

August-September 2011

# maine townsman

The Magazine of the Maine Municipal Association



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# maine townsman

The Magazine of the Maine Municipal Association

## A Convention for Everyone

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Details for the 2011 Maine Municipal Association Convention are all but sewn up, and the program offers great breadth. Themed program tracks have been coordinated for: Elected Officials; Money & Finance; Human Resources; and, Technology. There will be opportunities for networking and fun, too.

## Has it Been 10 Years Already?

7

Everyone remembers where they were on Sept. 11, 2001, when our country suffered a major terrorist attack. This article looks at the many changes in Maine that occurred after – and a result of – 9/11.

## Anniversary Series: Grace Hatton of Charlotte

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Grace Hatton served as Treasurer in the Town of Charlotte for a whopping 60 years and four months. She vividly recalls her municipal career, which started from a kitchen drawer in her family home and an annual salary of \$75.

## Developing the Smart Way

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Low-impact development is a trend across the nation, and it's starting to catch on in Maine. The concept encourages development that protects the natural landscape as much as possible and, in many cases, holds costs down.

## Paving the Way Toward Philanthropy

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M.L. "Jack" Gibson had a long, successful career in paving that saw his former company, Commercial Paving, win projects in 174 municipalities. Now he's giving back, with a unique program to provide grants to the municipalities where his heavy equipment once rolled.

## Man's Best Friend – Knows Best

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Leadership expert Mary Kelly penned this article about why effective leadership and performance management are both difficult and important. Yet if we approached managing employees the same way we train our dogs, things might not be as complicated as they seem.

## Town Meeting Analysis: Jitters Continue

25

The 2011 Town Meeting season is over and the verdict's in: Citizens remain skeptical and anxious about the state and federal economies. This wrap-up shines a light on that, but also shows how some communities forged ahead with capital plans.

## Complete Convention Details

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Turn here to see all the keynote speeches, workshops and demonstrations that will mark the 2011 MMA Convention, to be held Oct. 5-6 at the Augusta Civic Center.

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# A Message From MMA



by Eric Conrad, Editor

## More Highlights at the 2011 MMA Convention

On this page two months ago, I wrote about Maine Municipal Association's 2011 Convention, keynoter Scott Paine and some of the featured speakers we look forward to seeing and hearing. Today, I'm pleased to say the convention details are falling into place.

The 2011 convention is special because it marks MMA's 75th year. We're celebrating that by turning the focus outward, and honoring the many Mainers who have dedicated substantial parts of their lives to municipal and community service. This will be a theme throughout the year for MMA and it will be quite evident at the convention. Here are some other highlights:

**Elected Officials:** The men and women on the front lines of democracy in Maine serve for little fame, even less money and they have a boatload of responsibilities. Nine separate presentations over the two-day convention are dedicated to elected officials, ranging from Paine's keynote speech on leadership in what he calls "the New Normal" to a relatively new MMA program on the "Roles of Municipal Selectmen, Councilors and Managers."



Don Gerrish

That workshop, presented earlier this year in the Town of Union, is led by two stalwarts of municipal service in Maine, former Brunswick Town Manager Don Gerrish and former Portland Mayor and Councilwoman Pam Plumb. David Barrett, head of MMA's Personnel Services & Labor Relations Department, will join them as well.



Pam Plumb

**Money & Finance:** As everyone knows, financial issues have dominated municipal government over the past several years. These challenges were well-explored – and well-received – at the 2010 MMA

Convention. We're sticking with the topic again this year. Workshops on capital projects during tough times, protecting online financial accounts and understanding municipal audits all have been scheduled, with prominent municipal



Peter Lowe

leaders, bankers, engineers and attorneys lined up to present.

**Technology:** Is anything changing faster than technology and the information revolution that computers have made possible? Paine, a University of Tampa expert in this field and two-term City Councilor in Tampa, has agreed to present a workshop on the information revolution and to participate in a panel discussion on social media, during the convention's second

day. Ellsworth City Manager Michelle Beal and Lewiston attorney Peter Lowe will join Scott as part of that panel discussion.

**Human Resources:** Tight financial times also put great pressure on people who manage municipal employees. Terms like "performance management," "downsizing" and "succession planning" are common in the municipal lexicon these days – and HR decisions must be made wisely. Four workshops are scheduled with HR themes including a first for MMA, when one of our new online-training partners uses the convention's "virtual classroom" to present a program that will help elected officials evaluate town and city managers.

Fun stuff, too: Nothing extravagant, but we're planning some neat things that we hope will make the 2011 Convention one that attendees remember for a long time. The Downeast Brass Quintet will perform a one-hour concert during the Member Appreciation Reception, which starts at 4:30 p.m. on the opening day.

MMA's State & Federal Relations staff is arranging a fireworks demonstration that will show what fireworks are legal in Maine now and which ones will be when a new law expanding fireworks use and sales takes effect.

We like surprises, so there will be a few of those as well. (Here's a hint: If any town has a public works vehicle that was in use 75 years ago and is still running, please contact me at 1-800-452-8786 or [econrad@memun.org](mailto:econrad@memun.org).)

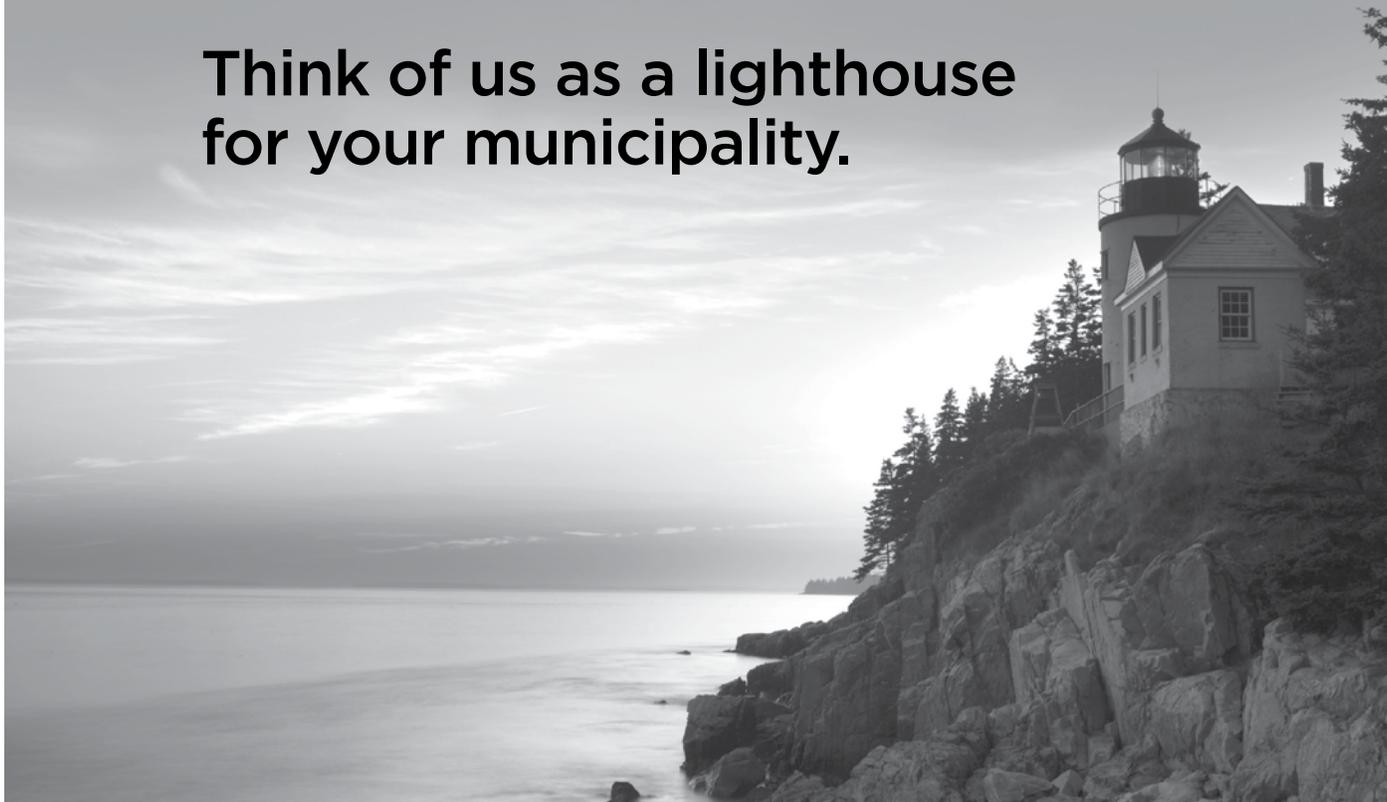
For the complete list of convention workshops and details, turn to page 27 of this edition of the Townsman. Please, mark your calendars for Oct. 5-6, when we'll all get together at the Augusta Civic Center to honor municipal service. 

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# Big Changes in Border Towns Since 9/11

By Lee Burnett

The most happening places during the 10 years since Sept. 11, 2001 seem to be the border communities of northern and eastern Maine. It may not immediately be apparent, because little makes the news beyond an occasional ribbon cutting. But the ribbon cuttings add up.

To date, the federal government has broken ground on a dozen new facilities in Maine for U.S. Customs and Border Protection. That represents \$200 million in construction spending in some of the most thinly populated places in the state.

Perhaps more surprising is the cool factor in some of these buildings. Several Customs buildings have won LEED certification from the U.S. Green Building Council. Several have won architecture awards for cutting-edge design. Local companies are benefiting more than they do on a typical federal project, thanks to stimulus-spending contracting rules aimed at helping economically distressed regions.

After the construction projects, good-paying, permanent jobs follow. Border patrol jobs average \$70,000 a year. There's also been an infusion of federal money to law enforcement agencies in border counties, enabling officers to earn extra money for overtime shifts.

All this federal largess has been a welcome boost to local economies, but it's not all good news. New passport requirements have restricted easy cross-border travel, hurting business in some communities.

Perhaps most noticeable since 9/11 is the visibility of law enforce-

ment throughout border communities and even farther afield. The patrol has more than doubled its force along Maine's 611-mile boundary, bringing its staffing to more than 200 agents, said Shelbe Benson-Fuller, a border patrol spokeswoman.

## SURPRISE APPEARANCES

Agents are apt to pop up where you least expect them, say several town managers. In Fort Fairfield, a man checking on a logging operation on his own property was startled by a rifle-toting agent wearing camouflage gear coming out of his woods, said Fort Fairfield Town Manager Dan Foster.

"This is not something we're used to," said Foster.

Border patrol agents in Houlton routinely conduct walk-throughs of Cyr Bus Lines before buses depart for Bangor, according to Doug Hazlett, Houlton's City Manager. "You can't drive through town without seeing border patrol," said Hazlett.

The border patrol's jurisdiction extends 100 miles from the border and agents have set up roadside checkpoints to inspect cars as far south as Route 9 in Township 30 and Interstate 95 north of Bangor, according to various news reports.

Local law enforcement agencies are also more visible in border communities. That's due to Operation Stonegarden, a federal grant program available to only local agencies in border counties. Since 2008, Maine has received \$7.6 million in Stonegarden funds.

Most of the money has gone to pay for overtime shifts, but it also has paid for night vision goggles and computer equipment. Because of additional

overtime shifts, it is common for multiple officers to respond to relatively minor incidents, said Jackman Town Manager Kathy MacKenzie.

"I know it's to help keep border towns safe, but we were extremely safe before 9/11 without Stonegarden," she said. MacKenzie and others praised the cordial and cooperative relationships that have developed.

"In fairness, the border patrol works very, very hard to strike a balance," said Hazlett, the manager in Houlton. "The security people would say what we have isn't enough, while some of the locals would say this is ridiculous."

## STRONG COOPERATION

Officials at every level of law enforcement in every corner of the state say inter-agency cooperation has never been better. Breaking down the silos was one of the chief recommendations to come out of the 9/11 Commission and it led to a push (with federal funding) for common protocols and common radio frequencies.

Every police, fire and rescue department in the state is well on its way to "interoperability," according to Robert McAleer, Director of Maine's Emergency Management Agency. "Cooperation has been absolutely excellent. Of course, in Maine it's always been good. We're a small state," he said.

McAleer added that post-9/11 vigilance has not flagged because "an endless series" of natural disasters in recent years has demonstrated to Mainers the need for preparedness.

The border patrol has shown an eagerness to fit in with St. John Valley communities, the town managers say. They provided traffic control

---

*Lee Burnett is a freelance writer from Sanford, [leeburnett\\_maine@hotmail.com](mailto:leeburnett_maine@hotmail.com)*

and other assistance to communities devastated by flooding in 2008. They provide back up during the Potato Blossom Festival. They participated in some events honoring the recent World Cup biathlon and processed all foreign athletes' paperwork.

