewiston’s City Administrator. In one Lewiston school, the administrative office is on the second

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floor, making it even more difficult to monitor visitors. But “they manage,” through the use of closed-circuit television, he said.

Lewiston has one full-time officer at the high school, another at the middle school and one that “floats” among five elementary schools. Barrett expects the City Council may want to look at providing a continuous presence at all the schools throughout the day, but cautioned that it may be cost-prohibitive.

He calculates it would take nine officers to do the job “and the cost would approach \$1 million.” With Lewiston possibly losing more than twice that amount from cutbacks in revenue sharing, “it’s hard to see where that would come from,” Barrett said.

Yet, he does think that schools are safer as the result of past and continuing efforts. “There’s a lot more emphasis on early identification of students who are likely to have issues later,” he said. Educators “now notice the shy, withdrawn kid” who may be a target for bullies or who may need counseling.

“Can we do better?” Barrett asked. “Yes. And we’ll be making a strong effort to do everything we can, within the limits we all face.”

Even though police officers with firearms are now accepted at most schools, it’s misleading to see them simply as guards, James Morse said. “In the beginning it’s all about security. But later, we see what other roles they can play – teaching a social studies class about the criminal justice system, for instance.”

Morse has also seen officers meet with “at risk” students and helping explain to 18-year-olds that, as adults, they may be charged with a crime rather than just being taken to the principal’s office. School culture, not just security, is a focus that most schools take seriously.

“For us, it’s primarily about culture and what experience kids have when they come through the door,” Bob Hasson, at SAD 51, said. “We want to make sure every student is connected to an adult they trust, someone they can talk to. Sometimes it’s multiple adults, but it has to be at least one.”

By engaging students one-on-one, schools can deal with such sensitive topics as domestic violence, he said. Schools need to be welcoming places – clean and free of graffiti, he said.

“It does make a difference in how students feel about the community, and themselves.”

Morse recalled that, when he became an educator 30 years ago, bullying was largely ignored. “Unless a teacher saw it, nothing happened,” he said. Now, each school district is required to have a policy on bullying and students are far more aware of the need to intervene, he said.

MARANACOOK’S SERVICES

At the regional Maranacook schools in Readfield, students have access to unusually high levels of services that can act as barriers against violence and abusive behavior. Drew Johnston, the district’s clinical social worker, said that mental health professionals from Kennebec Valley Behavioral Health provide counseling to students on site. An integrated health center at the high school and wellness center at the middle school provide services far beyond those of most school nurses.

Maranacook also has an adviser system which pairs students with the same staff member throughout the middle school and then high school years. That helps build trust necessary to uncover difficult personal problems, Johnston said.

But he cautioned that Columbine, Newtown and even Sept. 11 are not

“Can we do better?” Barrett asked. “Yes. And we’ll be making a strong effort to do everything we can, within the limits we all face.”

necessarily the events that weigh most heavily on students.

“We’ve had two students die in car crashes recently, and other deaths,” Johnston said. Such tragedies require schools to have teachers talk with students, offer counseling and pay attention to those who have “emotionally heightened” responses. In that sense, he said, prevention is a key to deterring extreme behavior.

The school shootings leave a long trail after them, one that won’t be fully understood for years, Morse said.

“We have to recognize that we live in a different place than the one we grew up in as kids. When I first started, it would have been literally inconceivable for these things to happen. Now, we know they can.” 

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



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~Winston Churchill

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County Jails: Future Is Less Than Clear

By Lee Burnett

Concern triggered by a sudden loss of bed space in the county jail system early last year has rekindled a debate over how to salvage a system that some say seems fractured.

For the spring and most of the summer of 2012, the county jail system was gripped by concerns as sheriffs from Aroostook to Franklin County scrambled to find beds made scarce after Somerset County Sheriff Barry DeLong declined to board outside prisoners at his 245-bed jail in Madison.

Eventually in early August, the State Board of Corrections – the target of DeLong’s boycott – came through with a late payment of \$280,000 and promised to make good on future annual obligations. Still, the consolidation of an independent, county-based jail system into a coordinated system that may cost taxpayers less overall faces challenges.

Franklin County Jail, for example, is seeking permission to abandon its role as a feeder to larger flagship jails and restore its detention center to full jail operations, former Sheriff Dennis Pike said.

“We should go back to the county system,” said Pike. “Here in the proverbial ‘other Maine’ (consolidation) definitely isn’t an efficient way to operate. In this part of the state, where distances are greater, it doesn’t work.”

Taxpayer watchdogs have long targeted county jails for belt tightening, saying that costs are increasing rapidly and that efficiencies can be achieved the system. Solving uneven jail populations is one way to do so, they argue, noting that some jails are relatively empty while others are overcrowded.

There is a lot of money at stake. Currently, Maine property taxpayers

– through the county tax, which is assessed on municipalities – shell out \$62.5 million a year to run 15 county jails in Maine.

Consolidation of a formerly parochial jail system has been in a work in progress for the three years. Once billed as “One Maine, One System,” the effort has evolved into a “coordinated county” system. Proponents say it has saved property taxpayers millions of dollars. But it also has produced inequities, hardship and turmoil.

“The problem is we have not identified efficiencies as quickly as we had hoped,” said Mark Westrum, the administrator of the Two Bridges Regional Jail in Wiscasset and Chairman of the state Board of Corrections, the entity empowered to unify the system. “We’ve got a lot of work to do. We’re getting there.”

LAST RESORT

Like state prisons, county jails are the houses of last resort for society’s most troubled populations.

“We’re the default institution for whatever problems the state cannot solve – drug addiction, mental health, crime,” said Glenn Ross, Sheriff of Penobscot County. At any given time, about half of the inmates in Penobscot County Jail are taking psychiatric medications, he said.

Since 2002, the jail has been the site of five suicides and “more than 60 serious suicide attempts,” Ross said. There has been intense interest in finding non-incarceration alternatives for low-risk inmates. A “restorative justice” program was launched in the Midcoast area. Various substance abuse, work release and weekend OUI programs also have started, but apparently were not sufficiently successful

in curbing rapidly rising costs.

In 2007, then-Gov. John Baldacci proposed a state takeover, closing some small jails and turning the rest over to state administration. The plan was neither popular nor as cost-effective as advertised so, instead, a hybrid system was adopted.

Jails would remain county operations, but property-tax expenditures to run them would be frozen at 2008 levels. The state would cover the additional costs and would empower a new state Board of Corrections to find efficiencies and control costs throughout the 15-jail system.

Construction projects were cancelled, state prisoners were sent to county jails and some facilities were downsized. By 2011, greater occupancy of fewer beds had avoided \$16.5 million in property tax increases, while requiring only \$8 million in general fund spending. Thus, taxpayers saved \$8.5 million.

KENNEBEC COUNTY

Centralized management of the new system is supposed to lower overall costs by pushing efficiencies through the system. Some programs – such as joint contracting of food service and medical services – are still in their infancies. Others, such as diversion of low-risk inmates to non-incarceration alternatives and programs that reduce inmate recidivism, are done inconsistently.

One of the most innovative programs is housed at the fortress-like stone Kennebec County Jail, built in 1859. Criminogenic Addiction & Recovery Academy (CARA) is a substance abuse program that has been beefed up with parenting classes, job counseling and adult education classes. The program is open to eligible

inmates from anywhere in Maine. In the two-plus years since it was started, the program has saved 4,800 bed days a year, which amounts to \$100,000 to \$400,000 depending on how costs are calculated, said Marsha Alexander, Kennebec County Jail Administrator.

Waldo County's re-entry program also shows promise in keeping offenders from returning to jail.

"There are just all these little things that we should be doing in every county," said Westrum. "We have an inconsistent system. There could be better coordination."

Opened in 2008, Somerset County Jail is a "flagship" of the new system. Its "pod" layout is efficient to operate. It was purposely built nearly twice as large as necessary (245 beds) to house local needs. The county wanted to earn income by boarding outside inmates to help pay off its \$30 million construction bond.

But the system penalized Somerset. The state pays \$1.12 million a year to board state prisoners at Somerset, which comes to \$22 per day per inmate. Not only is that insufficient to cover the jail's debt payments, but

last April, the State Board of Corrections decided to withhold its fourth quarter payment of \$280,000. The state reasoned that Somerset didn't need the money as much as other facilities since it had a lucrative deal to board federal prisoners at \$93/day. Delong protested and began refusing to board state and county inmates.

