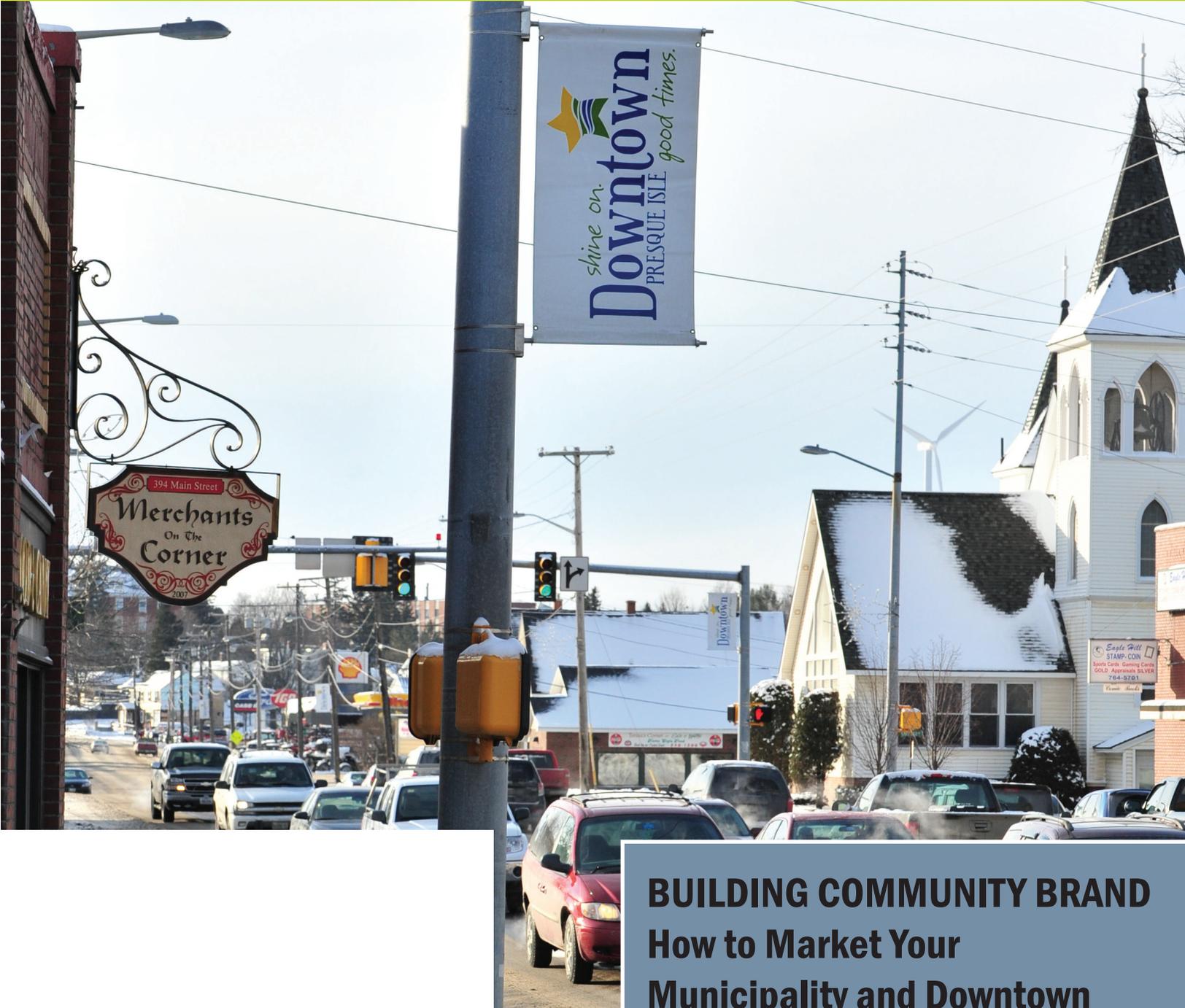


February 2011

maine townsman

The Magazine of the Maine Municipal Association



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The Magazine of the Maine Municipal Association

Remember Rotary Dial Phones?

5

So much has changed from the days when municipal officials worked from roll-top desks and used carbon paper to make copies. New MMA President Mark Green writes about the changes and cites the importance of staying current with new technology, which can help keep municipal costs and taxes down.

Rising Above The 'Clutter'

7

The State of Maine and its municipalities have worked for years to build strong identities, promote quality of life and attract businesses and visitors. Today, building community identity and brand may be more important than ever. If it's done well, it can provide clear economic benefits and inject pride and enthusiasm into a town or city.

Some Like It; Others Don't

11

It's hard to call this a trend but municipalities around Maine continue to propose and experiment with pay-per-bag trash disposal, with mixed results. From York County to Aroostook, the issue is coming up as municipalities confront rising solid-waste disposal costs and contend with pressure to keep property taxes down.