Foster in Fort Fairfield said he can count on the border patrol to back up his department, which usually has no more than one officer on duty at a time. "These guys are very professional and well trained. They want to be helpful," he said.

The Customs and Border patrol has offered a "citizens academy," a course open to the public that provides a glimpse of border patrol operations. "We're trying to be more transparent as an agency," said Benson-Fuller, the agency's spokeswoman. "This (citizens academy) helps open the dialogue."

### RETAIL IMPACT IN VAN BUREN

The tighter restrictions on border crossing in the immediate aftermath of 9/11 drew almost immediate complaints from border communities that depended on easy access to and from Canada. The situation worsened in 2008, when the U.S. began requiring passports of travelers entering from Canada, said Van Buren Town Manager Thomas Cannon.

"It has absolutely devastated us," said Cannon. "Pre-9/11, we used to have a real good working relationship with Canada. To us it was good economics, good business. Post-9/11, it's like the spigot was shut off."

The expense of acquiring a passport and the irritation at having to produce it for every trip across the border has deterred a number of Canadians from coming at all, he said. This is happening in spite of a much stronger Canadian dollar that has made shopping in the U.S. more attractive. A music store, a ski shop and a paper-refinishing business have all closed.

"We should be loving life," Cannon said. "Dollar for dollar, the Canadian dollar is stronger."

Cannon says the town is desperate for economic development. He is pushing for a "northern tier" training facility for border patrol – similar to what exists in Georgia – where border patrol agents could learn how to ride a snowmobile or hike in snowshoes.

"It makes too much sense," he said. "Someone's got to figure it out."

The loss of business has also been noticeable in Fort Kent, said Town Manager Donald Guimond. The loss hasn't been pronounced in Jackman, Houlton or Calais, managers there say.

### TALK ABOUT BAD DRIVES

One headline in the Chicago Tribune put it this way "U.S. swings at terrorists, hits golfers."

The duffers taking the hit were Canadians, who for decades crossed the border illegally – but without anyone minding – and drove about a mile and a half to the entrance of the Aroostook Valley Country Club. The club's parking lot and pro shop are in the U.S.; the clubhouse and the course are in Canada.

Three years ago, the border patrol decided to stop looking the other way and closed Russell Road to cars entering the U.S. Travelers were redirected to the controlled border crossing at Fort Fairfield, a round trip detour for the golfers of about 25 miles. (Russell Road remains open seasonally to traffic entering Canada, because the Canadian government maintains a Customs Station on the road.)

Some Canadian golfers quit the club and Fort Fairfield folks worked with U.S. Sen. Susan Collins' office to reopen the road. They pushed for a seasonal U.S. Customs Station on the road, but were unsuccessful, explained Fort Fairfield Town Manager Dan Foster.

"Our position was you (Customs and Border patrol) just need something simple, nothing extensive," said Foster. "Their position was if it's not



Portland police added canine units following Sept. 11, 2001. (Submitted photo)

## BIG PROJECTS POST 9/11

### New land port of entry facilities

Larger facilities include main port building, commercial warehouse, truck inspection building, a vehicle garage, secure detention facility, firing range.

Jackman \$25.9 million

Van Buren \$45.1

Calais \$65 million

Easton \$6.7 million

Forest City \$5.5 million

Hamlin \$9.45 million

Bridgewater \$7.6 million

### New border patrol stations

Typically, these are built like a modern police station with armory, detention cells, helicopter landing pad, training area, fitness room, vehicle maintenance garage, parking lot, security fencing and surveillance cameras.

Rangeley \$5.9 million

Fort Fairfield \$6.5 million

Calais \$5.5 million

Jackman \$8.7 million

Van Buren \$11.5 million

a complete \$8 million to \$10 million facility with X-ray equipment, they're not interested."

### TOO BIG FOR FOREST CITY

While most communities are more than willing to take whatever federal bucks they can, little Forest City – where the normal population of 10 swells to 30 in the summer – decided a new \$8 million port of entry station was a bit much for their sleepy crossing. The gate is only open 9 a.m. to 5 p.m. and averages between six and seven cars a day.

"No one wants a big government presence here," Jane Johnson told the Bangor Daily News. "This isn't that kind of a place. People live here because it is away from things and there is peace and quiet here. If they do this big project, it would destroy our quality of life and just be government waste at its worst."

Alerted to the controversy, Sen. Collins wrote a letter to Customs and Border Protection cautioning against "the unwise use of taxpayer dollars that would result from making major and unnecessary changes to the Forest City" port of entry.

In April, the agency held a four-hour open house and unveiled a design for a scaled-back, \$5.4 million facility. The reception was much more

favorable from the 20 or so people in attendance, which included residents from the nearby communities of Brookton and Danforth. [mt](#)



*Portland police also acquired a new bomb-recovery vehicle and training in the 10 years since 9/11. (Submitted photo)*

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# Grace Hatton: Tribute to the History of Charlotte

By Eric Conrad, Director of Communication  
& Educational Services, MMA

Grace Hatton recalls many things that she loved about serving as Treasurer in the Town of Charlotte – her hometown – for 60 years and four months.

There also was one part of the job that she downright detested: Dealing with the porcupines – or the dead porcupines' feet, to be precise.

Retracing Hatton's municipal career is akin to uncovering Charlotte's rich history. She started as Treasurer in 1948, working out of a drawer in the kitchen of her family home and making \$75 a year.

"As kids, we all knew we couldn't touch that drawer," said Hatton's daughter, Sandra Sawyer, who lives in Charlotte and teaches in Calais.

Her mother laughs at the memory. "Then my husband (the late Mer-

ton Hatton) built a porch on the house. That's where my office was for years," Hatton said, gesturing to the front of her home, where the former Treasurer's wooden desk, lamp and adding machine remain to this day.

## GROWING UP IN CHARLOTTE

One of 10 children, Grace Damon grew up on the Damon family farm, about two miles from where she lives now. Her father sold vegetables in Eastport and Calais. The children worked hard on the farm and thought little of it.

"It was just a matter of life," said Hatton. "The whole community was like that."

The Damon farm was home to many animals, including two horses – "a light horse and a working horse,"



Grace Hatton

she said. "We weren't allowed to ride the horses. They had certain duties."

After graduating from Dennysville High school – which Hatton noted, "is long since gone" – she married Merton Hatton in 1942, and the couple moved to Saco. Merton was a welder, soon to be promoted to foreman and welding inspector at New England Shipbuilding's Liberty shipyard in South Portland.

When World War II ended, so did the welding work. The young couple decided to return to Charlotte, where both of their families had long histories. Grace's great great-grandfather, Abiah Damon, was one of the area's earliest settlers. In fact, the first meeting of what was then known as "Plantation No. 3" was in Abiah Damon's home in 1821, according to the Charlotte town website. Charlotte was officially incorporated in 1825.

Merton Hatton was handy with a



## SPECIAL PROJECT, SPECIAL YEAR

Maine Municipal Association turns 75 this year and to celebrate we are producing a series of oral histories at our website ([www.memun.org](http://www.memun.org)) and profile articles such as this month's piece on Charlotte Treasurer Grace Hatton. **Hear Grace in her own words.** Go to the MMA website, click on the 75th Anniversary logo in the upper left corner and follow the directions from there.

Earlier, this year, MMA asked members to nominate people who served their communities in various municipal roles over a long period of time. The response was overwhelming! Dozens of suggestions came in and everyone who was nominated will be recognized at the MMA Annual Convention, Oct. 5-6.

Nine subjects have been chosen for the in-depth oral history and profile project that began in the April edition of the Maine Townsman and runs through December. We hope you enjoy the project.

hammer as well as a welding torch, so the couple started building their homestead right away. Back in those days, every block of wood and piece of lumber available was precious; just about everything available was used.

"We didn't waste a thing," Grace Hatton said. "Every block went up. We built it as we could.

"We moved in on Friday the 13th," she said. "Somebody said, 'You don't want to move in on Friday the 13th.' I didn't even know that was bad – and it turned out pretty well."

The Hattons raised three daughters; all three are college graduates. Sandra Sawyer lives in Charlotte. Another daughter, Nancy Marshall, lives in Princeton, Maine. The other, Linda Sue Schreier, lives in Pennsylvania.

### LEGACY OF SERVICE

Grace Hatton received a call from Charlotte town officials about the Treasurer's position in 1948, when the incumbent treasurer passed away. It was no surprise that the town leaders thought of Hatton – her mother previously had served as Treasurer for 13 years.

She accepted the offer and took a course at Calais High School, just to learn about financial terminology. She

already knew she was good with numbers and details.

The treasurer's job was a fairly easy lift back in the late 1940s and '50s – about two hours a week, plus attending Town Meeting and some selectmen's meetings.

Hatton took to the position right away, viewing it as a serious and important role and a way to keep abreast of the issues and challenges her hometown faced. Her family was encouraging and proud that she held the position. It was common for someone in the family to give Hatton a new typewriter or adding machine as a birthday present.

Over the years, the requirements and expectations grew for a municipal treasurer, even in a small town like

Charlotte (pop. 302). During a good year, the selectmen and town meeting voters recognized this, "and I'd get a little raise," Hatton recalled. Over her 60-year career, Hatton's annual salary grew from \$75 to \$3,500 in 2008.

Most of the time things went smoothly, but every once in a while, an issue would pop up. Back in 1963, Hatton recalled, a uniformed police officer appeared at her doorstep and served a legal "paper" that the Town of Charlotte could face a lawsuit.

A town employee sold town gasoline and had not paid for it, Hatton said, so the selectmen attached his wages for a period of time. The employee tried to oppose that legally but the town prevailed.

Another time, in 1973, Hatton

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deposited a \$100 bill that a bank teller thought might be counterfeit. The bank took the \$100 bill but offered no receipt in return. After a few weeks of uncertainty over that deposit, Hatton and the town learned the \$100 bill was fine after all and the money was deposited.

### A PRICKLY PAIN

But those issues were small potatoes compared to the porcupine duties that pestered Hatton for years.

For roughly her first two decades as Treasurer, the State of Maine had a bounty on porcupines. If you could collect four porcupine feet, no matter

how you managed to do so, the town Treasurer was obliged to pay 50 cents.

About once or twice a week, someone from Charlotte would appear at the Hattons' back porch with porcupine feet in hand, probably looking for a few dollars to buy cigarettes or an adult beverage for the weekend. Hatton disliked counting the feet with the men who brought them but it was part of being a municipal Treasurer, so she did it.

She also had a rule: If someone was one foot short – say, he had 15 feet but needed 16 in order to get \$2 – she would round up the number and pay the \$2. But if the man was two or three

feet short, “then he was going to be the loser, not the town,” she said. The number would be rounded down and \$1.50 would be paid.

Merton Hatton didn't like those visits either because he got roped into part of the work. “I would wrap the feet up in newspapers and my husband would burn them in the wood stove in the garage,” Grace Hatton said.

### HARD BUT REWARDING

Over the years, the Treasurer's workload steadily increased. While the pay wasn't great – Hatton estimates she was paid less than minimum wage, if she calculated the work by the hour – the Hattons got by pretty nicely.

Merton was a heavy equipment operator who repaired cars on weekends and at night. Grace, who went to hair-dressing school as a young woman, cut and styled hair part-time, in addition to performing her municipal duties. Grace also was treasurer for the Charlotte Baptist Church, a post that she held for 62 years.

Today, many municipal officials feel that they are under great scrutiny. Much has been written and said that public distrust is at an all-time high. Hatton isn't so sure. She thinks municipal finances are followed less closely by residents today than they were 40 and 50 years ago.

She recalls testy Town Meetings, especially during lean financial years, when citizens would challenge road spending or how many men the town had on plowing crews.

“Plows weren't so big back then,” Hatton explained. “Hard-working men would walk alongside the snow plows with shovels.

“Everyone worked hard back in those years,” Hatton said. “Money didn't come in so easily.”

By the time she stepped down as municipal Treasurer in 2008, Charlotte had not one but 20 different financial accounts to monitor and balance.

The best part of being Treasurer, Hatton said, was that she kept in tune with town events. That knowledge especially came in handy during Town Meeting each year.

“I was very interested in what they were voting for,” Hatton said. “It would affect our taxes. I was very interested in who wanted things a certain way and why. It was a job. It was time-consuming. But I just loved it.” 



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# LID Approach Manages Growth, Carefully

By Douglas Rooks

Low-impact development, or LID, has become something of a planning mantra in states and cities around the country – and it's beginning to be felt in Maine, too.