"I can't run a jail on \$22 a day," Delong said. "What's killing us: We have a \$30 million bond on a brand new facility. My attitude is if I save the state (money), they should help pay half the bond."

In spite of the consternation he created, Delong received strong support for this stand in some quarters, including from the chairman of the State Board of Corrections, also administrator of Two Bridges Regional Jail in Wiscasset.

"No county should be penalized for being efficient. I agree with Barry Delong," said Westrum.

FRANKLIN COUNTY

Franklin County Jail in Farmington is the kind of facility that doesn't fit with the new system. When it was

built in 1983, the jail boasted features such as electronically controlled doors, a glassed-in command post, and a sally port where police could deliver prisoners in a secure setting. But its 30-bed capacity is small by today's standards, which makes it expensive to operate.

The jail was targeted for closure in 2007 as part of former Gov. Baldacci's ill-fated attempt to take over county jails. In an ensuing compromise, Franklin County Jail, along with other small jails in Oxford County and Waldo County, were converted into 72-hour detention centers. Prisoners not bailed within three days are sent to jails that are less expensive to operate.

For Franklin County inmates, that usually means going to Somerset County Jail, about 40 minutes away. When Somerset was off limits, it meant going to Two Bridges Regional Jail in Wiscasset, about 90 minutes away. Maintaining dozens of inmates far from their home communities is costly to taxpayers and it's a hardship on families and court-appointed lawyers trying to maintain connections

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with them, critics point out.

"We have empty beds right here, and they're making us shuffle people across the state," said Jail Manager Douglas Blauvelt told WCSH TV. "And it's costing more money than they can even fathom."

The shuffle is more like a regular commute, since inmates return to Franklin County several times for court hearings. Folks in Franklin County are not happy to be paying \$1.6 million to operate a full-time jail – the same as before consolidation – and in return operate a half empty, part-time jail. Franklin County Commissioners petitioned the State Board of Corrections to return their jail to full-time use.

"It's a disservice to send inmates even 25 miles when we have the facility to keep them right here, which we've been doing for the past 150 years, before we went to this grandiose plan," said former Franklin County Sheriff Pike.

WHERE IT'S GOING

It's hard to say where things are headed. Stuart Smith, a selectman in

Edgecomb and municipal member of the Board of Corrections, says the system is more complicated than it needs to be and is hamstrung by its hybrid nature.

"We're at a point where we need to either get in, or get out," he said.

Getting out will be difficult and costs are rising. To get out would cost York County an additional \$2.5 million that the state has been paying, points out York County Sheriff Maurice Ouellette. "Where am I going to come up with that?" he asked.

In Franklin County, former Sheriff Pike said it will be "extremely hard, if not impossible" to return to a county system. But to make it work, someone will need to come up with the money to maintain the jail infrastructure. The state has never contributed to the "inverse debt" fund that was supposed to be set up to pay for capital improvement projects. To picture the consequences of that frugality, imagine being inside an overcrowded jail on a hot day when an aging air handling unit stops working.

"We're cannibalizing ourselves to make things work," said Sheriff Ouel-

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lete, in York County. "The long and the short of it, the state has not lived up to its side of the bargain."

Westrum agrees that state needs to finance the inverse debt fund. He also said the Board of Corrections needs more authority to impose ef-

iciencies, such as bulk purchasing of food and medical services, universal use of video arraignment.

"We need the authority to, I hate to say mandate, but that's what it is," said Westrum. "We've got to be able to flex our muscles. The Attorney

General's office is saying the Board of Corrections only has authority over investment. That's not enough authority." 

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

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Budget Challenge Is 'Getting All to Agree'

By Liz Chapman Mockler

Freeport Finance Director Abigail Yacoben explains that establishing reliable revenue streams is crucial to municipal budgeting.

Q: *Do you like building municipal budgets each year? If so, why?*

A: Yes. The budget process allows the government to connect policy to a process that the public gets actively involved in. That is exciting. Our goal is always to make the process as interactive as possible and invite the public to participate in two different, informal Q&A sessions with department heads, a public hearing and "roundtable" workshop with the Town Council before the budget is adopted. To gauge whether others saw value in our budget transparency efforts, the town applied for and received the Government Finance Officers Association Distinguished Budget Award. There are four major criteria that must be met (policy document, financial plan, operations guide and communications device), but the real goal of the project is to make the budget an "easy-to-read" document that anyone can pick up and understand.

Q: *What is the hardest thing about municipal budgeting?*

A: Getting all of the people involved in the process to agree on goal or objective. Prioritizing is often difficult for the elected officials, as all municipal functions are important in their own way. This is especially complicated during this era of declining revenue when the council is being asked to increase services with less revenue. That is difficult for staff and elected officials.

Q: *What would you change, if anything, about municipal finance?*

A: Politics. At a staff level, we all try to stick to the accounting and management and allow the elected officials to handle the political matters. Most of the time this works, but once in a while staff can be sidetracked by a particularly "hot" issue. These diversions can take up a lot of time and even be unproductive. In addition, I think when staff gets involved with politics it takes away from our ability to simply give the facts and let the elected officials set policy.

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

A: I think people do understand the split between the different taxing bodies. People in Maine seem to be quite in-touch with their local government and know what they are getting for their money. Whether they agree with the services provided is another matter.

Q: *How does federal and state funding affect your ability to develop a local budget?*

A: This can be difficult. A great example of this difficulty was provided when Maine Municipal Association recently notified us about the municipal impacts of the governor's proposed budget. We are calculating the loss to our community, as is every finance department in the state. The budgeting process can be difficult when the state revenue projections are changing so rapidly. I would really like to see the governor and

Legislature revise the tax structure in Maine. At times, local governments are at the mercy of the state changing municipal revenue streams (revenue sharing, homestead reimbursements and others), and I would like to see more predictability in intergovernmental revenues, in addition to the creation of a more progressive tax structure. For example, if we increased the sales tax and paid incrementally (and exported a share of the burden), we could likely reduce property taxes and keep people in their homes longer.

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

A: This also can be difficult, but we discuss our general fund contingency account with the council and they understand the need for this fund. In addition, we attempt to be frugal and underspend whenever possible in order to handle emergencies without local legislative action. However, the Town Council recently amended the town's fund balance policy. Now if we have a large emergency, the council could consider a supplemental appropriation and use fund balance. In addition, the town has had a reserve policy for approximately 20 years. If there is fund balance above the town's policy level of one and-one-half months of the current budget, we are authorized to transfer those funds into reserve for different projects so long as the reserve amounts are consistent with benchmarks. If a capital emergency arises, we would bring a supplemental appropriation from reserves to the Town Council.

Q: How do you handle budget items that are regularly over- or under-spent?

A: I always debate this with department heads. The departments show the true expenditure for the year and as long as the total departmental expenditures fall within their budget, we speak with the council during subsequent budgeting seasons about re-classing budgets. I am not a fan of reclassifying expenditures to incorrect line items so the budget "looks good." I ask department heads to show the true cost of services.

Q: How, specifically, do you try to save the municipality money?

A: Cost saving is a corporate culture and comes directly from the top of the food chain. I find that the behavior of the manager and department heads trickles down to employees. We do small things like bundling individual tax bills to save postage and large things like working 10.5-hour

shifts and closing Town Hall on Fridays to save energy costs. Saving money is something of a quest and, from time-to-time, I find myself laughing with other department leaders about who is doing the funniest cost-cutting measure. At one point, I heard that my staff jokingly debated wearing headlamps to save electricity. I don't think that ever happened.

Q: What is your biggest pet peeve about municipal finance?

A: Sometimes, people have agendas and that can get frustrating. Most people who are involved in local government are there to make a positive contribution to their community and assist with good public policy. However, all it takes is one person who has a different agenda and a whole pro-

cess can be counterproductive. That is hard, and I believe this happens in every town from time-to-time.

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

A: It is remarkable to work with such a dedicated and competent group of municipal officials. Whenever I attend a meeting of the MMA Legislative Policy Committee I am energized by the way our municipal representatives express such different opinions, but always manage to compromise and be respectful while exchanging ideas and information. 

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



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**CAN I HELP YOU WITH
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ABOUT THIS SERIES

This is the second question-and-answer article in a series about municipal budgeting that the Maine Townsman began publishing in January. If you have particular questions that you would like asked, please email Eric Conrad, MMA's Director of Communication and Educational Services, at econrad@memun.org.