Plan Ahead With Key Employees

17

Two things are near certain in the municipal world: Many Baby Boomers hold key municipal positions – and they won't work forever. Human resources consultant Rick Dacri writes about the importance of succession planning so towns and cities can intelligently assess future employee turnover and assure smooth municipal operations.

Adjusting Fluoride Levels

21

The federal government in a recent advisory adjusted fluoride levels downward for public drinking water systems. Following through can be as simple as turning a dial in some water districts, but in others it has put a renewed focus on what can be a controversial public-health measure.

Next Month In Bangor: 2011 Tech Conference

25

After several years in Augusta, the 2011 Municipal Technology Conference moves to the Bangor Civic Center on March 3. The event, co-sponsored by MMA and the Maine GIS User Group, features a dynamic program during a time when technology is crucial in the municipal world.

People

26

News

27

Municipal Bulletin Board

28

Legal

29

COVER PHOTO: Freelance photographer Paul Cyr persevered during some tough weather to take this image of a new banner and slogan at a busy intersection in downtown Presque Isle.



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A Message From MMA



by Mark Green, MMA President, Town Manager, Sanford

On Technology and Municipal Government

Since my *début* as a Town Manager a little more than 30 years ago, much has changed in how we conduct our day to day business and most of these changes have come about as the result of improvements in technology. Although I don't believe the true essence of municipal government has changed – the most important part of our job remains working effectively with people – the way we get things done has changed tremendously.

My first office in 1981 included a roll top desk which I cherished, a rotary dial telephone and a mechanical calculator, all of which, although not state of the art, certainly were typical tools found in most town offices at the time. We also had one of those chemical paper copiers that we used sparingly because the paper was so expensive; we had plenty of carbon paper for most jobs.

Flash forward to my office in 2011. I have a computer with a lap top dock and a large flat screen monitor with full internet capability. In fact, I am writing this article in the waiting room over 100 miles from my office. When I have finished, I will e-mail it to MMA using my "air card!" I also have a cell phone at my disposal, copiers, scanners and even a fax machine, which is close to being outdated technology.

Although my access and use of technology has changed markedly over time, the changes in public-safety communication technology continue to amaze and fascinate me. For those who have been around as long as I have, you will remember the public safety dispatcher of 20 years ago. He or she had a single phone with a few extra lines and a single

microphone with access to a few different radio frequencies. Every town had its "emergency" phone number but few of us had access to 911.

Once again, flash forward to 2011. We all have access to 911. Dispatchers sit in front of an array of computer terminals usually linking multiple jurisdictions and agencies. When an emergency call comes in, the caller doesn't have to say a word. The dispatcher knows exactly where the call came from and how to get emergency responders to the location, even if those dispatchers have never even been to the town where the call is from. In many cases through GPS, the dispatcher even knows where the closest responding unit is located.

All this technology has resulted in efficiencies that have allowed municipalities to improve our levels of service often without adding employees. It has taught me that as a manager I need to keep up with changes in technology. The next "gizmo" on the market may allow me to improve a service we provide or make it more efficient, thus saving tax dollars that seem to become scarcer every year.

On March 3, the annual MMA Technology Conference (co-sponsored by the Maine GIS User Group) will be held at the Bangor Civic Center, a chance for municipal officials to learn more about what is out there and how technology might improve the way we provide services to our citizens. Give it a try!