The basic concept is pretty simple: To reduce the impact of human-built structures, including roads, parking lots, houses and office buildings, on the environment. The rationale is twofold: To preserve, so far as possible, the natural characteristics of the site; and, to save money, sometimes lots of money, for both developers and the towns and cities where projects are built.

It turns out, though, that the specific applications of LID are varied and diverse. Some are mandatory and regulatory; others are exercises in "visioning" and writing guidelines, and sometimes incentives, for developers concerned about their environmental footprint, or to suit a client's objective.

Reducing the impact of stormwater runoff is one of most prominent and established applications of LID. According to Fred Snow, Community Planning director for the Kennebec Valley Council of Governments, between 20 and 30 percent of the toxic contaminants that show up in groundwater in the shoreland zone are produced by water running off impervious surfaces such as roofs and pavements from single-family dwellings.

So far, the primary focus for stormwater management has been in larger municipalities with heavily developed core areas. The latest version of the federal Clean Water Act makes the retention of stormwater on site a high priority, and suitable regulations are

mandatory in larger cities and towns, such as those in the Greater Portland metro area.

## TOPSHAM'S STANDARD

One town where the stormwater standards are not yet mandatory is Topsham, which is nonetheless incorporating them into its comprehensive plan. New buildings at the Topsham Fair Mall, including Best Buy, have used stormwater-retention systems in their parking lots. That is something that Rod Melanson, a town planner, hopes will become standard.

"We have two impaired streams as defined by the Clean Water Act, and the regulations will probably be extended to smaller communities in the future," he said. In addition to the mall construction, Topsham's new municipal complex uses stormwater-retention systems.

Such systems attempt to minimize infiltration of groundwater off site, and do so with various porous pavement designs along with berms and ditching for periods of rapid runoff. They aren't cheap, Melanson noted, but they are necessary to prevent further deterioration of water quality, particular in urban areas.

Topsham has been revising its comprehensive plan, "and it's clear we're not up to date on stormwater management," he said. The new ordinance will be light on prescription and more focused on results. "On-site investigation is necessary to make these systems work. Every site is different."

Savings from stormwater retention can be considerable. Building massive storm drains and collection systems can easily run into the millions of dollars – and sewage-treatment costs add up quickly, as well.

Snow said KVCOG is trying to focus

smaller towns in the Kennebec Valley on the need to be pro-active, rather than reactive, in reducing development impacts.

In cooperation with the Kennebec County Soil Conservation Service, KVCOG produced a model ordinance for low-impact development in the state-required shoreland zone – often the only form of zoning in rural towns. The model ordinance, completed last year, has not yet been adopted by any owns, but that's not a surprise, Snow said. Town officials have to become familiar with the problems caused by runoff before they're willing to create standards to deal with it, he said.

## DAY'S STORE IN BELGRADE

Some structures have been built or renovated to LID standards, however. One example is in the village of Belgrade Lakes, where a reconstruction of Day's Store shows a number of features suited to its location, just a stone's throw from a lake prized for its salmon and trout fishing.

Snow said that some of the techniques are simple. Porous "pavers," similar to concrete blocks, are applied directly to the soil, and replace the more typical asphalt paving. Another step is to provide "rain gardens," with flowering or perennial plants, which are planted slightly below grade to capture runoff and slow its progression toward adjacent lakes and streams.

The idea is to provide a succession of steps where water is absorbed slowly.

"The natural ground cover and tree cover is ideal, and should be retained wherever possible," Snow said. Where that is not feasible, building and landscape design can help.

The stakes, KVCOG says, are high. Its explanation of the model ordinance says that runoff "can be enough

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

to turn a clear water lake into a lake plagued by algae blooms.”

Another approach to LID is employed by the Beginning with Habitat program housed within the Maine Department of Inland Fisheries and Wildlife. According to Director Steve Walker, Beginning with Habitat is an educational and voluntary program for towns and cities – and one that is starting to show results.

“In Maine, municipalities do most of the planning and have most of the regulations,” Walker said. “That’s why we put our emphasis on working with them.”

Walker and his colleagues have made presentations to more than 100 towns and cities, and the response has often been enthusiastic.

### PROTECTING WATERFRONT

That was the case in Bremen, a small community (pop. 794) in coastal Lincoln County, which organized its first town conservation commission in 2007. Dennis Prior, who chairs the commission, said its inception reflected concerns about growth and its effect on the rural landscape prized by residents.

“We place a high priority on preserving our working waterfront, which in turn depends on protecting the land,” he said.

The conservation commission – like those in most towns in Maine – plays an advisory, but influential, role.

“We’re allowed to provide input to all other town boards,” Prior said. “Whenever an ordinance is considered that involves our mission, we try to be involved.”

The commission’s work was made easier by Bremen’s previous adoption of one of the strictest growth control ordinances in the state. It allows just seven new residential units a year.

“Some years, we’re right up to the cap,” Prior said. “Other years, such as recently, there are a few left over.”

Wildlife is a big attraction for people who live in Bremen, and Prior said the presentations showed the scope of the challenge.

“For some species, it takes a huge amount of uninterrupted land—500,000 acres or more,” he said. “What does it take to keep wildlife here?”

The town has begun mapping its wildlife corridors – blocks of open space necessary to facilitate migration

and other annual cycles.

Bremen may also be unique in passing an ordinance that doubles the setbacks contained in state shoreland zoning rules. Prior said townspeople see it as a form of insurance.

### ‘QUITE SIMPLE’

At IF&W Steve Walker said there are a variety of techniques that benefit not only wildlife but the entire ecosystems needed to maintain healthy populations.

“Some of them are quite simple,” he said. “Knowing what you have is definitely the place to start.”

In all, there are 213 species “of concern,” which is different from state and federal threatened and endan-

gered species status. Rather than wait until a species is endangered, the state tries to track populations that are significantly declining and devise protection strategies.

Beginning with Habitat has focused on fast-growing York and Cumberland counties, and to some degree on municipalities in Greater Bangor, because that’s where the most development pressure has been.

One community with significant growth pressure that’s tried to stay ahead of the curve is Freeport. This fast-growing town has experienced significant commercial and residential development pressure. One response has been to incorporate wildlife habitat mapping into the comprehensive

## MUNICIPALITIES USING LOW IMPACT DEVELOPMENT

- Open Space or Natural Resources plan: Bremen, Brunswick, Eliot, Falmouth, Freeport, Hallowell, Harpswell, Holden, Poland, Raymond, Readfield, Topsham, Woodstock (in progress), Yarmouth
- Ordinances, including conservation zoning, that reduce development impacts: Freeport, Falmouth, Brunswick
- Open space acquisition programs: Falmouth, Wells, Scarborough
- Wetland ordinances exceeding state standards: Bremen

Source: Maine Association of Conservation Commissions



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plan.

According to Town Planner Donna Larson, the maps are advisory, and don't require any specific actions on the part of developers. "They're a resource, and something we think people need to know about," she said.

They can be a tool for neighbors of proposed projects as well as those building them, she said. In some cases, rules have had an effect not necessarily on where projects are sited, but how they are built.

A few years ago, a state-mapped bald eagle nest was found within the boundaries of a proposed subdivision in Freeport. "They had to limit construction during the periods the eagles were being fledged," Larson said. "That was one accommodation that was required."

### CHANGES IN SCARBOROUGH

Earlier planning techniques can also have a bearing on LID strategies, with Scarborough providing a good example. Nearly 10 years ago, the town considered, and finally approved, a "Great American Neighborhood" development called Dunstan Crossing. It

planned to feature smaller lots, more open space, and – eventually – a small retail and office center.

This "Smart Growth" plan has proven fairly popular with homebuyers, despite the prolonged recession, said Town Planner Dan Bacon. The developer sold out one townhouse complex and is beginning another. A similar development, Eastern Village, has been started in the Oak Hill area, close to the center of town.

Scarborough can expect more such development, now that its low-density residential zones, which originally called for two-acre lots, require at least one acre of open space per dwelling.

"It definitely reduces the impact, and the costs," Bacon said. "Developers like it because they can build shorter roads. Homeowners like it because they have woods in the back yard, rather than another house."

Scarborough voters have also been concerned enough about the impact of development that they passed three bond issues to acquire open space. The bonds, passed in 2000, 2003 and 2009, total \$4.5 million. The money has gone to a variety of purposes,

including the purchase of 513 acres on eight separate sites. The largest, a 434-property known as Broadturn Farm, is a community-supported agriculture project that also includes restoration of barns and other buildings.

Scarborough also purchased an agricultural conservation easement on 13-acre Frith Farm. Town Manager Tom Hall said he expects easement purchases to become more frequent as a way of stretching revenue from the bond issues. [\[M\]](#)

## RESOURCES

There are a number of sources of information for towns seeking to pursue low-impact development.

For wildlife habitat and open space preservation, see: [www.beginningwith-habitat.org](http://www.beginningwith-habitat.org)

For stormwater runoff and non-point pollution, see the Nonpoint Education for Municipal Officials site at: [www.maineemo.org](http://www.maineemo.org)

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# So. Portland's Gibson Rewards His Customers

By Eric Conrad, Director of Communication  
& Educational Services, MMA

M.L. "Jack" Gibson remembers the early days, out on the road with a vintage 1929 tar truck, trying to drum up paving business any way and anywhere he could.

The era was the mid-1940s and Gibson latched onto something that most other tar and paving companies in Maine hadn't thought much about yet: Paving driveways. There wasn't as much money in driveways as there was paving highways and roads, but it was a start. Gibson, still well shy of 21 years of age, was onto something.

"There was hardly any competition paving driveways," he said. "It was something new."

That lasted until 1950, when the Korean War began – and Gibson was drafted. He served two years in the U.S. Army Corps of Engineers and, when he returned to South Portland, his driveway-paving business essentially was gone.

"Nobody remembered me," he said, during an interview last month at his

Scarborough real estate firm, Gibson Realty LLC. "I had to start over again."

Just to complicate things a little more, Gibson was married in June 1953.

A few lean years later, there was another bad break: A new employee of Gibson's had the old truck loaded with twice as much tar as it could carry. When the driver tried to lift the load to spread the tar, the truck's hydraulic cylinder broke. Embarrassed and frustrated, the employee let the truck sit on Gibson's lot overnight – and the tar turned rock hard.

Finally, his luck started to change. A fellow contractor agreed to have one of his employees with a jackhammer get the rock out of Gibson's truck. Meanwhile, a repair shop agreed to weld the hydraulic cylinder back together – and told Gibson he could pay his bill over time.

While he was waiting for the cylinder to be repaired, an employee of Sullivan & Tripp saw the truck and asked

Gibson if he'd like to join their team, helping to pave driveways and parking areas. The offer represented steady money, so Gibson agreed.

## FIRST MUNICIPAL PROJECT

In 1957, M.L. Gibson Contracting was renamed Commercial Paving. The company landed its first municipal contract – doing road work in the Town of Oxford. The project went well, so neighboring Otisfield hired Gibson next.

The rest, they say, is Maine paving history.

Gibson owned and operated Commercial Paving for 47 years, until it was sold in 2004. Over that period, Gibson did paving work for large-scale projects, such as hauling hot mix to build the Maine Turnpike and paving at the former Loring Air Force Base. He also compiled an extensive municipal portfolio; some 174 town and cities hired Commercial Paving over the years for any number of road projects.

When former Washburn Town Manager Milford "Miff" Blackstone hired Commercial Paving for a large project, Gibson knew he'd turned a corner.

"I said to my wife (the late Susan Gibson), 'We're having a successful year. We're going to make \$7,400 this year and I think we can do it every year,' Gibson recalled. "Can you imagine that – \$7,400!"

The paving business had solidified but was still prone to the ups and downs of the economy – and municipal and state budgets. So in 1964, Gibson ventured into commercial real estate in the now heavily developed area near U.S. 1 at the South Portland and Scarborough line.

"Real estate was a safety valve for me," said Gibson.



M.L. "Jack" Gibson sits next to replica of the 1929 tar truck that helped launch his successful career in paving and real estate. (Photo by Eric Conrad)

This time, success would come quickly. Not long after buying his first building on Lincoln Street Extension in South Portland, a John Deere dealership signed a five-year lease. Today, Gibson owns and leases many commercial buildings on 22 acres in the area.

But many of Gibson's fondest memories involve working with and for Maine municipalities, especially in Aroostook County: Mapleton, Mars Hill, Fort Kent and Ashland, to name a few.

### GIVING BACK

Last month, Gibson sent letters to 12 municipalities saying he would offer each of them \$10,000 grants during the next year, presuming the towns are interested and identify a priority that Gibson, personally, will review. While Gibson has a preference for projects that will serve children, help the elderly or involve community centers, he is open to other needs cited by the towns as well.