Abigail Yacoben serves as the Town of Freeport's Finance Director. She previously served as Bath Finance Director and Tax Collector/Treasurer, and as Finance Director in Richton Park, Ill. She was elected to the West Bath Board of Selectmen in 2009, re-elected in 2010 and currently is Chairman. Previous to her election, she served on the West Bath Budget Advisory Committee and helped implement the town's first five-year capital plan. She was nominated by the governor and confirmed by the Maine Senate to serve on the Civil Service Appeals Board, as well as being appointed by the governor to the state's InforME Board. She recently won the Government Finance Officers Association Distinguished Budget Award, in 2006 in Richton Park and in 2008 in Bath. As a GFOA winner, she reviews municipal budgets monthly from around the nation. She represents District 10 on MMA's Legislative Policy Committee and as an alternate for District 19. She earned a master's degree in public policy at the University of Chicago Harris School of Public Policy Studies, with a concentration in finance. She holds a bachelor's degree in environmental studies from the Chicago University. She earned her high school diploma from Waynflete School in Portland. She can be reached by email at abbeyacoben@gmail.com or at the Freeport Town Office, 207-865-4743.

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)



As Leader, Should You Inspire Fear – or Love?

By Scott C. Paine, Ph.D.

Niccolò Machiavelli, in his advice to rulers, famously wrote that “it is better to be feared than loved.” His reasoning was simple: A leader cannot make others love him or her. Fear, however, whether founded on the fantasy experiences of a horror film or on the reality of genuine danger, can be induced.

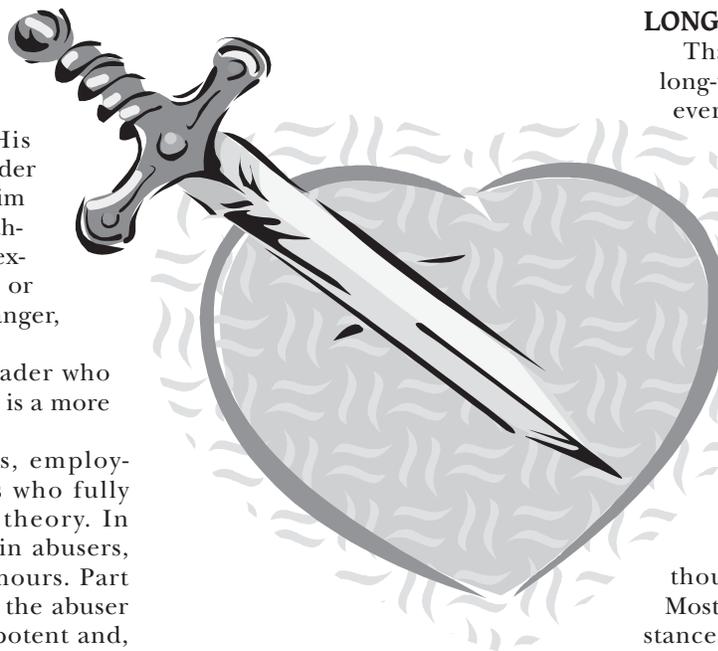
Consequently, for a leader who wants to be in control, fear is a more powerful tool than love.

I have known parents, employers and political leaders who fully embraced Machiavelli’s theory. In particular, I have seen it in abusers, whether parents or paramours. Part of the modus operandi of the abuser is a kind of terror that is potent and, to some extent, unpredictable. The abused, fearing the violence of words or actions, caters to every whim of the abuser in an ultimately unsuccessful attempt to prevent the next explosion.

Fear works, which is why Machiavelli’s recommendation continues to be quoted and his book, *The Prince*, continues to be read, hundreds of years after its initial printing. Fear is a powerful motivator, and the skilled leader can induce it in most people, especially the better he or she understands what dwells in their hearts.

Fear, however, has a fundamental flaw. It relies on irrationality. It counts on subjects to respond emotionally, unthinkingly, to the threat of violence and pain.

If one submits to another out of fear, that other is in control. But if one submits to another out of a prudent calculation that one’s interests are best served by going along, then one is not



submitting out of fear. More importantly, one remains free to make a different calculation at a different time, and follow a different course.

That’s why tyrants so rarely die peacefully in their beds. Sooner or later, fear yields to reason and reason seeks an opportunity to turn the tables on those who would instill fear.

Still, a leader who seeks to be loved is not much better off than one who seeks to be feared, nor are the people that leader governs. Certainly the people suffer less from the direct actions of a leader who seeks love than one who seeks to be feared. But a leader who seeks to be loved will find, time and again, that concern for the feelings of constituent groups will lead to a series of compromises and concessions that may satisfy their short-term desires but do not serve their long-term interests.

LONG-TERM GOOD

That’s the funny thing about our long-term interests. Rarely do we love everything about what is required to pursue them. Often, we must pay a price in the short run to achieve the long-term good.

Not exactly a formula for being loved in the immediate moment.

There is a third path. It is one that exists only for those who believe that, in the long run, most people most of the time will come to recognize good choices ... and bad ones.

Experience is a pretty good, though somewhat flawed, teacher. Most of us, because our life circumstances matter to us, are pretty good students.

At least, that’s what I believe.

And believing this, I also believe in a third path. A leader can earn authentic love.

It’s an odd concept, I suppose. Love normally is associated with emotion and it certainly isn’t frequently associated with an earned reward. We fall in love at first sight. We love others who do not love us or treat us well. We love irrationally, passionately and sometimes self-destructively.

But I don’t think that is the heart and soul of love.

The heart and soul of love is knowing someone for who he or she really is, and recognizing that reality as a gift. Recognizing that gift, a gift to us, we love that person. We put up with failings and overlook limitations. We do so not foolishly or merely passionately, but deeply rationally, as well as emotionally. Because there is a good

reason for us to love someone who is, in fact, a gift to us.

Leaders who strive mightily to discover what is best for their people, then strive equally mightily to bring it to fruition, may earn our anger and resentment for a time. We may not like their actions and we may resist their message. But over time, as what is truly good becomes clearer to us, we come to appreciate them more and more. We come to see their leadership as a gift to us. And we come to love them.

DO WHAT IS RIGHT

I'd rather bet on the long-term, seeking not to be loved but to do what is right and best. That I frequently fail both in discerning what is right and best, and in implementing it once I have discerned it, is a cause of great frustration to me. But the fact that, over time, those I seek to serve have often come to understand both my failings and my good efforts is enough for me to keep trying. And trying. And trying again.

For having experienced both, I am certain that it is better to be loved. 



Dr. Scott Paine is associate professor of communication/government and world affairs at the University of Tampa. The father of 10 children, Paine is a former Councilman for the City of Tampa and was keynote speaker at Maine Municipal Association's 2011 Annual Convention. He may be contacted by phone at (813) 258-7801 or by email at spaine@ut.edu.

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Salt or Sand? Road Technology is Changing

By Lee Burnett

When the snow flies, local public works crews still rely heavily on sand for traction on slippery roads, although the state – backed by some experts – goes almost entirely with judicious applications of salt.

Neither sand nor salt is great for the environment. Salt causes browning in roadside vegetation, impairs the health of streams and taints groundwater. Sand fills streams and lakes, clogging the habitat for aquatic organisms, said William Laflamme, who works in the Nonpoint Source Training & Resource Center at Maine Department of Environmental Protection.

“The sand actually has more of an impact,” said Laflamme. “Pound for pound, it’s worse. It stays in streams; salt dissolves.”

Since the 1990s, evidence has been accumulating that sand costs more overall and is less effective than various salt combinations on higher-speed, heavier-travelled roads. Most northern-tier, state transportation agencies have switched to “salt priority” strategies with success.

Maine DOT, for example, reduced annual sand consumption by 18 fold (455,000 tons to 25,000 tons) in the past decade, which has resulted in a 40 percent savings in the cost of materials (from \$14.3 million to \$8.5 million), according to a recent Margaret Chase Smith Policy Center study. The salt priority strategy also allows the state to get by with 55 fewer trucks (13 percent of the fleet) because trucks reload less frequently and can drive longer routes, according to the study.

The dollar savings have resulted in no loss in service with accident rates actually declining, according to Brian Burne, highway maintenance engineer for Maine DOT.

“It’s all due to technology and training,” Burne said.

However, there are up-front costs to contend with and payback periods can be lengthy for municipalities with relatively few road miles to clear, officials say.

With some exceptions, Maine cities and towns still use far more sand than salt, according to the 2010 Policy Center study “Winter Roads: Salt, Safety, Environment and Cost.” The Center surveyed 129 municipalities and discovered on average sand accounts for 79 percent of the material spread on roads. That compares to 33 percent sand for Maine Turnpike Authority and 18 percent sand for Maine Department of Transportation.