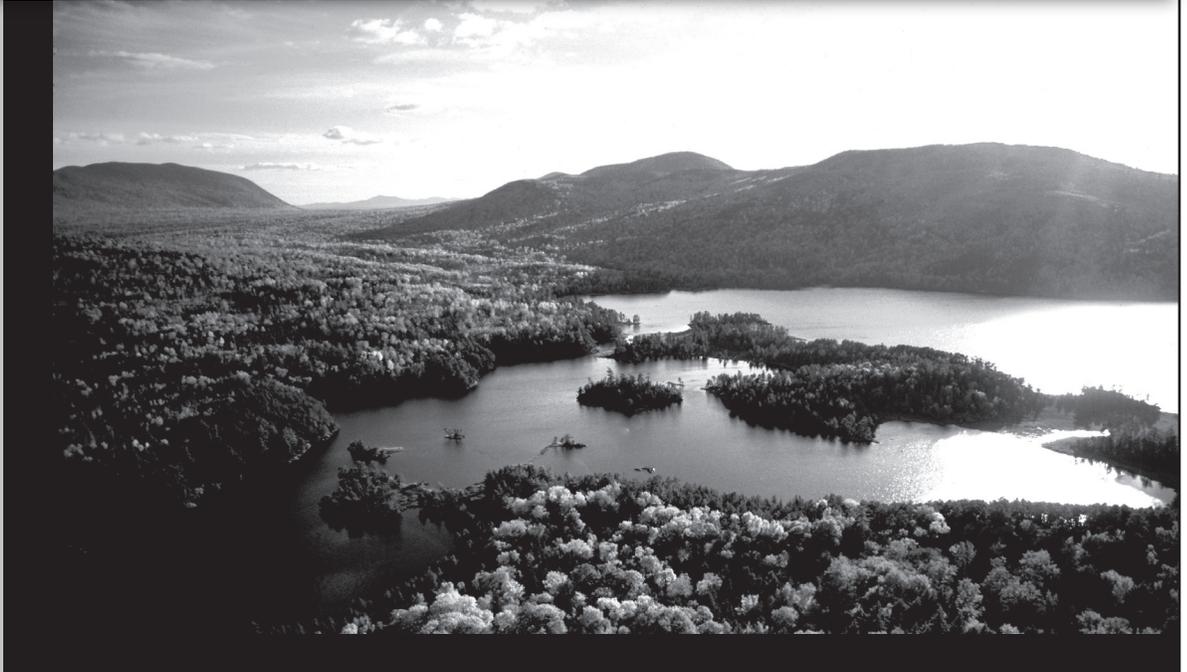
(For more information about the 2011 Tech Conference, turn to p. 25 or visit MMA's website, www.memun.org.) 

Scenes from the 2010 Technology Conference



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The Smart Approach to Community Branding

By Lee Burnett

Everybody likes to think their community is a great place to “live, work and play.” Those words pop up repeatedly when communities describe themselves on their websites and in other ways.

But the fact that these words are so ubiquitous across Maine is a good reason to avoid using them in a marketing slogan or branding effort for your community, experts say.

“A great place to live, work and play is absolutely how any of us involved in downtown revitalization think, that quality of community,” says Aaron Arnett of Arnett & Muldrow, a Greenville, S.C. community branding company recently hired in Waterville and Skowhegan.

“But you want to present your community in a way that sets yourself apart from other places and also starts to tell the unique story about your place.”

Towns have been trying to brand themselves as long as Maine has been attracting tourists. Kennebunk used to advertise itself as: “The only village in the world so named.” Ogunquit calls itself a “beautiful place by the sea.” Cherryfield calls itself “the blueberry capital of the world,” (a claim also made in Hammonton, N.J. and South Haven, Mich.)

Today, branding is more than hatching a clever name for your town. In the Internet age, branding is the business of getting noticed amid the noise and clutter of the media culture.

As economic development strategies shift away from chasing smokestacks and move toward promoting homegrown assets, branding has become a useful way to focus efforts. At least nine Maine communities have

recently undergone branding or re-branding campaigns, including: Augusta; Lewiston and Auburn jointly; downtown Presque Isle; Fort Kent; Skowhegan; Waterville; Bath; and, Winthrop.

Professional branding for communities typically combines citizen input with advertising techniques. The end products are logos and taglines that can be used on municipal websites, road signs, stationery, downtown banners, event advertising – even the doors of police cruisers.

PROVIDING DIRECTION, UNITY

Ideally, branding provides direction to the community, uniting businesses and community groups, guiding economic and community development, attracting interest from away.

The cost of branding ranges widely. Arnett & Muldrow conducted two-day workshops for Skowhegan and Waterville that cost each community \$7,000. Swardlick Marketing was involved for months with Lewiston Auburn Economic Growth Council and developed a multi-year media strategy leveraging hundreds of thousands of dollars worth of television ad buys by many community partners. There’s also the no-cost option adopted by Winthrop and Fort Kent.

What makes good branding? It gives a flavor of the community and is honest, say the pros. “Branding is a promise that a place makes,” said Tripp Muldrow of Arnett & Muldrow. “If it doesn’t deliver on the promise, you’re actually going to get a reverse effect.”

There can be a tendency to want to put a good face on your community, but some of the most effective branding campaigns turn perceived liabilities into positives. Not long ago,

Las Vegas tried to promote itself as a family-friendly destination and saw its fortunes slide. Then Vegas got honest with itself and launched the widely admired – and often repeated – branding campaign that righted its ship: “Las Vegas: What Happens Here, Stays Here.”

Like making whiskey, a good branding campaign requires a large volume of raw material to produce a distilled essence.

Typically, a series of public forums are held with key stakeholders and a cross-section of the public. The purpose is to mine lore about the town – its history and development, its claims to fame, its high school colors, what makes it tick, what people like and don’t like about it. Sometimes the opinions of outsiders are solicited to learn how the community is perceived by others.