"I have not forgotten the loyalty and trust afforded me by the municipal officials and taxpayers of your community," Gibson's letters said. "Due to the present economic conditions, I feel it might be an appropriate time to institute this

program."

Gibson said the idea of giving back to Maine towns and cities came to him after reading so many newspaper accounts of towns and cities facing tough choices between providing important community services or raising property taxes.

"I realized that if it wasn't for the loyalty I was afforded by the municipalities, we never would have grown the way we did," he said.

If the first year of his program goes well, Gibson would like to extend the offers to 12 more municipalities during a second year, and so on. He hopes that other Maine businesses that work with municipalities will inquire about his program.

This is by no means Gibson's first philanthropic venture. He is an annual benefactor to Maine Medical Center in Portland and the hospital's cancer-treatment floor, the Marshall L. and Susan Gibson Pavilion, is named after Gibson and his first wife, who died of cancer. Gibson also volunteers at the hospital every Sunday.

Gibson credits his success to believing in some time-honored truth about business: Offer better quality than your

competitors; have fun on the job; and, build a good reputation at all costs, especially in a small state like Maine. If you earn the trust of Mainers, they will reward you, stay with you and treat you well.

He credits his penchant for philanthropy to his parents.

"I remember when times were tough for everyone," he said. "No one had much but I saw my parents sharing with our neighbors and their families, and they would share with our family in return. I think I came by it naturally." 

### ABOUT THE PROGRAM

M.L. "Jack" Gibson has set up his grant-giving project by establishing "The Marshall L. Gibson and Ruth-Anne Gibson Municipal Charitable Program." He welcomes questions and communication about the project. He also would welcome inquiries from businesses that work with municipalities and may want to participate. Mr. Gibson can be reached at 207-761-0550 or [mgibson@maine.rr.com](mailto:mgibson@maine.rr.com). Steven Tenney of UBS Financial Services in Portland is working with Mr. Gibson in administering the program.

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# Leadership Strategies From Man's Best Friend

By Mary Kelly

We live in a world that requires rapid responses, wise decisions and strategic management of our resources. Leaders today have to be able to simultaneously manage multi-tasks, juggle personnel, garner public support and manage to have a picturesque home life, all while looking good.

Working with people and getting them to do what you want is a vital component to running any successful organization, both in business and in government.

Leadership is the key when countries fail or businesses succeed. In all realms of leadership, there are guiding principles. In today's political arena, it can be a dog-eat-dog (although this would be very bad behavior) world.

There are thousands of books on the market about how to lead people. Some classics have been around for hundreds of years, or maybe it just seems that way. But the problems facing managers and leaders today call for a different approach.

"Work ethics seem to have gone out the window."

"No one seems to care anymore about what we do here."

"Generation X and Y don't talk to each other."

---

*Mary C. Kelly, PhD is CEO of Productive Leaders, based out of Dallas, Texas. Author of "Master Your World: 10 Dog-Inspired Leadership Lessons to Improve Productivity, Profits and Communication," she retired from active duty in the U.S. Navy as a commander and is a professor at the U.S. Air Force Academy and Hawaii Pacific University. Mary loves contact and can be reached at 443-995-8663 (o/m), Mary@ProductiveLeaders.com or at www.ProductiveLeaders.com.*

Sound familiar? These and other complaints reflect real problems, and they manifest themselves in lost productivity, employee frustration, diminished communication and slow or mixed responses back to citizens – our customers. What is a manager or leader to do?

*Leadership Lessons from the Dog* employs a systematic approach that works with people from diverse backgrounds, of all ages, at all levels of the organization, and, of course, with all dog breeds.

The following three Executive Strategies are keys to remember when dealing with people at work, in the field, at home – and with the dog.

**1. Reward good behavior.** It sounds so easy and so simple, yet most managers don't reward people when they do great work. Most supervisors provide only the required yearly feedback, repeating tired lines about how valued the employee is to the organization. A year later, the process gets repeated, with very little feedback. After 20 years, maybe a pin is included with the debriefing.

The rest of the time, employees are generally ignored by their managers unless there is a major problem. In many organizations, "feedback" is synonymous with negative counseling. How often have you been asked to go see the boss? Was your first reaction a delighted "Yippee!" followed by wild enthusiasm? Probably not.

Good behavior is seldom rewarded or acknowledged as it should be. Positive reinforcement is sadly lacking by many managers.

Rewarding employees is best if it is for a specific action, is meaningful to the employee and does not come at the expense of others. (I don't love

Employee of the Month type competitions, because it pits people against each other.) Saying thank you and acknowledging the contribution is more important than a material token of appreciation, but if you can actually reward someone tangibly, that is fantastic.

A few suggestions for rewarding employees:

- Time off.
- Cash.
- Public recognition or profiling.
- Gifts such as mugs, pens, \$20 gift certificates to Walgreens or Starbucks, or anything personalized.
- More training opportunities to help employees advance.
- Help them get promoted by endorsing them.
- Bring in lunch for the team.
- Write a thank you note.

When gifting, people need to feel as though the reward is about them. Giving a non-sports fan a pair of Sea Dogs tickets isn't much of a reward.

Go ahead and ask your friends at your next social gathering: "How many people in your workplace feel their efforts are appreciated? If people work hard are they somehow rewarded for their results? Or, do hard workers just get more work?"

A manager's natural inclination is to give the people who always get good results the hardest and most visible projects. When you really need something done right, on time, and within budget, you give it to John, your hard-working, reliable worker, even though it is Steve's job.

The people who do the terrific work often get punished by being assigned more work, while paradoxically, those who don't do their jobs as they should get rewarded with fewer

responsibilities and easier schedules.

This is unfair, both to the reliable worker and the co-worker who is not pulling his fair share. How do we fix the problem? We take a training lesson from our dogs.

When training my puppy I say "sit" while maneuvering her squirming furry form into a sitting position. Then she gets a treat. I repeat the process. Within days (she figured this treat idea out FAST) she knew what to do. If she sat when I said "sit" right away, she got a treat.

Once she learned to associate the right behavior with a treat, she only got a treat IF she accomplished the behavior (sit when asked). If she doesn't sit, I help her into a sit while reminding her that this position is a "sit." But no treat. She learned quickly that treats are delivered only when she does the right thing at the right time. Process gets repeated and repeated. So now she knows exactly what is expected of her. And she does it because her good behavior gets rewarded. So now I can depend on her to sit when I ask. Training is completed, expectations are clear and rewards are given.

Frequently, however, we don't ap-

ply rewards to people. We forget to verbally thank them for doing a good job. We don't write the note to show appreciation. We neglect to inform them that what they are doing is correct, noticed and appreciated. In-

stead, what usually happens? When people work hard and are dependable, they are the first to get tasked with doing more work. This leads to Strategy No. 2.

**2. Don't reward bad behavior.** This

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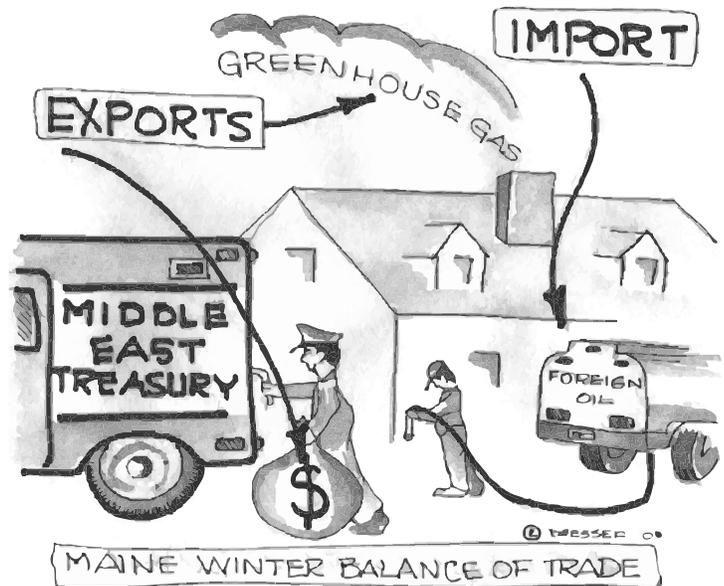
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sounds simple but in the workplace, it's difficult. When employees are not performing the way they should, they are often ignored, rather than sent for training or (gently) corrected on the spot.

Many times supervisors don't take actions to remedy poor performance. Why? Because it is easier not to take any action at all. Some managers don't counsel or train employees when they

see a problem because they: a) hope the performance will get better on its own; b) are afraid of confrontation; c) are afraid of not being popular or liked by the employees; d) fear of escalation of the workplace tension; or e) hope (mistakenly) that the bad behavior will stop on its own. Unfortunately, not only is this a fainthearted management practice, but it is unfair to the employee. How are employees

supposed to know that what they are doing is wrong if their supervisors don't tell them?

If you continue to allow Martha to show up 30 minutes late, not deliver on projects and annoy constituents, will she perform better tomorrow? Next week? Without providing feedback that alerts her to poor performance ("Martha, I'd like you to show up at 8 a.m. with everyone else.") it is unreasonable to expect her to know that what she is doing is wrong. Who knows? Maybe when Martha first arrived, she was told to show up at 8:30 a.m.

We don't expect dogs to know better unless we teach them, and it is not much different for people.

Rottweilers, pit bulls and Dobermans are big dogs and therefore, they are generally trained because their (responsible) owners know they must train them. People think they can be dangerous because they are large, have big teeth and are often portrayed in movies as vicious attack dogs.

I confess I am more afraid of an unknown Chihuahua than a Doberman. Why? A Chihuahua lives much of its life in someone's purse. When it gets scared, it barks or shakes (practically all the time) and the dog's owner's natural reaction is to pick up the quivering canine and reassure it



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*Mary E. Calabrese  
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by petting its tiny little head, saying "That's all right, Godzilla," even while the Chihuahua bares its teeth and growls.

That is not OK behavior by either the dog or its owner. The owner is reinforcing the undesired behavior, and that same owner is then surprised when the dog does more growling, barking and snarling. (I do really like Chihuahuas, by the way.)

The point is that a Chihuahua's bad behavior gets reinforced more frequently than bad behavior by a Doberman, so therefore the little dog does more barking and snarling. Dogs respond to incentives, both good and bad. People do too.

A worker has a right to know if what he or she is doing is not up to standards. By allowing unacceptable behavior to continue, the manager is tacitly approving poor performance, which encourages more substandard behavior. It also sends the message to other employees that there is little incentive to strive for good work.

As a leader, guiding people who are not doing what you want wastes both time and resources. Few of us have an excess of either.

My dog trainer reiterates this principle. Rewarding or allowing bad behavior creates more of the same. You get what you reward. The key to good performance is to reward good behavior and gently (if possible) correct bad behavior, every time. This leads to Strategy No. 3.

**3. Be consistent.** This is the toughest rule to apply, because to be a really good leader you have to do it all the time. One of the major complaints from employees is that organizations and managers randomly enforce rules. Lack of consistency creates uncertainty, confusion, disorder and disdain.

Some great advice from my dog's breeder: "There is no 'sometimes' in a dog's life."

For example: You cuddle with your new St. Bernard puppy, Tiny, on the couch for the first six months of the dog's life. You pet the puppy on the couch and you watch TV together and life is grand. Then you suddenly realize that you don't want a 150-pound St. Bernard dog on your couch when grandma comes to visit. When the dog jumps on the couch to cuddle with Grandma Polly, you yell at

the dog. This I patently unfair to the dog and the dog is rightfully confused and frustrated with your guidance and direction. "How is this wrong when you told me it was OK yesterday? And it was OK for these past six months? In fact, you taught me to jump on the couch!"

There is no "sometimes" in a dog's life. If you don't want the 150-pound dog to be on the couch, don't let the 20-pound puppy on the couch.

The complaint is the same for people. "How is this suddenly wrong when I've been doing my job this way for six months?" Applying the standards fairly is part of being a good leader. That doesn't mean there aren't exceptions, but good managers

know when exceptions are warranted. If you don't want Martha coming in late, let her know right away, not six months into the job. Don't wait until performance-appraisal time to tell her what you should have told her on the second day.

So when people do their jobs well, look for ways to reward them. When employees don't do their jobs as expected, managers should first make sure that the employees understand what is expected of them. Have they been properly trained? Do they have the tools needed to successfully complete the task? Then leaders try to help employees find the right way to perform. Leaders have to do this all the time. me



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# Voters Jittery About Economic Outlook

By Liz Chapman Mockler

Town meeting voters in May and June expressed concern about the state and national economies and pared municipal budgets in an effort to hold down taxes. Towns also are dealing with funding losses from both state and federal sources.