The persistent popularity of sand is due to several factors. While salt-

only may work well on generally level, straight and well-drained state roads, sand may be appropriate on twisty, hilly and poorly drained local roads, said one of the authors of the Policy Center study.

“In some instances, the road conditions are just different,” said Charles Morris.

Others point out that sand is preferred because it is perceived as cheap, it does not hasten rusting of vehicles and its effectiveness is unaffected by temperature changes.

Local tradition may also help explain the persistence of sand, said Peter Coughlan, director of the Maine Local Roads Center, who has been beating the “salt priority” drum to local officials for more than a decade.

“A lot of it is turnover, people com-



High-tech Schmidt spreaders used by Maine DOT. (Submitted photo)

ing and going,” said Coughlan. “Also, good old stubbornness. People like the same methods. They think there’s nothing like sand.”

NORTHERN ROADS, WINTERS

Interviews with local road commissioners suggest other factors may explain the persistence of sand.

“We all have dirt roads; you can’t put salt on them,” said Charles Walsh, Road Commissioner in the Aroostook County town of Blaine. The town’s 28 miles of paved and seven miles of dirt roads intertwine, making it impractical to go to a salt-priority strategy, he said. “The salt would soften the (dirt) roads just like spring. It would ruin them.”

Thomas “Randy” Cannon, Town Manager in Van Buren, said he thinks the studies that show the superiority of salt fail to take into account conditions in northern Maine, where traffic is lighter and temperatures are colder. Salt starts to lose effectiveness below 20 degrees. “You put down salt and it’s absolutely worthless. It doesn’t do anything,” said Cannon.

Salt damage to vehicles is a big concern in eastern Maine, says James Davies, a Selectman and Road Commis-



A snow plow in action. (Submitted photo)

sioner in Princeton. He uses a 10-to-1 mix of sand and salt, but some folks would prefer even less salt.

“I don’t understand why they say salt is less damaging than sand. Most people up here would say, ‘Use all sand,’ ” he said. “I try to not drive on (state maintained) Route 1 when they use that brine. It eats (vehicle undercarriage) right up. Damage to vehicles, that’s the big thing up here.”

Madawaska relies heavily on sand, which it mines for \$2 per yard from the St. John River under a license agreement with the state, said Town Manager Christine Therrien. She would consider switching to salt, but is concerned with the cost of equipment upgrades and the possibility of shorter life expectancy of trucks due to salt corrosion.

“Buying sand is pretty cheap compared to buying new trucks every three or four years. We’re running 20- to 25 year-old trucks. I don’t know that the state trucks are that old,” Therrien said.

The Maine Winter Roads study lends credibility to these concerns. “Several stakeholders suggested that what works well for state highways is not the same practice that works well for town roads. Pavement conditions differ, traffic volumes differ, and more than a few public works officials indicated that they should not be judged by the same metric. One public works director described his town’s experience trying an anti-icing policy. They found it to be unsatisfactory because of slushiness during the storm, and they subsequently returned to deicing with sand and salt,” the report said.

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TREND IS AWAY

Sand goes hand in hand with a traditional “de-icing” strategy to road clearing. That is: Plow trucks are sent out after snow begins to accumulate and, if conditions warrant, they sprinkle a sand-salt mixture to melt icy roads from the top down. Several studies have criticized this practice, not just for environmental reasons but also for cost-effectiveness.

The Technology Transfer Center at the University of New Hampshire surveyed the research and concluded that sand provides only temporary traction on paved roads and can be dispersed

from a travel lane by as few as a dozen cars.

“Even with light traffic, friction gained from dry sand is quickly diminished,” according to the UNH paper. Sand must be used in large quantities and applied frequently, making it more expensive in manpower and material. The Technology Transfer Center recommends using sand in situations with low-speed, low volume roads where braking or accelerating is expected: intersections, curves and hills. “The recommended gravel rural road approach should be simply to groom the snowpack,” according to the paper.

Switching to “salt priority” requires a new “anti-icing” strategy where the goal is to get wet pavement as soon as possible. This involves use of a liquid or solid chemical that lowers the freezing point, creating a brine film that prevents ice and snow from bonding with the pavement.

The switch requires an upgrade in equipment and training, according to Burne. The additional equipment might add \$10,000 to the cost of an \$180,000 truck.

“If you have to switch out your entire (hydraulic) valve bank, it could go as high as \$10,000 or even \$15,000, but



DOT plow operator Arthur LaPlante. (Submitted photo)



The interior of a modern snow plow. (Submitted photo)

Road Sand and Salt Alternatives					
Product	Cost relative to rock salt	Effective Lower Limit	Corrosive?	Aquatic Toxicity	Other environmental Impacts
Sand	\$.60	No lower limit	No	Indirect	Sedimentation of streams
Rock Salt	\$1	20 degrees F	Yes	Moderate	Roadside tree damage
Potassium Chloride	\$1.60	12 degrees F	Yes	Very	Potassium fertilization
Magnesium Chloride	\$2.40	5 degrees F	Yes	Very	Magnesium addition to soil
Calcium Chloride	\$5.70	-25 degrees F	Very	Moderate	Calcium addition to soil
Calcium Magnesium Acetate	\$19.30	0	No	Indirect	Decreased Aquatic Oxygen
Potassium Acetate	\$26.30	-15 degrees F	No	Indirect	Decreased Aquatic Oxygen
Urea	\$1.80	15 degrees F	No	Indirect	Nitrogen fertilization

Source: The Cary Institute of Ecosystem Studies, Millbrook, NY, Dec. 2010

if you have the hydraulics, it could be as cheap as \$2,500," Burne explained.

The payback on that investment depends on the number of road miles to plow. "If you don't have that many miles, the payback is a lot longer. For us, it's fairly quick. The payback is two years." The equipment upgrade – allowing the metering of salt in miserly amounts – includes:

A pavement temperature sensor that bounces an infrared beam off the pavement and tells the driver both the air temperature and the temperature under his wheels.

A ground-speed control system with a dashboard computer that calibrates the amount of salt according to the speed of the truck.

An onboard pre-wetting system – usually twin side tanks and a sprayer attachment – that makes it possible to pre-wet the salt before it hits the road. This reduces salt bounce and keeps it on the road longer.

Training on the equipment takes two days, said Burne.

While many of the larger cities in Maine are switching to "salt priority," some smaller towns are also exploring it. Fryeburg and Turner have purchased

loads of salt treated with Ice B'Gone, a beet sugar based additive that reduces salt scatter and helps it work at lower temperature.

"It seems to work pretty good," said Gary Whitten, Fryeburg's Road Commissioner. He plans to purchase more for the coldest winter months. Skowhegan has achieved significant savings by pre-mixing Ice B'Gone with its salt. The additive adds \$10 to the cost, bringing salt to \$70 per ton, but it makes the salt go further, said Public Works Director Greg Dore.

"Typically, we'd use salt if the temperature is between 22 and 30 degrees and we'd go through about 400 pounds

of salt per mile. But if the temperature falls below 20, we might go through 800 pounds a mile," Dore said. "And if it gets real cold, we'd stop using salt because it just makes a mess."

Using the Ice B'Gone means less waste of salt at lower temperatures. "We can maintain the same (low) consumption," he said. He purchases 2,500 tons of salt a year and estimates savings at 15-20 percent. "I'm saving a lot of money," he said. [m](#)

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

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NLC Reports on American Municipalities

By Michael A. Pagano, Christopher W. Hoene & Christiana McFarland

The nation's municipal finance officers report that the fiscal condition of municipalities in 2012 continues to reflect the prolonged effects of the economic downturn.² Local and regional economies characterized by struggling housing markets, slow consumer spending and high levels of unemployment continue to drive declines in municipal revenues. In response, municipalities cut personnel, infrastructure investments and key services. Despite these challenges, a majority of municipal finance officers report that their municipalities are better able to meet financial needs in 2012 than in 2011.

Findings from the National League of Cities' latest annual survey of municipal finance officers include:

- As finance officers looked to the close of 2012, they project the sixth year in a row of year-over-year declining revenues.
- There is a continued decline in property tax revenues in 2012, reflecting the inevitable and lagged impact of real estate market declines.
- Ending balances, or "reserves," have declined by over 25% in four years and, while still at modestly high levels, are projected to decline as municipalities use these balances to weather the effects of the downturn.
- Fiscal pressures on municipalities include declining local tax bases, infrastructure costs, employee-related costs for health care, pensions, and wages and cuts in state and federal aid.
- Confronted with these pressures and conditions, municipalities are reducing personnel commitments, delaying or cancelling infrastructure projects, and cutting local services.

REVENUE AND SPENDING

Revenue and spending shifts in 2011 and 2012 continue to paint a stark fiscal picture for America's municipalities. The projected decline in 2012 general fund revenues represents the sixth straight year-over-year constant-dollar decline going back to 2007. Over the same period, year-to-year expenditures have declined or remained flat. In constant dollars (adjusted to account for inflationary factors in the state-local sector), general fund revenues in 2011 declined 2.3% from 2010 revenues, while expenditures declined by 4.0%. Looking to the close of 2012, municipal finance officers project that general fund revenues will decline by 3.9% and expenditures will grow slightly, by 0.3%.

In comparison to previous periods, the past 12 years were marked primarily by challenging municipality fiscal conditions. Recessions in 2001 and 2008-09 were followed by anemic economic recoveries. Since revenue collections typically lag economic transitions, it is likely that fiscal conditions will remain weakened in 2013.

TAX REVENUES

The fiscal condition of individual municipalities varies greatly depending on differences in local tax structure and reliance. While an overwhelming majority of municipalities have access to a local property tax, many are also reliant upon local sales taxes, and some municipalities (fewer than 10% nationally) are reliant

upon local income or wage taxes. Understanding the differing performance of these tax sources and the connections to broader economic conditions helps explain the forces behind declining Property Taxes. Local property tax revenues are driven primarily by the value of residential and commercial property, with property tax bills determined by local governments' assessment of the value of property. Property tax collections lag the real estate market, because local assessment practices take time to catch up with changes. As a result, current property tax bills and property tax collections typically reflect values of property anywhere from 18 months to several years prior, depending upon the municipality.

The effects of the downturn in the real estate market in recent years are increasingly evident in municipal property tax revenues in 2012. Property tax revenues in 2011 dropped by 3.9% compared with 2010 levels, in constant dollars. Property tax collections for 2012 continue to register the downturn in real estate values, projected to decline in constant dollars by 2.1%, the third year in a row of year-over-year property tax revenue declines. Property tax revenues will likely decline further in 2013 as municipality property tax assessments and collections continue to catch up with the market.

Sales Taxes. Changes in economic conditions are also evident in terms of municipal sales tax collections. When consumer confidence is high, people

¹ Michael A. Pagano is Dean of the College of Urban Planning and Public Affairs at the University of Illinois at Chicago. Christopher W. Hoene is Director of the Center for Research and Innovation at the National League of Cities. Christiana McFarland is research manager and Program Director, Finance and Economic Development. The authors would like to acknowledge the respondents to this year's fiscal survey. The commitment of these cities' finance officers to the project is greatly appreciated. The authors are also grateful to Shu Wang, doctoral student in the Department of Public Administration at UIC, for her assistance in collecting general fund data on the nation's largest 75 cities & Will McGahan, Outreach Associate for his administration of the survey. The financial support of the John D. and Catherine T. MacArthur Foundation is greatly appreciated.

² All references to specific years are for fiscal years as defined by the individual cities. The use of cities or city in this report refers to municipal corporations.

spend more on taxable goods and services, and municipal governments with sales tax authority reap the benefits through increases in sales tax collections. For much of the past decade, consumer spending was also fueled by a strong real estate market that provided additional wealth to homeowners. The struggling economy and the declining real estate market reduced consumer confidence, resulting in less consumer spending and declining sales tax revenues. However, in 2011 and 2012, as the national economy started to recover and consumer confidence returned, municipality sales tax receipts increased over previous year receipts by 1.6% and 2.4%, respectively.

Income Taxes. Municipal income tax receipts have been fairly flat, or have declined, for most of the past decade in constant dollars. Local income tax revenues are driven primarily by income and wages (not by capital gains). The lack of growth in these revenues suggests that economic recovery following the 2001 recession was, as many economists have noted, characterized by a lack of growth in jobs, salaries and wages. Projections for 2012 municipal income tax collections are for a decrease of 0.8% in constant dollars, as wages and salaries continue to reflect local job losses and a national unemployment rate hovering around 8%.

Looking to 2013, all indications point to continuing challenges for municipal budgets, with national economic indicators pointing to slow growth and the possibility of federal budget cuts that may further dampen economic recovery.

MEETING FISCAL NEEDS

Despite municipal budgets that continue to register the effects of the economic downturn, the nation's municipal finance officers report that their municipalities were better able to meet financial needs in 2012 than in 2011. In 2012, 57% of municipal finance officers report that their municipalities are better able to meet fiscal needs than in 2011. Municipal finance officers' comparative assessment of their municipalities' fiscal conditions from year to year in 2012 improved from their 2011 assessment, when the same percentage (57%) said their municipalities were less able to meet financial needs than in 2010, and considerably improved from their 2010 assessment, when 87%

reported they were less able to meet needs. The 2012 findings suggest that municipal fiscal conditions have passed the low point of the effects of the recession, with conditions beginning to improve relative to previous years, which were the trough of the Great Recession.

BUDGET FACTORS

A number of factors combine to determine the revenue performance, spending levels and overall fiscal condition of municipalities. Each year, the survey presents municipal finance directors with a list of factors that affect budgets. Respondents are asked whether each of the factors increased or decreased from the previous year and whether the change is having a positive or negative influence on the municipality's overall fiscal picture. Leading the list of factors that finance officers say have increased over the previous year are health benefit costs (81%) and pension costs (77%). Infrastructure (75%) and public safety (61%) demands were most often noted as increasing among specific service areas. Increases in prices, or costs of services, were also noted by most municipal finance officers (83%). Leading factors that municipal finance officers report to have decreased are levels of federal aid (51%), state aid (50%), the local tax base (47%) and the health of the local economy (42%).

When asked about the positive or negative impact of each factor on municipal finances in 2012, at least seven in 10 finance officers cited service costs (79%), health benefit costs (77%), pension costs (74%), and infrastructure demands (70%) as negatively affecting municipal budgets. About half of cited levels of federal (45%) and state (50%) aid, public safety costs (57%), and a declining tax base (48%) as having negative effects.

SPENDING CUTS

Municipal finance officers were also asked about specific revenue and spending actions taken in 2012. As has been the case for much of the past two decades, regardless of the state of national, regional, or local economies, the most common action taken to boost municipal revenues has been to increase the levels of fees for services. Two in five (43%) municipal finance officers report that their municipality has raised fee levels. One in four municipalities also increased the number of fees that are

applied to municipal services (23%). Twenty-two percent of municipalities increased the local property tax in 2012. Since the mid-1990's, irrespective of economic conditions, the percentage of finance officers reporting increases in property taxes in any given year has been reported at about this same level.

When asked about expenditure actions taken in 2012, by a wide margin the most common response is reducing the size of the municipal work-force (48%). One in three municipal finance officers (33%) also report delaying or cancelling capital infrastructure projects. While only 15 percent of municipalities cut public safety expenditures (compared to 44% reporting increased spending), 21 percent decreased human service spending (12% increased) and 19 percent cut education spending (8% increased). One in four (25%) made cuts in services other than public safety, human-social services, and education – services such as public works, libraries, parks and recreation programs.

The 2010-2012 surveys also asked about specific types of personnel-related cuts enacted. In 2012, the most common cut so far was a hiring freeze (45%). At least one in four municipalities reduced or froze employee wages (32%) or reduced health care benefits (27%). Other personnel actions have included layoffs (18%), revising union and employee contracts (16%), reducing pension benefits (15%), early retirements (14%), and furloughs (11%). However, the percentage of municipal finance officers reporting these actions in 2012 is, in all categories, lower than in 2011.

Many municipalities used some combination of these types of actions in an effort to reduce personnel costs. The combination of these personnel-related cuts has resulted in a significant reduction in the size of local government workforces. In 2011, a separate NLC survey on local jobs projected a total reduction in municipal and county employment of nearly 500,000 positions from 2010 to 2012. More recently, the U.S. Bureau of Labor Statistics' latest national unemployment numbers, as of August 2012, revealed that total local government employment in the U.S. had decreased by approximately 650,000 jobs from peak levels in 2008.