Still, despite continued financial certainty, Mainers in some communities also approved borrowing or otherwise moving forward with major infrastructure work they decided should not be delayed.

The residents of **Wilton** voted to turn off one-third, or 103, of the town's street lights after cutting that line item by 42 percent. Meanwhile, **Readfield** voters, by a narrow margin of 424-419, abolished the town's Public Works Department, which was created four years ago as a regional effort among several central Maine towns.

A second vote will be taken by Readfield residents in September, after a group of supporters gathered enough signatures to force a new vote on the matter.

In **Greenville**, residents rejected a three-year grant to hire and train an additional police officer, since they weren't sure they could carry the cost alone once the grant has expired – a condition of getting the federal aid.

A number of small towns also have rejected the police grants as the economy is still sluggish and voters were unwilling to bet on being able to fully fund the new positions with municipal revenues.

## ON THE TIGHT SIDE

In many other towns in June, voters cut large spending items in order to

prevent or slow an increase in property taxes. Among them:

In **Alfred**, voters overwhelmingly rejected a proposal to spend up to \$100,000 to make traffic improvements in the village. All projects included in the proposal would have improved safety for pedestrians and drivers and represented months of work between Alfred selectmen and its Village Study Group.

**Waterboro** voters told selectmen they need to resolve \$66,000 in overdrawn accounts for the fiscal year that ended June 30 without additional taxpayer help. Voters instructed selectmen to find other ways to cover overspending in some departments; officials were hopeful enough departments under-spent their budgets sufficiently to cover the overdrawn amounts.

**Greenville** residents easily defeated a proposal to install a biomass boiler

at the town's middle/high school, despite winning a \$750,000 federal grant toward the total estimated cost of \$2.5 million.

A proposal to build a new athletic facility in **Freeport** to serve the town and its neighbors, **Durham** and **Pownal**, was ultimately defeated after voters in Durham and Pownal disagreed with Freeport residents and denied the \$3 million project.

**Falmouth** voters were also tight-fisted with tax dollars, voting down a \$5.65 million plan to renovate two elementary schools.

Numerous towns debated options for the future of scores of elementary schools, left vacant as the state, under former Gov. John Baldacci, forced school districts to further consolidate.

Some voters opted to renovate the schools, while others voted to sell them, keep them open or close them.

Eighty percent of **Gorham** voters

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*Liz Chapman Mockler is a freelance writer and editor from Augusta, [lizmockler@hotmail.com](mailto:lizmockler@hotmail.com)*

denied a request to borrow \$3 million to build a synthetic-turf athletic field, as well as improving the town's elementary school and public safety building.

"Voters are really voting their anxieties about the economy in these elections," Charles Colgan, an economist at the Maine Center for Business and Economic Research at the University of Southern Maine, told the Portland Press Herald.

"They may not be saying these are bad ideas, they just don't think now is the time" to spend the money, Colgan said.

### MOVING AHEAD

In some cases town meeting voters endorsed already-tight municipal budgets and added new batches of building moratoriums, ordinances and regulations.

Overall, the May **Oakland** town meeting went well, Manager Peter Nielsen said. Although cuts and changes were made in the budget, voters most often sided with the recommendations of the town council rather than the budget panel, which tends to be more conservative, Nielsen said.

The \$4.3 million municipal budget included \$12,500 for the second straight year for continued planning of a new municipal complex that would house the town office, police and fire stations.

Residents will vote in November on the estimated \$4 million project, but the planning money approved by the past two town meetings is a good sign for the project, Nielsen said.

This year's municipal budget increased the property tax rate by 12 cents per \$1,000 in value.

"Due to the uncertainty of the economy, is there ever going to be a good year" to move forward with a major project? Nielsen asked. He said officials and residents alike debated. "I think in Oakland, the voters have been historically supportive of the council's programs and that continued this year," he said.

Other towns that passed proposed budgets with little fanfare included: **Lincolnton** (\$1.75 million); **Georgetown** (\$1.3 million); **Bowdoinham** (\$1.4 million); **Bethel** (\$3.4 million); and, **Machias** (\$1.8 million).

The Town of **Oxford** passed its \$3.18 million budget in 22 minutes, perhaps the fastest town meeting in

Maine in 2011. Last year, Oxford voters took 15 minutes to whiz through the town meeting warrant.

Voters in some towns endorsed capital projects. They included: a new salt-and-sand shed for **Northport** for \$289,000; a new \$350,000 fish pier in **Wiscasset**; a new \$261,000 fire truck for **Westport Island**; a new, \$300,000 fire truck for **Newcastle**. Voters in **Otisfield** agreed to continue the design and permitting phases for a new \$350,000 public work garage. In **Norway**, voters agreed to spend \$427,500 in capital improvement projects, including buying a new fire truck, highway grader and continuing local road repairs.

### WIND A HOT TOPIC

As has become normal in many

Maine municipalities, voters were asked to decide on proposed moratoriums or ordinances regarding controversial projects.

**Lincolnton** voters endorsed a moratorium on medical marijuana facilities, while **Freedom** residents favored a moratorium on new commercial and industrial development and **Rumford** and **Dixfield** residents rejected a moratorium on wind development.

Hope voters approved a wind moratorium, but also an ordinance allowing liquor sales. Meanwhile **Eliot** and **Dresden** voters endorsed ordinances regulating so-called "strip clubs."

In **Phillips**, voters retained the town meeting-manager form of government. They also endorsed a new recall process to remove elected officials. [\[m\]](#)



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## Keynote – Scott Paine

### Municipal Leadership in the 'New Normal'

**Wednesday, October 5 – 8:45-10:15 a.m.**

Our special guest and keynote speaker is Dr. Scott C. Paine, a former City Councilor from Tampa, Fla. who is a widely recognized expert on local government leadership, the ever-changing cultural and political moods of our country and the communications revolution. Dr. Paine, who chaired the Communications Department at the University of Tampa, believes a lifetime of municipal service is among the highest callings one can pursue. And the challenge of leading a community has never been more difficult than it is now.



## You Won the Election, Now What?

**Wednesday, October 5 – 10:30-11:50 a.m. SPECIAL SESSION!**

**Elected Officials:** This session, coordinated with the National League of Cities, provides the “seven key tools” that all officials – from the newly elected to the long-timers – need to lead their communities after waging successful election campaigns. How will you handle constituents pressing for more services? How can you accommodate the demands for your time? Learn the skills necessary to achieve your goals in office.

**Presenter: Christine Piven, Director of Scheduling, City of Philadelphia, Penna.**



## Why Municipal Government Works Best

**Thursday, October 6 – 8:45-10:00 a.m. SPECIAL SESSION!**

**Elected Officials:** Please join renowned Canadian Economist Dr. Brian Lee Crowley as he shares his country's costly and failed efforts to force municipalities to regionalize – or “amalgamate,” as Canadians would call it. Crowley, a well-known television commentator and political expert in Ottawa, explains why municipalities are by far the most cost-effective, efficient level of government – and he has the data to prove it!

**Presenter: Dr. Brian Lee Crowley, Managing Director, MacDonald-Laurier Institute, Ottawa, Canada.**



## How to Manage Conflict and Differences

**Thursday, October 6 – 10:15-11:50 a.m. SPECIAL SESSION!**

**Elected Officials:** Discover the difference between slow and fast-acting councils and select boards in relation to learning, synergy and making good decisions. Examine board communication and collaboration along a continuum of efficiency and value. How to move beyond, “If only \_\_\_\_\_ wasn't on the board, we'd be more effective.”

**Presenter: Dr. Neil Katz, Professor Emeritus, Maxwell School of Citizenship and Public Affairs, Syracuse University, Syracuse, N.Y.**

# 2011 MMA Convention

## General Sessions & Events (preliminary)

Wednesday, October 5, 2011

**7:30 a.m. Registration**

**7:30-8:30 a.m. Continental Breakfast in Exhibit Area**

**8:45-10:15 a.m.**

### WELCOME AND KEYNOTE

#### Municipal Leadership in the 'New Normal'

Our special guest and keynote speaker is Scott C. Paine, a former City Councilor from Tampa, Fla. who is a widely recognized expert on local government leadership, the ever-changing cultural and political moods of our country and the communications revolution. Dr. Paine, who chaired the Communication Department at the University of Tampa, believes a lifetime of municipal service is among the highest callings one can pursue. And the challenge of leading a community has never been more difficult than it is now.

**10:15-10:30 a.m. Break & Time with Exhibitors**

**10:30-11:50 a.m. SPECIAL SESSION!**

#### You Won the Election, Now What?

**Elected Officials:** This session, coordinated with the National League of Cities, provides the "seven key tools" that all officials – from the newly elected to the long-timers – need to lead their communities after waging successful election campaigns. How will you handle constituents pressing for more services? How can you accommodate the demands for your time? Learn the skills necessary to ensure that will achieve your goals in office.

*Presenter:* Christine Piven, Director of Scheduling, City of Philadelphia.

**10:30-11:50 a.m. CONCURRENT SESSIONS**

#### Understanding Your Audit

**Money & Finance:** Every municipality in Maine is required to undergo and produce an annual audit but that doesn't mean the process and results are necessarily easy to understand. Our experts provide tips on the audit process, how to analyze the results and what "red flags" to watch out for – before, during and after your audit is complete.

*Presenters:* Ron Smith, RHR Smith, Buxton; John S. Eldridge III, Tax Collector & Treasurer, Town of Brunswick.

#### Who's on First? The Current State of MUBEC

The recent legislative session left the statewide building code in a confusing and even contradictory status, particularly for municipalities under 4,000 in population. The presenters for this session will review the options now available to those towns and cities when the just-enacted legislation goes into effect in September and then engage with the audience with respect to what should be in the MUBEC "fix-up" legislation presented to the Legislature next January.

*Presenters:* Geoffrey Herman, Director of State and Federal Relations, MMA; Tony Levesque, Code Enforcement Officer, Building/Plumbing Inspector, Fort Fairfield; Glen Ridley, Certified MUBEC Third Party Inspector, Deputy Road Commissioner and former Selectman, Litchfield; Rebecca Warren Seel, Senior Staff Attorney, MMA; Member of the MUBEC Technical Building Codes and Standards Board (TBA)

**11:50 a.m.-Noon Break & Time with Exhibitors**

**Noon-1:30 p.m. 75<sup>th</sup> ANNIVERSARY LUNCHEON!**  
Awards, incoming MMA President and recognition of Past Presidents.

**1:30-1:45 p.m. Break & Time with Exhibitors**

**1:45-2:45 p.m. CONCURRENT SESSIONS**

#### Say You Want a (Communication) Revolution? Well, You Know...

**Elected Officials:** How can selectmen, councilors and managers keep their eyes on running efficient, effective local governments and stay up with all the Tweeting, Facebook posting, website updating and instant messaging that's going on? Here is a candid, analytical look at the 21st Century communication revolution that's changing the world – and your hometown.

*Presenter:* Dr. Scott C. Paine, Professor, Communication Department, University of Tampa, Fla.

(\*People who attend this workshop may also wish to attend "Social Media in the Workplace" on Thursday.)

#### Wrongful Termination & Harassment

**Human Resources:** Tight and even declining municipal budgets force managers and elected officials to make decisions about layoffs, reducing employee benefits and spreading more work around. Yet, these matters have to be handled properly and even delicately. Our experts offer useful advice.

*Presenters:* Chris McCauley, Property & Casualty Claims Supervisor, MMA Risk Management Services; Victoria Morales, Esq., Thompson & Bowie; Mark V. Franco, Esq., Thompson & Bowie.

#### Microsoft Excel Training: Tips & Tricks

**Online Training Demo:** Representatives from New Horizons, one of MMA's new, online-training partners, will demonstrate an online course on the top 10 tips and tricks in using Microsoft Excel. This is an exciting opportunity for attendees to experience and "test drive" the online-training environment.

**2:45-3:15 p.m. TOUR OF MMA**

Stroll over to the MMA building for a guided tour!

**2:45-3:15 p.m. Break & Time with Exhibitors**

**3:15-4:15 p.m. CONCURRENT PANELS**

#### Citizen Education & the Municipal Literacy Project

**Elected Officials:** Last year, MMA, the City of Saco and Jobs for Maine's Graduates (JMG) used a \$5,000 Maine Community Foundation grant to launch a pilot high school civics project aimed at municipal government. This year, JMG expanded that to 59 more high schools across the state. Learn about the project and how it is changing the way young people view local government.

*Moderator:* Eric Conrad, Director of Communication & Educational Services, MMA; *Presenters:* Stephanie Weaver, Tax Collector, City of Saco; Kimberley Lipp, Jobs for Maine's Graduates; Hope Hall, journalism teacher, Thornton Academy.