State budgets have also been confronted with several years of shortfalls and constraints. In many cases, states

have been reducing aid and transfers to municipal governments. NLC's 2012 survey asked municipal finance officers about the types of state actions they've encountered since 2010, including cuts in state-shared and/or state-collected revenues (45%), cuts in general aid (42%), revocation or reduction of reimbursement programs or other transfers (30%), cuts in funding for services that municipalities and other local governments deliver on behalf of state governments (22%), and transfer of state program responsibility (19%). Amid the politics of state budget-balancing, sometimes state actions are also taken that reduce or limit local authority (24%).

This mix of state actions to balance state budgets adds to the cyclical economic pressures that municipalities and other local governments are confronting. Looking across state and local actions in response to fiscal stress reveals the pro-cyclical nature of state-local fiscal actions – that during economic downturns the decisions that state leaders make to balance budgets often exacerbate the effects of the downturn for other levels of government, for employ-

ment, and for the quality of life and well-being of individuals and communities.

BEYOND 2012

2012 reveals a number of continuing and challenging trends for municipal fiscal conditions. The impacts of the economic downturn are clear in municipal projections for final 2012 revenues and expenditures and in the actions taken in response to changing conditions. The local sector of the economy is continuing to realize the effects of the recession and a slow economic recovery. Depressed real estate markets, low levels of consumer confidence and high levels of unemployment will continue to play out in municipalities through 2012, 2013 and beyond. The fiscal realities confronting municipalities include a number of persistent concerns:

- Weakened real estate markets are only recently showing signs of recovery, as the number of sales increase while the median price continues to decline; projections indicate a very slow recovery of real estate values nationwide (although regional markets will vary considerably), meaning that municipi-

palities will be confronted with declines or slow growth in future property tax collections in future years.

- Two of the factors that municipal finance officers report as having the largest negative impact on their ability to meet needs are employee- and retiree-related costs for health care coverage and pensions. Underfunded pension and health care liabilities will persist as a challenge to municipal budgets for years to come. As municipalities move to shore up underfunded liabilities, the additional expenditures required in their general funds will compete for scarce resources with other municipal services, confronting leaders with difficult choices among employee and retiree benefits, municipality service levels, and raising new revenues.

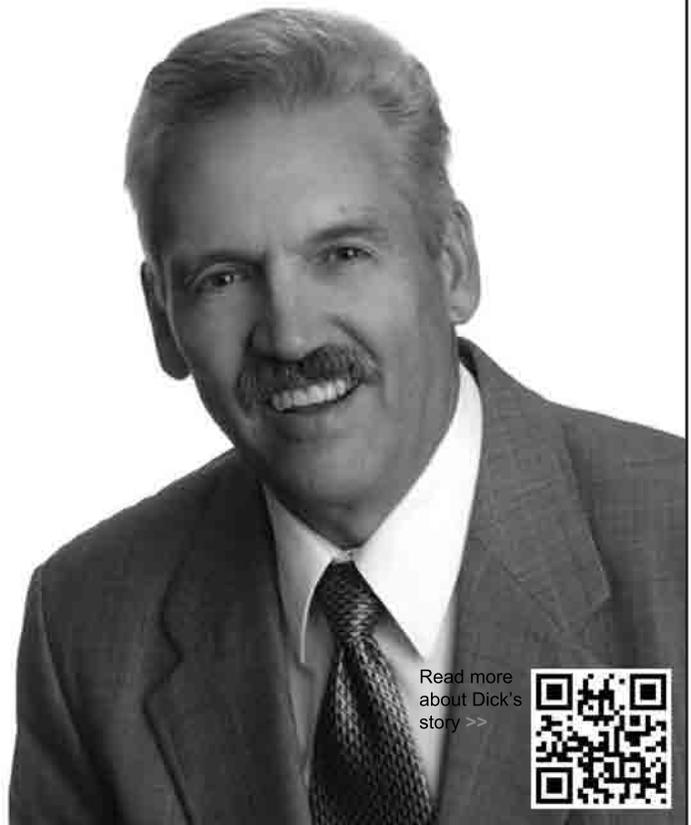
- Facing revenue and spending pressures, municipalities are likely to continue to operate with reduced workforces, cut services and infrastructure investment, and draw down ending balances in order to balance budgets. [m](#)

Meet our consultants Dick Metivier

Dick Metivier, a recognized expert in the field of local financial management. He was the Director of Finance for the City of Lewiston for over 30 years. During his 40 years in municipal finance, he served as the Director of the New England States Government Finance Officers Association and was Charter President of the Maine Government Finance Officers Association. Dick provides assistance to communities who are in need of financial or organization guidance.

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Read more about Dick's story >>





Caribou City Councilor **Gary Aiken** has been elected by his peers as mayor for the New Year. Aiken is serving his first three-year term on the council.

Bethel Planning Board member and poet **Richard Blanco** has garnered much attention since delivering the inaugural poem during the second inauguration of President Barack Obama on Jan. 21. Apparently, many residents of the western Maine town of 6,700 were unaware the planner was a poet. Kirk Siegel of Bethel told the Bethel Citizen that he was among those who did not realize Blanco's accomplishments. "I was surprised by the announcement, because I only knew of Richard as a Planning Board member, but now see he has been published in all kinds of literary journals.

Hallowell Board of Appeals member and Chairman **Richard Bourdon** died on Jan. 28 at the age of 80. An Army veteran, Bourdon worked for 47 years for Central Maine Power Co. before being named to the appeals board, on which he served from April 2000 until his death. He was named chairman of the board in January 2008 and was serving as chairman at the time of his death.

Former veteran Manager **John Edgerly** died on Jan. 6 at the age of 76. Edgerly, who grew up in Kingfield, began his municipal career in Winthrop, where he served as manager from



John Edgerly

1964 to 1968. Edgerly was hired as treasurer and tax collector for the City of Augusta in October 1968, where he was named acting city manager and then permanent manager in 1983. He served in Augusta until November 1986. In 1990, Edgerly took the manager's job in Farmington, near Kingfield, where he served until 1993. Edgerly, an avid reader, golfer and fan of antique automobiles,

earned a master's degree in public administration from the University of Maine at Orono.

Elaine Fuller, a former state representative and Manchester selectman, died on Jan. 28 at the age of 85. Fuller, a New York native, was elected to the Maine Legislature in 1994 and served three straight terms. She was first elected selectman in 2002 and served through 2011. She also served as a member of the Maine Municipal Association's Legislative Policy Committee, among other public service duties. She was a nurse by profession, working for the Togus Veterans Administration hospital in Augusta, as well as helping to implement the federal Medicare and Medicaid programs. She was a pioneer in home-based long-term medical care and started the Home-Based Care Program for the state. She was a lifelong musician who was well-known in Manchester for her numerous public service accomplishments.

Aaron Miller has been hired as administrative assistant to the Whitefield selectmen, replacing Gwyn Dixon, who retired last year after 20 years. Miller previously worked for three years as deputy town clerk and assistant tax collector and treasurer for the Town of Boothbay Harbor. Miller, who lives in Alna, worked as a Maine daily and weekly newspaper reporter and editor for 10 years before changing careers to municipal work.



Aaron Miller

Portland police **Officer Jessica Googins** became a Facebook hit after someone saw her helping an elderly couple board a city bus with their cart of groceries during a frigid January day. Googins had picked up the couple and let them warm up in the back seat of her cruiser until the bus arrived. An onlooker spotted the good deed and posted a message of praise on a TV station's website. Within

hours, 18,000 people had commented on Googins' good deed. Googins said she was "shocked" by the attention and that any of her department peers would have done the same thing. Police Chief Michael Sauschuck agreed.



Suzanne Rich

She worked as librarian of the Underwood Memorial Library in Fayette for more than 30 years, after volunteering for many years at the library. She worked as the town's deputy clerk for eight years, ending in 1997. She served as selectman from 1998 to 2000. Rich was active on numerous town committees, as well as being a charter member of the Fayette Fire Auxiliary and a founding member of the Fayette Historical Society.

Jon Jennings has been appointed by the Cumberland Town Council to fill the unexpired term of Steve Moriarty, who resigned in January to serve in the Maine Legislature. Jennings, the former general manager of the Maine Red Claws basketball team in Portland, will serve until Moriarty's term expires in June. Meanwhile, the Cumberland council also voted in January to hire Heather Perreault as finance director. Perreault, most recently assistant vice president of finance at the University of New England, replaces Alex Kimball, who resigned to take the job of finance director for Cumberland County.

Damariscotta selectmen have appointed long-time firefighter **John Roberts** as the town's new fire chief. The mid-January vote was unanimous. Roberts was the choice of the fire department, as well as that of officials at the nonprofit Massasoit Engine Company.

Statewide: Has your local fire department, mutual aid fire program or a group of concerned citizens accomplished a fire or emergency-services program that helps reduce losses from fire and related emergencies? If so, the Maine Fire Protection Services Commission invites you to nominate these groups and programs for its Annual Best Practices Award.

Established in 2002, the Best Practices Award highlights individuals, fire/rescue departments, agencies, organizations, communities and others within Maine that: show initiative and creativity; develop, adopt and improve the best ideas; and, encourage and support safety and health for emergency responders in Maine. Applications are accepted throughout the year, with Awards of Merit given periodically. Once a year, usually at Maine Fire/Rescue Services Day at the State House, the Fire Commission selects one or more recipients from all submissions to receive a formal Best Practices Award. Best Practices awards are publicized through media releases and are posted on the Fire Commission's website. For information on how to submit your local accomplishments for the award, go online: <http://www.maine.gov/dps/fmo/commission/award.html>

The Maine Fire Protection Services Commission was established in 2000 to monitor and evaluate the State's fire protection services system. The Commission consists of 23 appointed members who work on a continuing basis to study and provide recommendations to the Governor, Legislature and appropriate state agencies regarding necessary changes in the fire protection services system.

Bucksport: The town has dubbed itself "The Center of the Known Universe" and will use the municipal moniker on the town's new brick plaza on the waterfront. The phrase was coined during a brainstorming session on economic development last fall. It derives from the town's uncanny proximity to so many other communities in the region. For example, Bucksport is 18 miles from Bangor, Belfast, Blue Hill, Castine and Ellsworth in every direction. It's also about 35 miles from both

Camden and Bar Harbor, two Maine tourism centers. Officials said that while the name is meant to be funny, it serves also to inform businesses of the size of the area's labor force.

Casco: Residents at a special town meeting on Jan. 12 approved a resolution opposing a proposal to transport corrosive crude oil, commonly known as "tar sands," from Canada to Portland via an existing ExxonMobile pipeline. Hundreds of signatures were collected at the November polls to force a special meeting on the resolution – believed to be the first from a Maine municipality. The pipeline, 62 years old, runs through Casco and its Sebago Lake watershed, as well as across another 50 cities and towns in Maine, New Hampshire and Vermont. Some towns in the other states are considering ordinances and resolutions rejecting the pipeline proposal.

Livermore Falls: The town Appeals Board in January upheld a decision of the Planning Board last fall to approve a plan by two residents to build a pet crematory. Neighbors had argued planners did not follow the town ordinance in approving the proposal. Appeals Board members sought a legal opinion before making their decision. The complainants can appeal to superior court within 45 days of the board's action.

Madawaska: Twin Rivers mill, the town's largest employer, is seeking a new tax abatement that would lower its value to \$40 million at the same time

when selectmen and municipal staff are dealing with the loss of \$400,000 in tax revenue from the abatements already agreed upon. The mill notified town officials in December that it would take its case for a lower property valuation to the State Board of Property Tax Review. Selectmen believe they have lowered the former Fraser Paper mill to a fair value; mill officials have said they hope to continue working with the town on the issue. Selectmen have agreed to reduce the mill value from \$170 million to \$85 million over four years, including the upcoming 2013-14 fiscal year. The mill says its property is worth \$40 million.

Peru: All five selectmen face a recall vote on March 4 after petition signatures were verified by town officials in mid-January. A public hearing is set for Feb. 11. Organizers of the recall say selectmen have failed to properly carry out their duties and have not followed the wishes of the public. Although selectmen hoped to prevent the possibility that the entire board could be ousted at the same time, a town ordinance requires a vote on the petitions as soon as possible after being verified.

CORRECTION

Howard Kroll, Auburn's new assistant city manager, had his name misspelled in a Townsman story about municipal employment (January issue).

NEW ON THE WEB

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

- **Budget Analysis.** MMA's State & Federal Relations Department has written a comprehensive analysis of Gov. Paul LePage's proposed budget, which would have a significant impact on municipal revenues and services.
- **Local Action, Reaction.** MMA encourages members to send us formal resolutions, impact analyses and other information recorded in reaction to the proposed 2014-2015 biennial budget. Please forward your municipality's information to Ben Thomas, Website and Social Media Editor at MMA: bthomas@memun.org. Ben also can be reached by telephone: 207-623-8428.
- **Superior Court Ruling.** Justice Ann Murray recently ruled on a Bar Harbor case that municipal officials may find instructive as it deals with land use ordinances, zoning changes and a comprehensive plan.



Municipal Bulletin Board

MANAGING FREEDOM OF ACCESS REQUESTS

This timely workshop is aimed at helping municipal staffs, newly designated "Public Access Officers," elected and appointed officials understand Maine's FOA law, why requests are filed and how to deal with them appropriately. The workshop will be held on Feb. 21 at the Bridgton Town Hall. Registration begins at 1:30 p.m. and the workshop will conclude at 4:30 p.m.

Presenters include: Amanda Meader, attorney with MMA's Legal Services Department; Nathan Poore, Manager in the Town of Falmouth; and, Eric Conrad, MMA's Director of Communication & Educational Services. Cost for the workshop is \$30 to MMA members.

PLANNING BOARDS/BOA: DEDHAM

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on Feb. 26 at the Lucerne Inn in Dedham.

The workshop is designed as an introduction for new or less experienced members, but veterans may find an update useful as well. Among the topics to be covered: jurisdictional issues; conflicts of interest and bias; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$50 for MMA members and \$100 for non-members.

WASTEWATER LEGISLATIVE BREAKFAST

An informal breakfast that will focus on "Sustainable Funding for Maine's Water Infrastructure" will be held starting at 7 a.m. on Feb. 28 at the Senator Inn & Spa in Augusta. Sponsored by the Maine Wastewater Control Association, the event will provide state legislators with information on water and wastewater professions in Maine. There is no cost to MWWCA members or to non-members, but people who register online are asked to indicate whether they are MWWCA members or a member of a related professional Affiliate Group.

STATEWIDE MANAGER INTERCHANGE

The Maine Town, City and County Management Association will hold its 34th Annual Statewide Manager Interchange on March 1 at the Hilton Garden Inn in Bangor. Topics to be covered include: the State of Maine's Infrastructure; Man-Made Disasters; Capital Funding Solutions; Effective Communication; and, much more.

The Interchange will start with registration at 8 a.m. and will end at 3:30 p.m. Costs to attend vary. Networking is an important part of the event.

TAX LIEN PROCEDURES

This full-day course is presented by the Maine Municipal Tax Collectors' and Treasurers' Association and is designed for municipal officials and staff with direct responsibility for the tax lien process. It will be held on March 5 at the Hollywood Casino Hotel in Bangor and on March 19 at The Captain's Galley in Old Orchard Beach, starting with registration at 8:30 a.m. and ending at 3:30 p.m.

Topics include Proper Procedures in the Tax Lien Process, the "How To" of the Tax Lien Process and the Roles of the Assessor, Tax Collector and Treasurer. This course is a mandatory course for the Maine Municipal Tax Collectors' and Treasurers' Association Certification Program. Cost for the workshop is \$50 for MMTCTA members and \$60 for non-members.

PARLIAMENTARY PROCEDURE

The Maine Town & City Clerks' Association will hold a day-long training session on Parliamentary Procedure on March 7 at the Waterville Elks Banquet & Conference Center. Kathy Montejo, City Clerk in Lewiston, will lead the workshop which costs \$55 for MTCCA members and \$75 for non-members.

The workshop is designed to give clerks, selectmen, councilors and committee members the parliamentary fundamentals needed to make meetings run efficiently. Topics will include: motions; debates; committee functions; quorums; and, forms of voting. Registration begins at 8:30 a.m. and the workshop will end at 4 p.m.

MUNICIPAL LAW FOR CLERKS

Kathy Montejo and Michael Stultz, Staff Attorney with MMA's Legal Services Department, will lead a session on municipal law at the Seasons Event Center on Riverside Street in Portland on March 27.

Sponsored by the Maine Town & City Clerks' Association, the workshop will strengthen clerks' knowledge of major legal subject areas such as: the basics of the clerk's position; records; ordinance authority; conflicts of interest; elections; basic vital records; and, issuance of licenses. The workshop will begin with registration at 8:30 a.m. and the cost is \$55 for MTCCA members and \$75 for non-members. Attendees should bring copies of MMA's Municipal Clerk's Manual. 