## Not Your Father's Health Care System

**Money & Finance:** Or your mother's. Or your grandparents'. Our panel highlights the whirlwind changes and proposals surrounding health-care quality and access in Maine and health-care benefits, which are the most important and costly benefits that municipalities provide employees.

*Moderator:* Steve Gove, Director, Maine Municipal Employees Health Trust, Deputy Director, MMA; *Presenters:* Elizabeth Mitchell, CEO, Maine Health Management Coalition; Frank Johnson, Executive Director, Maine Division of Employee Health & Benefits; Dr. Daniel P. Landry, MD, Spectrum Medical Group.

## Rolling out Broadband

**Technology:** Many rural communities in Maine are about to gain expanded access, technical assistance and education about the benefits of broadband Internet service, part of major federal grants awarded in 2010. Come meet with the ConnectME staff and other project experts as they foreshadow the advancements that lie ahead.

*Presenters:* Phil Lindley, Executive Director, ConnectME Authority; Lisa Leahy, Associate Executive Director, ConnectME Authority.

## Evaluating Town and City Managers

**Online Training Demo:** Join MMA and its new web-training partner, MyPlaceToLearn, for a combination workshop and webinar demonstration – a first at an MMA Convention! This helpful session explains what to include, and what to avoid, in doing municipal managers' evaluations.

*Presenter:* Caryn Tilton, President and CEO, My Place to Learn, Inc.

## E-Learning: A Virtual Classroom!

**Wednesday, October 5 and Thursday, October 6**

**8:00 a.m.-11:50 a.m.; 1:30 p.m.-3 p.m.**

Please join us in our Technology Center during these times to sample MMA's new E-Learning Center. Representatives from MMA and its web-training partners, MyPlaceToLearn and New Horizons, will be available to answer questions about cost-effective online training opportunities and to help you "test drive" e-learning courses. (*Laptops are also available for attendees to check email or access the Internet.*)

## 4:15-6:00 p.m. 75th ANNIVERSARY CONCERT AND A CELEBRATION OF MAINE FOOD

Member Appreciation Reception and Concert by Downeast Brass Quintet – Exhibit Area

## 6:00-6:30 p.m. Fireworks Demonstration

Celebrate the MMA Convention, literally, with a bang! Our professional demonstrators show what commercially available fireworks have long been legal in Maine and which ones will become legal under a new state law that expands the types of fireworks that can be bought, sold and discharged.

## 6:30 p.m. Networking Dinner on Your Own

(Information Available at Registration Desk)

# Thursday, October 6, 2011

## 7:00 a.m. Registration

## 7:15-8:30 a.m. Breakfast Buffet

75<sup>th</sup> Anniversary Breakfast Buffet in the Exhibit Area

## 8:00-8:30 a.m. MMA Business Meeting

## 8:45-10:00 a.m. SPECIAL SESSION!

### Why Municipal Government Works Best

**Elected Officials:** Please join renowned Canadian Economist Dr. Brian Lee Crowley as he shares his country's costly and failed efforts to force municipalities to regionalize – or "amalgamate," as Canadians would call it. Dr. Crowley, a well-known television commentator and political expert in Ottawa, explains why municipalities are by far the most cost-effective, efficient level of government – and he has the data to prove it!

*Presenter:* Dr. Brian Lee Crowley, Managing Director, MacDonald-Laurier Institute, Ottawa, Canada.

## 9:00-10:00 a.m. CONCURRENT SESSIONS

### Online Accounts: How Safe Is Your Money?

**Money & Finance:** More municipal money than ever before is being deposited and withdrawn electronically, with the strokes of a few keys and the click of a mouse. Here are some hands-on ways to ease your comfort around online banking and accounting, with special tips for elected officials.

*Presenters:* Robert N. Brown, Jr., CPA, CFE, The CPA Solution, Bangor; Jennifer Seekins, Vice President for Treasury and Payment Services, Bangor Savings Bank.

### The Maine FOA Law – And You

This year's legislative session saw a number of bills introduced that would amend the Freedom of Access Act (FOAA), including LD 1465, which would radically change the current disclosure requirements, including requiring immediate responses to certain requests. Ultimately, the bill was

carried over to the second session. The Right to Know Advisory Committee will review the bill and make recommendations to the Judiciary Committee in early 2012. Panelists for this session will share their understanding of the current law and insight into how LD 1465 would affect various stakeholders.

*Panelists:* Greg Connors, Legislative Advocate, Maine Municipal Association; Dana Lee, Consultant, Lee Facilitation Services and former Town Manager of Mechanic Falls and Poland; Harry Pringle, Esq., Managing Director at Drummond Woodsum, Right to Know Advisory Committee member; Judy Meyer, Lewiston Sun Journal Managing Editor, Right to Know Advisory Committee member.

## 10:00-10:15 a.m. Break & Time with Exhibitors

## 10:15-11:50 a.m. SPECIAL SESSION!

### Managing Conflicts and Differences

**Elected Officials:** Discover the difference between slow and fast-acting councils and select boards in relation to learning, synergy and making good decisions. Examine board communication and collaboration along a continuum of efficiency and value. How to move beyond, "If only \_\_\_\_\_ wasn't on the board, we'd be more effective."

*Presenter:* Dr. Neil Katz, Chair of the Graduate Department of Conflict Analysis and Resolution, Nova Southeastern University, Fort Lauderdale, Fla.

## 10:15-11:50 a.m. CONCURRENT SESSIONS

### Capital Investment in Tough Times

**Money & Finance:** Planning and setting aside money for inevitable capital investments is difficult during a period when municipal leaders are turning over every rock for financial savings. Still, it can be done with prudent decision-making, priority setting and a communication strategy.

*Presenters:* Shana Cook Mueller, Attorney, Bernstein Shur, Portland; Robert Yandow, Manager, Town of York; David Hughes, Physical Engineer, Woodard & Curran.

## Social Media in the Municipal Workplace

**Human Resources:** Maine municipalities are using social media as a way to inform the public about events, and to foster economic development. With strategic messaging and within certain parameters, it can be highly effective. But it also poses questions: What do you do when a new employee spends too much time texting his friends? Or, when an office worker updates her Facebook page on municipal time? Here's a hands-on, manager-level workshop on the pros and cons of using social media in the municipal realm.

*Presenters:* Scott Paine, Professor, Communication Department, University of Tampa; Michelle Beal, Manager, City of Ellsworth; Peter Lowe, Attorney, Brann & Isaacson, Lewiston.

## Implementing the Repeal of Same Day Voter Registration

**Elected Officials:** On September 28, 2011 Maine's historic same day voter registration law may be repealed. At issue is whether efforts to collect the signatures necessary to initiate a people's veto are successful, thereby suspending final enactment of the repeal law and setting the stage for a referendum vote on the matter either on November 8 or in June 2012. Amidst this uncertainty, panelists will discuss the "nuts and bolts" of implementing the repeal of same day voter registration, the pros and cons associated with implementing the law and the issues that could arise if final enactment of the law is postponed until mid- 2012.

*Presenters:* Julie Flynn, Deputy Secretary of State, Maine; Patti Dubois, City Clerk, Bangor; Kate Dufour, Legislative Advocate, MMA.

### 11:50 a.m.-Noon: Break & Time with Exhibitors

### Noon-1:20 p.m. Luncheon

### 1:20-1:30 p.m. Break & Time with Exhibitors

### 1:30-3 :00 p.m. CONCURRENT SESSIONS

#### Roles of Elected Officials & Municipal Managers

**Elected Officials:** This workshop is designed for new and long-time officials and managers from mid-to-large size municipalities. Building off a successful debut in 2011, our presenters explore how effective communication is the key to maintaining proper relationships among selectmen and councilors in towns with appointed managers. The panel also offers advice on how to handle important decisions that affect employees.

*Presenters:* Pam Plumb of Great Meetings! Inc., former Councilor and Mayor, City of Portland; Don Gerrish of Eaton Peabody Consulting, former Town Manager, Brunswick and Gorham; David Barrett, Director of Personnel Services & Labor Relations, MMA.

\*Note: Presenters will be available for Q&A after the workshop.

## Work Done Well: Celebrating Municipal Service!

**Human Resources:** Leave the 2011 Convention feeling good about yourself and your career in municipal government. Back by popular demand, motivational speaker John Jenkins shows how to keep your chin up during demanding, and pointedly critical, political times.

*Presenter:* The Honorable John Jenkins, former Mayor, City of Auburn and City of Lewiston.

## Climate Change: The Municipal Impact

From higher water levels to more ice and less snow, the data show climate change is affecting Maine and municipalities will be – and are – dealing with the consequences. This workshop is aimed at public works, emergency-management and other municipal officials who can learn from the trend lines and better plan for the future.

*Presenters:* Malcolm C. Burson, Office of the Commissioner, Maine DEP

### 3:00-3:30 p.m. TOUR OF MMA

Stroll over to the MMA building for a guided tour during our 75<sup>th</sup> Anniversary year!

### 3:30-4:30 p.m. Right to Know (At the MMA Conference Center)

**Elected Officials:** This session will review the rights and duties of public officials under Maine's Freedom of Access Act (FOAA), commonly known as the "Right to Know" law. It is designed to satisfy the training requirement imposed by State law on certain elected officials, including selectmen, councilors and elected clerks, treasurers, assessors and budget committee members.

*Presenters:* William Livengood, Director, MMA Legal Services; Richard Flewelling, Assistant Director, MMA Legal Services.

### E-Learning: A Virtual Classroom!

#### Wednesday, October 5 and Thursday, October 6

8:00 a.m.-11:50 a.m.; 1:30 p.m.-3 p.m.

Please join us in our Technology Center during these times to sample MMA's new E-Learning Center. Representatives from MMA and its web-training partners, MyPlaceToLearn and New Horizons, will be available to answer questions about cost-effective online training opportunities and to help you "test drive" e-learning courses. (*Laptops are also available for attendees to check email or access the Internet.*)

## Overnight Accommodations

Overnight Rooms have been blocked for MMA Convention attendees at the Best Western Plus in Augusta. The rate is \$70.00/night. To reserve your overnight room, please call 207-622-4751 and mention the Maine Municipal Association (MMA) group block. Rooms are available for reservation until September 20, 2011 on a first-come, first-served basis.

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

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

# Affiliate Group Programs

## Maine Association of Assessing Officers

### Wednesday, October 5

**1:45-2:45 p.m.** MMA/New Horizons Online Training: Microsoft Excel Tips & Tricks

**3:15-4:15 p.m.** MMA/MyPlaceToLearn Online Training: Conducting Municipal Managers' Evaluations – What to Include and What to Avoid

### Thursday, October 6

**9:00-10:00 a.m.** Land Use Regulation & Property Rights

**10:15-11:50 a.m.** Social Media in the Workplace

## Maine Chapter of American Public Works Association

### Thursday, October 6

**New Policies and Technological Advances: How They Help Public Works**

**8:30-9:30 a.m.** The New Administration and Highway Simplification

**9:30-10:00 a.m.** Snow Control Technology: New Technology, Big Savings, Better Service

**10:00-10:15 a.m.** Break

**10:15-10:45 a.m.** Status of LD 1725

**10:45-11:45 a.m.** HP Fairfield: The Latest and Greatest

**11:45-1:15 p.m.** MCAPWA Luncheon, Augusta Elks Lodge

## Maine Community Development Association

### Thursday, October 6

**8:30-10:00 a.m.** Partners in Energy Efficiency: Shared Experience with Maine's New PACE Program

**10:30-11:50 a.m.** Municipal Energy Innovations: Meet the Early Adopters!

## Maine Fire Service Institute & Maine Fire Chiefs' Association

### Wednesday, October 5

**Maine Fire Chiefs' Handbook Workshop**

**10:30-11:50 a.m.** Legal Aspects of Fire Protection

**1:30-3:00 p.m.** Professionalism and Politics

### Thursday, October 6

**Maine Fire Chiefs' Handbook Workshop**

**10:15-11:50 a.m.** Human Resources and Personnel Management

**1:30-3:00 p.m.** Financial Management and Planning

## Maine Town & City Clerks' Association

### Wednesday, October 5

**8:45-10:15 a.m.** Municipal Leadership in the 'New Normal'

**10:30-11:00 a.m.** Update from Vital Records office - Marty Henson

**11:00-11:50 a.m.** Review of Notary Public and Election laws—Julie Flynn from the Secretary of State's office

**1:45-2:15 p.m.** Update from Inland Fisheries & Wildlife

**2:15-2:45 p.m.** Update from Animal Welfare Program

**2:45-3:15 p.m.** Update from Maine State Archives

**3:15-4:15 p.m.** Open session with State agencies - personnel for Central Voter Registration, Vital Records EDRS and Informe (online vital records request & their credit card processing program, Payport) will be on hand with computers to show demos and answer questions.

### Thursday, October 6

**10:15-11:50 a.m.** Implementing the Repeal of Same Day Voter Registration - Kate Dufour, MMA

**1:30-4:00 p.m.** Tour the offices of Vital Records and Secretary of State's Election Division-MTCCA Members Only

## Maine Municipal Tax Collectors' & Treasurers' Association

### Wednesday, October 5

**10:30-11:50 a.m.** Understanding Your Audit

**1:45-2:45 p.m.** MMA/New Horizons Online Training: Microsoft Excel Tips & Tricks

### Thursday, October 6

**9:00-10:00 a.m.** Online Accounts: How Safe Is Your Money?

**3:30-4:30 p.m.** Right to Know (at MMA Conference Center)

## Maine Town & City Management Association

### Wednesday, October 5

**7:00-8:30 a.m.** MTCMA Executive Board Planning Meeting

**10:30-11:50 a.m.** You Won the Election, Now What?

**1:45-2:45 p.m.** Wrongful Termination & Harassment

### Thursday, October 6

**8:45-10:00 a.m.** Why Municipal Government Works Best

**10:15-11:50 a.m.** How to Manage Conflicts and Differences

**1:30-3:00 p.m.** Roles of Elected Officials & Municipal Managers

## Maine Welfare Directors' Association

### Wednesday, October 5

**1:45-2:45 p.m.** Wrongful Termination & Harassment

### Thursday, October 6

**9:00-9:30 a.m.** General Membership Meeting

**9:30-10:30 a.m.** Department of Corrections: Discharge plan from prisons/jails; How does the work release program work?

**10:45-11:30 a.m.** Municipal Work Program: MMA, GA Administrators, Workfare

**1:30-3:00 p.m.** Mental Health Issues: Behavior issues with clients; Dealing with difficult clients. How to detach yourself from being emotionally involved.

# Attendee Registration Form



## MMA Convention – Augusta Civic Center – October 5 & 6, 2011

**One registrant per form (please photocopy for additional registrations)**

Name of Municipality/Company/Agency:		First Time Attendee? <input type="checkbox"/> Yes <input type="checkbox"/> No
Mailing Address:		
Attendee Name:	Title:	
E-mail Address of Registrant:		
Telephone:	Fax:	
Name of Guest (not a municipal official/employee): <small>(Registration complimentary)</small>		Invoice guest meals to the same address as attendee? <input type="checkbox"/> YES <input type="checkbox"/> NO
Invoice Guest Meals to: <small>(Guest Meals Billing Address, if not the same as attendee)</small>		

<b>SPECIAL PROGRAMMING – WED &amp; THUR (Oct. 5&amp;6)</b> <input type="checkbox"/> MMA Building Tour (2:45-3:15) Wednesday, October 5 <input type="checkbox"/> MMA Building Tour (3:00-3:30) Thursday, October 6	<b>THURSDAY SPECIAL PROGRAMMING (Oct. 6)</b> Right-To-Know (3:30 p.m.-4:30 p.m.) MMA Conference Room <input type="checkbox"/> I WILL ATTEND
---	---

CONVENTION REGISTRATION FEES (For one or both days)		COST
<input type="checkbox"/> MMA Members	Pre-Registration - must be postmarked or received by 9-23-2011	\$ 60.00
<input type="checkbox"/> MMA Members	Registration - after 9-23-2011	\$ 75.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Pre-Registration - must be postmarked or received by 9-23-2011	\$ 75.00
<input type="checkbox"/> Non-member municipality/Gov't/or Non-profit	Registration - after 9-23-2011	\$ 100.00
<input type="checkbox"/> Business Representative	Pre-Registration - must be postmarked or received by 9-23-2011	\$ 100.00
<input type="checkbox"/> Business Representative	Registration - after 9-23-2011	\$ 125.00

**Registration Fee \$**

WEDNESDAY LUNCHEON-OCT 5	Location	Cost
Awards Luncheon (Buffet)	Civic Center	<input type="checkbox"/> Registrant \$ 15.00
		<input type="checkbox"/> Guest \$ 15.00
<b>Wednesday Meal</b>		<b>\$</b>

THURSDAY LUNCHEONS-OCT 6	Location	Cost
75th Anniversary Luncheon (Buffet)	Civic Center	<input type="checkbox"/> Registrant \$ 15.00
		<input type="checkbox"/> Guest \$ 15.00
Maine Chapter of American Public Works Association (MCAPWA)	Augusta Elks Lodge	<input type="checkbox"/> Registrant \$ 17.00
<b>Thursday Meal</b>		<b>\$</b>

**TOTAL (Registration Fee & Meals) \$**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

**Please make check payable to Maine Municipal Association**

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

**Please keep a copy of this form for your records.**

# Annual Search

## Nominees for the Maine Municipal Association's Most Prestigious Award

Deadline for Receipt of Nominees – 4:30 p.m. on Friday, September 2, 2011.  
Award will be presented at the MMA Awards Luncheon on Wednesday, October 5, 2011.

Ethel N. Kelley

### MEMORIAL AWARD

If you know a municipal elected or appointed official, employee  
or volunteer who . . .

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

**MMA wants to know about them! Please take this opportunity to nominate this individual and give MMA the opportunity to recognize their achievement and dedication.**

**THE NOMINATION PROCESS:** Nomination Forms can be downloaded from the MMA website at: [www.memun.org](http://www.memun.org). Please complete the Nomination Form and return it to MMA with up to five supporting letters. ***The supporting letters are a critical part of the process.*** Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts. ***Start thinking about your Nominee now!***

**THE JUDGING:** The panel of judges will consist of three MMA Past Presidents who will meet in mid to late September to make their selection. The award will be presented during the Awards Luncheon being held in conjunction with the MMA Annual Convention.

**Amanda Meader** joined Maine Municipal Association's Legal Services staff as an attorney on Aug. 8. Meader is well known in some MMA member communities as she spent her last six years as an attorney with Bernstein Shur's Municipal and Regulatory Practice Group. She graduated from Bates College with high honors and Cornell Law School, where she was an editor for the Cornell International Law Journal, President of the Public Interest Law Union and she received the Seymour Herzog Memorial Prize for excellence in public interest law. Meader is a native of Fairfield who lives in Winthrop. She replaces **Kristin Collins**, who recently returned to private practice.

Former Assistant Sanford Police Chief **Craig Sanford** has been hired as the new Kennebunkport police chief. Sanford, who replaces former Chief **Joseph Bruni**, emerged as the top candidate from a pool of 120 applicants nationwide. Sanford will start his new job on July 18. Interim Chief **Kurt Moses** was praised by both selectmen and the town manager for his effective work during the search process.

Former longtime Bar Harbor Town Clerk **Jean Barker** died July 3 at the age of 87. Barker was a recipient of the prestigious Ethel Kelley Award, presented annually by the Maine Municipal Association to a municipal official for outstanding public service. She worked for the town for 37 years, the last 34 as clerk before retiring in 1999.

**Steven Benotti** was hired away from Hampton, N.H., when he was chosen in June as the new Sanford assistant fire chief. Benotti "stood out" from 17 other candidates with his experience and training background, according to Fire Chief **Jeff Rowe**. Benotti has worked the past 26 years for the Hampton Fire Department, the last 10 as deputy chief of operations. Benotti and his wife, who reside in Exeter, N.H., plan to move to the Sanford area.

Auburn police officer **Michael Chaine** is recovering from injuries sustained in late July when he crashed

his motorcycle into a stopped car in nearby Oxford. Chaine underwent surgeries to repair a broken wrist, as well as having one of his ears reattached, according to the Sun Journal. Chaine, 39, lives in Bridgton. Auburn police officials are not sure when he'll return to work.

Sabattus police officer **Ralph DeStefano** was credited in July for reviving a teen-aged boy who had hung himself in a shed near his home. By the time DeStefano reached the teen, whose father had pulled him down and laid him on the floor, he was ashen and believed dead by both the father and the officer. Nonetheless, DeStefano began CPR, in part, he told the Sun Journal, because he did not want to tell the terrified father that his child was dead. When his first attempts were unsuccessful, DeStefano returned to his cruiser to get a CPR mask and began breathing into the boy's mouth while he urged the father to continue compressing his son's chest. The two men continued their efforts until paramedics arrived. By then, DeStefano could hear the faintest of heartbeats; the boy was fully revived by medical officials, who credited DeStefano with saving the teen's life.

Readfield residents elected **Lawrence Dunn** to a three-year term as selectman with 423 votes, while his challenger, John Moran Jr., collected 356 ballots. **Peter Davis** defeated Thomas Dunham for a one-year term on the

board by a vote of 419-374.

**George Flaherty**, former longtime Portland Public Works Director, who also served a stint as assistant manager, died July 16 at the age of 77. Flaherty, known as a peacemaker during tense situations, was a native of Portland and worked for the city for 35 years. He retired in 1996 and died of complications following a stroke.

Incumbent Raymond Selectmen **Sam Gifford** and **Lonnie Taylor** defeated former Selectman **Dana Desjardins** in a three-way race for two seats on the board. Gifford received the most votes with 342, while Taylor collected 296 and Desjardins garnered 132 votes.

Teacher **Karen Gerrish** defeated Lebanon incumbent Selectman **Jason Cole** by a vote of 665-566. Cole was praised by the board chairman for his dedicated work for the town. He also serves as assistant rescue chief.

Portland police officer **Kevin Haley** has received the 2010 Robert B. Gantry Public Service Award in July for saving a woman who jumped from the Casco Bay Bridge. Haley, who took command of a fishing boat to rescue the woman, also was recognized for helping a homeless family of four, which he found living in a van, find temporary housing and social services.

Lyman voters elected **Steven Marble** to the Board of Selectmen with 277 votes. **Joseph Wagner** received 270 votes. 

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**Statewide:** A citizen's petition to reinstate same-day voter registration may be filed in August, in part with the support of the Portland City Council, which approved a resolve in favor of reversing the Legislature's action this spring. Maine town clerks have said they have bigger concerns about existing voting laws than same-day voting. Supporters of a so-called people's veto fear the new law will lower voter turnout by banning the longtime practice of allowing Mainers to register to vote on election day.

**Auburn:** The Lake Auburn Watershed Protection Commission has not set unreasonable rules for access to the lake, a state agency decided in late July. A quasi-municipal commission comprised of officials of Auburn and Lewiston was formed 20 years ago. It oversees policies, problem-solving and projects to protect the cities' drinking water supply – Lake Auburn. The Maine Public Utilities Commission investigated essentially identical complaints from residents in both cities, who argued the watershed commission's policies had limited recreation around the lake, restricted development and had bought too much land around the lake as a protection zone. PUC staff plan to recommend the complaints be dropped when the PUC board meets in early August.

**Biddeford:** The city will partner with Saco to study whether merging fire dispatching duties would save both cities money. Fire chiefs from both communities have already met and are supportive of a consolidated operation. They were asked to prepare a report for both city councils by October.

**Brewer:** Anyone using medical marijuana on property owned by the quasi-municipal Brewer Housing Authority will be evicted, the authority's board decided in late July. The ban includes all Section 8 federal housing units, whether as part of a complex or a privately owned residence that receives a Section 8 voucher issued by the authority. Although state law has sanctioned medical marijuana, the Congress has not. Maine is among 14 states that allow citizens to use marijuana for medicinal reasons.

**Hermon:** The town will get help in

repairing the Hermon Historical Society's roof after learning it would receive a \$1,500 grant from the National Trust for Historic Preservation to help shore up the 1852 building. The historical society began rehabilitating the former school in 1987 to be used as a meeting place, as well as a museum. The building is listed on the National Register of Historic Places.

**Kennebunk:** Selectmen will spend \$5,500 to develop a "brand" for the town, focusing on the community's diversity, heritage, business-friendly attitude and quality of life. Several Maine cities and towns have branded themselves. For example, Old Orchard Beach's motto is "It's a shore thing."

**Lewiston:** The city and its school department agreed to share human resources duties, with the long-term goal of having one director for the entire operations. The pilot program will be led by the school human resource director, while the city's safety manager will provide training for school workers, among other shared efforts. Lewiston officials will review the program next February to check on how it has worked and whether to proceed with more merged efforts.

**Mount Desert:** The sale of a mansion at the mouth of Somes Sound set a real estate price record when the property was sold recently to a New York couple for \$12.25 million. Built in 2000, the house offers nearly 10,000 square feet of room, almost 1,000 feet of deep-water oceanfront with an active dock and moorings. Mount Desert, one of four towns on Mount Desert Island near Ellsworth, is among the highest-valued municipalities in Maine.