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



All of the upcoming workshops can be found on the MMA website. Use the following link:

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

www.memun.org



TAX-ACQUIRED PROPERTY: SETTING A MINIMUM PRICE

Question: Can we set a minimum sale price when selling tax-acquired property?

Answer: Yes, you can, unless for some reason your local ordinance or policy prohibits it. In fact, in most cases we recommend a minimum or “reserve” price for the sale of tax-acquired property, not only to prevent “sweet-heart deals” but also to ensure that the municipality recovers everything it’s owed. To this end, the minimum price should equal at least the sum of all unpaid taxes, interest and costs (not just those represented by the foreclosed tax lien but all other taxes) as well as other unpaid assessments against the property, such as sewer charges, etc.

It may be advisable to set the minimum even higher than this, especially if the property is very desirable, although we would not recommend a minimum approximating the property’s fair market value since a municipal quitclaim deed does not by itself convey marketable title.

If you do set a minimum or reserve price, this should be clearly disclosed in any notice of sale or bid specifications.

In addition, we recommend requiring that any offer or bid be accompanied by a deposit in the form of a certified check or money order for at least 10% of the offer or bid. Deposits should be refundable except for a successful bidder who fails for any reason to complete the purchase as and when required, in which case the deposit should be forfeited to the municipality as damages.

Incidentally, if tax-acquired property is sold for more than what the municipality is owed, the municipality has neither the duty nor the legal authority to refund any portion of the proceeds to the former owner. For more details and supporting case law, see “Tax-Acquired Property: No Refunds of ‘Surplus’,” *Maine Townsman*, “Legal Notes,” December 2008.

For much more on tax-acquired property generally, see our “Information Packet” on the subject, available free to members at MMA’s website at www.memun.org. (By R.P.F.)

MAXIMUM INTEREST RATE FOR 2013 DELINQUENT TAXES: 7%

The State Treasurer has established 7% as the maximum interest rate that may be set for delinquent property taxes committed during calendar year 2013.

GIFTS TO MUNICIPALITIES

Question: If someone offers us a gift, what must we do before we can use it?

Answer: Gifts or donations to municipalities, whether of money or other property, must first be accepted before they may be used or expended.

The general rule is that gifts may be accepted only by vote of the municipal legislative body (town meeting or town or city council). But there’s one important exception:

Donations of money. A donation of money to supplement a specific appropriation already made, to reduce the tax assessment, to endow a municipal education foundation, or to reduce the permanent debt may be accepted

by vote of the municipal officers alone (see 30-A M.R.S.A. § 5652).

Otherwise, gifts to municipalities are subject to the following requirements:

Gifts of money or property in trust. A gift of money or other property in trust must be submitted for acceptance at the next meeting of the municipal legislative body. Within 10 days thereafter, the municipal officers must send written notice of its acceptance or rejection to the donor. If accepted, unless the trust specifies otherwise, the funds must be invested according to the municipal investment laws, and only the annual income may be spent. Unless otherwise specified, the municipal officers serve as the trustees of the funds. If the municipality fails to comply with the terms of the trust, the funds revert to the donor or the donor’s heirs (see 30-A M.R.S.A. § 5653).

Conditional gifts. A conditional gift for any specified purpose must be submitted for acceptance at the next



Municipal Calendar

ON OR BEFORE FEBRUARY 15 — Written statements, as prescribed by State Tax Assessor, of wages withheld in the previous calendar year is to be furnished each employee (36 MRSA § 5251).

— Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, DHS #11, Augusta, ME 04333-0011 [22 MRSA §4311].

FEBRUARY 18 — Presidents’ Day, the third Monday in February, is a legal holiday (4 MRSA § 1051); and shall be observed as a school holiday in the absence of any vote of the superintending school committee designating how the day shall be observed (20-A MRSA § 4802).

BEFORE TOWN MEETING — Selectmen must have a warrant posted at least 7 days before town meeting and have a constable or designated resident make return (30-A MRSA §2523). If adoption of an

ordinance is proposed, make sure of compliance with 30-A MRSA §3002. Send copy of town report to the following: MAINE MUNICIPAL ASSOCIATION, State Tax Assessor, State Auditor, State Department of Transportation, and State Librarian.

— Town Meeting voter registration and voting list requirements. The registrar shall accept the registration and enrollment of voters prior to the municipal election according to the time schedule prescribed by 21-A MRSA § 122 unless changed by municipal officers.

— Copies of annual report are to be deposited in the municipal office or a convenient place of business for distribution to voters at least 3 days prior to the annual meeting (30-A MRSA § 2801)

— Check 30-A MRSA § 5823 for audits, and § 2801 for town reports.

BY MARCH 1 — Solid Waste Municipal Reporting forms are due back to the State Planning Office, 38 State House Station, Augusta Me 04333 [38 MRSA §2125(1)].



meeting of the municipal legislative body. Within 10 days thereafter, the municipal officers must send written notice of its acceptance or rejections to the donor. If accepted, unless the gift specifies otherwise, any funds must be invested according to the municipal investment laws. The municipality must perpetually comply with the conditions of the gift (see 30-A M.R.S.A. § 5654).

Unconditional gifts. An unconditional gift of any type of property may be accepted or rejected by the municipal legislative body, except for assets conveyed to the municipality under the criminal asset forfeiture laws, which may be accepted or rejected by the municipal officers (see 30-A M.R.S.A. § 5655).

After it has been accepted, any gift of money to a municipality must be deposited with the municipal treasurer and may be expended only by a disbursement warrant approved by the municipal officers. Cash gifts, even for a specific purpose or project, should not be given to the official or committee in charge, to be deposited in their own account or spent at their discretion. Control of donated funds should remain with the municipal officers acting through the municipal treasurer, to ensure that the funds are both correctly spent and properly accounted for.

For legal citations and advice on the tax-deductibility of gifts to municipalities, see “Tax Status of Municipalities and Deductibility of Gifts,” *Maine Townsman*, “Legal Notes,” August-September 2000. (By R.P.F.)

IS EMPLOYMENT HISTORY A CONFIDENTIAL RECORD?

Recently, while we were reviewing the Maine State Archives’ Rules for Disposition of Local Government Records, a certain item caught our attention. There, in Disposition Schedule A, under the heading “A.53.a Personnel Records – Employment History,” we are informed that the employment history of local government employees, including dates of employment, salary history, and full-time/part-time status, is a confidential record. As authority

for this proposition, the Rules cite 30-A M.R.S.A. § 2702.

We don’t know how it happened, but the statement that municipal employment history is “confidential” is, at best, overbroad, and as for the items specified (dates of employment, salary history, and full-time/part-time status), it’s just plain wrong.

As we’ve explained here before, *some* personnel records are confidential under 30-A M.R.S.A. § 2702 (see “Personnel Records – What’s Confidential?,” *Maine Townsman*, “Legal Notes,” June 2006). These include medical information, performance evaluations, information pertaining to creditworthiness, family history, and complaints or charges of misconduct, among other things.

But unless information in a personnel file is designated confidential by law, it is a public record and is subject to public inspection and copying (see 1 M.R.S.A. §§ 402(3), 408-A). This includes, for example, job descriptions, employment contracts, time sheets and expense reports, as well as those items mischaracterized by the State Archives’ Rules as “confidential” (dates of employment, compensation history, and full-time/part-time status).

Incidentally, the State’s Public Access Ombudsman agrees that there is no law making this information confidential. We’ve asked the State Archives to correct the Rules.

For detailed guidance on how personnel files should be organized and

maintained, see our “HR Toolkit” on the subject, available free to MMA members at www.memun.org. (By R.P.F.)

TIMBER THEFT REVISITED

A recent Maine Supreme Court decision confirms an observation we made here last year: “Maine law treats the unauthorized taking or theft of timber very seriously” (see “Timber Theft,” *Maine Townsman*, “Legal Notes,” August-September 2012).

In *Woodworth v. Gaddis*, 2012 ME 138, a landowner sued a logger for almost 18 acres of timber he unlawfully removed from her property after his forester negligently misidentified her boundary lines. The lower court awarded the landowner only actual damages (\$67,180) despite the provision for double damages for negligent cutting under 14 M.R.S.A. § 7552(4). The Law Court, however, held that the law made double damages mandatory, not discretionary, in the case of negligence and consequently doubled the lower court’s award. (The same law provides for triple damages for intentional timber trespass.)

We mention this because many municipalities own substantial woodlots, and both municipalities and loggers should be aware of the significant penalties under Maine law for the unauthorized taking of timber. (By R.P.F.)



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