**Rockland:** A judge in late July ordered a Bangor man to pay the city just over \$4,700 in unpaid dockage and electrical charges at the municipal pier. The man's wooden boat sank into the Atlantic off the Rockland pier in January. After hauling the boat out of the water, it remained at the city's pier until the owner moved it to the Bangor area this spring. He had stopped paying the Rockland fees in October 2010. [MMA](#)

### CORRECTION:

A profile article about Roy Gardner of Allagash in last month's *Maine Townsman* should have said Gardner met President George H.W. Bush in the office of then-U.S. Senate Majority Leader George Mitchell of Maine. We apologize for the error.

## NEW ON THE WEB

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

- **Wind power.** Attorney Jim Katsiaficas has provided MMA with a document called, "Legal Considerations in Regulation of Commercial Wind Projects" that elected officials and managers may find helpful. Katsiaficas is an attorney with the firm Brann Isaacson in Portland and he is a former attorney with MMA's Legal Services Department.
- **Grant Writing.** The Cumberland Fire Department will host a program on grant training on Sept. 29-30. The program will be led by grant writers at the city, county and state levels of government, as well as non-profit organizations and schools
- **Recycling.** The recycling and trash-disposal organization ecomaine announced that its member communities collective broke their previous recycling record for the fiscal year that ended June 30. This link provides details about various recycling rates.
- **Celebrating service.** MMA, as part of its 75th Anniversary, is recognizing many officials for their tireless years of public service. Oral histories – first-person interviews – can now be heard at the website. Walter Foster of Friendship, Linda Boudreau of South Portland, Kenneth Michaud of Fort Kent and Roy Gardner of Allagash were the first four subjects whose interviews are available for listening.



# Municipal Bulletin Board

## 66TH ANNUAL MANAGEMENT INSTITUTE

Nationally recognized speaker Craig R. Rapp will keynote the 66th Annual New England Management Institute, which will run from Aug. 24-26 at the Sebasco Harbor Resort in Sebasco Estates, Maine. Rapp, who serves as Director of Local Government Solutions and ICMA Consulting Services, will speak on the opening day, Aug. 24.

The three-day institute includes many renowned Maine speakers and addresses a wide number of issues including: applying ethics to an organization; understanding financial reports; excellence and high performance in local government; energy sustainability; municipal shared services; and, dealing with public distrust.

Costs vary depending on buffet and banquet selections, overnight accommodations and the like, but the full conference fee is \$135 and there is no additional charge for guests. The deadline to pre-register for the event is Aug. 15. Many details about the institute, accommodations options and leisure options are available through the MMA website, [www.memun.org](http://www.memun.org).

## ELECTED OFFICIALS: AUGUSTA, PRESQUE ISLE, ELLSWORTH

MMA officials will hold Elected Officials Workshops on Aug. 31 at the MMA Conference Center in Augusta, Sept. 13 at the Presque Isle Convention Center and Oct. 18 at the Ramada Inn in Ellsworth. The workshops will run from 4:30 to 8:30 p.m. and include a light meal. Registration begins at 4 p.m.

The workshops are "musts" for both newly elected and veteran officials as they provide updates to legal requirements regarding: your rights as officials; open meeting requirements; conflicts of interest; liability issues; and, the Maine Freedom of Access law. Officials who attend the sessions meet the state's Right to Know training requirements and will receive certificates. A section on media relations and communications was added in 2010.

The cost is \$40 for MMA members and \$60 for non-members. Registration is available through the MMA website at [www.memun.org](http://www.memun.org).

## TITLE 21-A: AUGUSTA

The Maine Town & City Clerks' Association will hold a day-long workshop on Title 21-A Elections at the Maine Municipal Association's Conference Center in Augusta, starting at 8:30 a.m. on Sept. 8.

The workshop will be led by Patti Dubois, Bangor City Clerk, and Julie Flynn, Deputy Secretary at the Maine Secretary of State's Office. This class covers all aspects of administering state and federal elections at the municipal level. It costs \$50 for MTCCA members and \$60 for non-members, and that fee includes refreshments, lunch and packet materials.

## VOTER REGISTRATION WORKSHOP

This full-day workshop is designed to review the duties and responsibilities of the municipal Registrar of Voters and outline their tasks before, during and after Election Day. Sponsored by the Maine Town & City Clerks' Association, the workshop begins at 8:30 a.m. on Sept. 9 at the MMA Conference Center in Augusta. Julie Flynn, Deputy Secretary of State, and Fran Smith, Town Clerk in Brunswick, will co-present.

Among the topics to be discussed: determining voter eligibility; administering voter registration; qualifications of a voter; working with the State Central Voter Registration database; and, managing and printing voter lists, records and reports. Cost for the program is \$50 for MTCCA members and \$60 for non-members, including a continental breakfast, lunch and workshop materials.

## 16TH ANNUAL CLERKS NETWORKING DAY

The MTCCA also will hold its annual Networking Day on Sept. 14 at the Waterville Elks Banquet and Conference Center, starting at 8 a.m. The full-day event will include presentations by: Maine Secretary of State Charles Summers, Jr.; Theresa Roberts, of the Vitals Office; Lesley McCaw of InforME; and Kim McLaughlin, Clerk in the Town of Old Orchard Beach.

The event also includes: the annual MTCCA business meeting; presentation of clerk certifications and lifetime certifications; awards presentations; annual reports from committee chairs; and, door prizes. The cost is \$50 for MTCCA members and \$60 for non-members. Networking Day concludes at 4 p.m. [www.mtcca.org](http://www.mtcca.org)

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## THE NEW FIREWORKS LAW & THE MUNICIPAL OPTION

Beginning Jan. 1, 2012, the sale, possession and use of consumer fireworks will be legal under Maine law (see Public Law 2011, c. 416). The new law authorizes municipalities, by ordinance, to prohibit or restrict the sale or use of consumer fireworks within the municipality, but before municipalities undertake to do so, we think they should understand what is (and is not) allowed under the statute.

The new law applies only to “consumer fireworks,” which are generally smaller and less powerful than commercial display fireworks. Specifically prohibited are missile-type rockets, helicopters and aerial spinners, and sky rockets and bottle rockets.

In order to sell consumer fireworks under the new law, a person must be at least 21 years of age and possess both a federal permit and an annual state license. The state license is subject to an initial fee of \$5,000 and a renewal fee of \$1,500 for each sales location. State licensees are also subject to strict storage and handling as well as liability insurance requirements. Licensees are prohibited from selling to anyone under 21 years of age or who appears under the influence of alcohol or drugs. Anyone convicted of a violation of state or federal law involving fireworks within the two years prior to application for a state license is ineligible.

The new law also restricts when and where consumer fireworks may be used. Hours are limited to 9 a.m. to 10 p.m. except on July 4 and December 31 and the weekends immediately before and after, when permitted hours are 9 a.m. to 12:30 a.m. the following day. The location is limited to the user’s own property or the property of a person who has consented to the use.

Violations of the new law are punishable as either criminal or civil offenses, depending on the violation. Any state or municipal law enforcement officer, code enforcement officer or fire safety official may petition the Superior Court or District Court to seize or remove, at the licensee’s expense, any fireworks sold, offered for sale, stored, possessed or used in violation of the new law. The

Commissioner of Public Safety also may immediately suspend any license for violation of the new law.

Despite all this, a municipality, as noted, has the option of further restricting or banning altogether the sale or use (but not the possession) of consumer fireworks within the municipality. This option may be exercised only by ordinance enacted by the legislative body. Municipalities that do so must provide a copy of the ordinance to the State Fire Marshal within 60 days after enactment. If the ordinance requires a municipal permit for selling consumer fireworks, the State Fire Marshal must be notified at least 60 days prior to the initiation of the permitting program. A municipality may require payment of a reasonable fee for a municipal permit but may not issue a permit unless it complies with the per-

mitting requirements under the statute.

Because there are so many potential variations depending on local policy priorities, no “model” ordinance is available at this time. We encourage interested municipalities to contact the State Fire Marshal for samples as they are filed with that office and to work with local legal counsel to develop an ordinance that adequately addresses local concerns. (*By R.P.F.*)

## RECALL REVISITED

Several years ago we wrote in this column that “neither the Maine Constitution nor State statutes establish any procedure for recalling [removing] an elected local official” (see “Recall of Officials,” *Maine Townsman*, “Legal Notes,” May 2007). We said then that any process for the recall of local officials must

 MMA Municipal Calendar

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

**SEPTEMBER 5** — (first Monday in September) — Labor Day — a legal holiday (4 MRSA §1051).

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

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

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

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

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

**OCTOBER** — Registrars of voters shall accept registration prior to the November 1 Election according to the time schedule for their population group [21-A MRSA §122(6)].

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

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

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

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

be adopted locally. This statement is no longer entirely accurate.

A new law (Public Law 2011, c. 324, eff. June 13, 2011) provides a method for removing an elected municipal official even in the absence of a municipal ordinance or charter provision authorizing recall. The new statutory process, like virtually all local recall provisions, requires a recall election upon receipt of a voter petition. For all the particulars, see 30-A M.R.S.A. § 2505.

Most noteworthy about the new statutory recall process is that it is available only if the official in question is convicted of a crime committed while in office, the victim of which is the municipality. Astute readers will recall that something very much like this occurred recently in a town near Augusta, but where there was no local recall procedure. The new law is a direct and narrowly tailored response to that regrettable episode.

To provide for recall for a broader range of reasons, a municipality should consider either an ordinance or a charter provision. For some good advice on what to include and what to omit, see the May 2007 "Legal Note" cited above. (By R.P.F.)

### LANDOWNERS LIABLE FOR THIRD PARTY'S VIOLATION

In a case resembling another one decided eight years earlier, the Maine Supreme Court has held that landowners can be penalized for a land use ordinance violation caused by a third party.

In *Town of Levant v. Taylor*, 2011 ME 64, the buyer of a lot parked a mobile home on it pending a sale of the land to him but without the required permit. The code enforcement officer and the town attorney both sent letters ordering the landowners to correct the violation but to no avail. The town then filed a complaint in district court, which found a violation and ordered the landowners to pay the town almost \$12,000 in penalties, attorney fees and costs. They appealed, arguing they could not be held responsible for a third party's actions, but the Law Court was not swayed.

Using the four-part test it employed earlier in *Town of Boothbay v. Jenness*, 2003 ME 50, the Court held that the landowners could be held liable because (1) the

ordinance provided for a penalty against landowners, (2) they had notice of the violation, (3) they had control over the use of the land, and (4) they had a reasonable opportunity to correct the violation. The lower court's judgment and award were thus affirmed.

For a brief synopsis of the *Jenness* case, see "Landlord Held Liable for Tenant's Zoning Violation," *Maine Townsman*, "Legal Notes," May 2003. (By R.P.F.)

### ILLEGAL TREE CUTS 2.0

The law enacted four years ago and requiring trees illegally cut in shoreland areas to be replaced with trees of substantially similar size and species has been amended (see "Trees Cut in Shoreland Areas Must Be Replaced," *Maine Townsman*, "Legal Notes," October 2007).

Public Law 2011, c. 228 (eff. Sept. 28, 2011) amends 30-A M.R.S.A. § 4452(3) (C-2) to instead require illegally cut trees to be replaced with trees of varying size and species such that the visual impact will be remediated, the tree canopy will

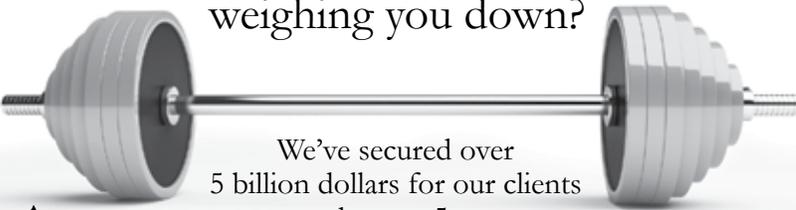
be restored within a reasonable time period, and a total basal area equal to at least 50 percent of the basal area cut will be replaced. This new standard gives courts greater flexibility in ordering the remediation of illegal tree cuts in shoreland areas.

The new law also requires the violator to submit a reforestation plan and a five-year management plan prepared and signed by a licensed forester or other qualified professional.

A court order to replace illegally cut trees is, of course, in addition to the other statutory penalties available for land use violations. These include mandatory civil fines of \$100-\$2,500 per day and attorney fees and court costs (see 30-A M.R.S.A. § 4452(3)).

As we recommended back in 2007, even if a tree cutting violation is settled out of court, any voluntary consent agreement between the municipality and the violator should include a reforestation and management plan consistent with this new mandate. (By R.P.F.) 

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