Participation in these exercises is often energizing and affirming. Jen Olsen, executive director of Skowhegan Main Street, describes how the process played out in her community. “It was a little bit of a tent revival. People were saying, ‘Yeah, it is pretty cool to be us.’ They were dancing in the aisles on the way out.”

PRESQUE ISLE TURNED 150

Very often, branding campaigns piggyback on previous initiatives that have already mobilized people. Downtown Presque Isle launched its “Shine On. Good Times.” logo and tagline as part of the city’s 150th anniversary celebration last year.

Winthrop adopted its “Where We Play Outside” motto after an 18-month process of updating its comprehensive plan. Bath, Waterville and Skowhegan all undertook branding campaigns to capitalize on the momentum of Main

Lee Burnett is a freelance writer from Sanford, leeburnett_maine@hotmail.com

Street programs.

Fort Kent adopted its "America's First Mile" logo to coincide with a larger initiative to develop a riverfront park at the site of a new bridge to Canada. Sometimes, branding is done in response to specific circumstances. Augusta developed its "A Capital Opportunity" logo and tagline to perk up the "staid, regulatory look" that the traditional city seal projected to prospective businesses, said Michael Dugay, director of development for Augusta.

Lewiston and Auburn adopted an updated "It's Happening Here" logo and tagline partly in response to negative perceptions of the twin cities that came to light during high-profile political battles to attract a U.S. Postal Service distribution center and a cardiac care center. L-A's campaign also coincided with some major investments by local colleges and cultural institutions.

"It wasn't hype. We could point to what was happening," said Lucien Gosselin, executive director of the Lewiston Auburn Economic Growth Council.

Branding also can be done less formally. The slogans that Winthrop and Fort Kent adopted were hatched

pro bono by individuals in each community.

Winthrop's "We Play Outside" slogan was the brainchild of Patrice Putman, chairwoman of the Comprehensive Plan committee, which identified outdoor recreation as integral to the town's identity. "I was thinking about what we might say to better de-

scribe the uniqueness of our community. I started to ask people what they thought and it kind of took on a life of its own," said Putman.

THE 'FIRST MILE'

Fort Kent's "America's First Mile" tagline was the brainchild of John Freeman, owner of a mobile take-out



Illuminated fire trucks are part of a recent Christmas parade in downtown Presque Isle. (Photo by Paul Cyr)

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restaurant. After some research into the federal highway system, "We ran with it," said Planning Director John Bannen.

The town secured pro bono services of graphic artist Heidi Carter and the logo and tagline are now carved in a granite marker in a riverfront park at entrance to U.S. Route 1, he said.

Other communities say it's worth spending money for professional help. "We spent eight months trying to come up with a brand for the downtown on our own and ended up frustrated," said Shannon Haines, executive director of Waterville Main Street, who said she's happy to have hired professionals. "Some may disagree, but outside people can come in and provide an honest assessment. In our case, they were really good at listening. It was like community therapy."

How much difference does a fancy new slogan make? It all depends on the follow through.

Perhaps no community has put more effort into implementation than Lewiston and Auburn. In the 1990s, the cities cut a deal with television sta-

tion WCSH in which local businesses bought discounted TV ads bracketed by the cities' tagline and jingle. Later, and again using the updated "It's Happening Here" brand, the cities cut a similar deal, this time with television station WGME. Paul Badeau, marketing director for the Lewiston Auburn Economic Growth Council, estimates the most recent campaign leveraged more than \$1 million in marketing effort.

The result has been good buzz at trade shows and conferences, numerous awards and a "whole change in mindset," he said.

MUNICIPAL COSTS KEPT LOW

Implementation does not have to be costly if the branding excites local businesses and community groups enough to be adopted by them, said Muldrow. "The interesting thing is you do not have to be resource-rich to make it work," he said.

Still, it's difficult to say what effect branding has on economic development. Lewiston and Auburn detected a significant change in perceptions

about the cities as a result of its branding, but the data came from expensive person to person surveys. Tracking Website hits is free, but gives only a general sense of effectiveness.

Some say branding is not supposed to be a quantifiable product. Presque Isle City Planner Jamie Francomano praises branding as affordable, "small-ball" economic development that "helps everyone" through incremental improvements.

"In this economic climate, it feels safer than putting a lot of resources into trying to hit a home run," said Francomano.

Following its re-branding, Bath saw a 70 percent jump in visits to its visitor center, although hours of operation were extended about the same time, said Jennifer Geiger, executive director of Bath Main Street. She says trying to measure the effectiveness is sort of beside the point.

"My short answer is 'I don't care.' What I care about is having a tool to do a good job talking about Bath. Having this tool has made me do a much better job," she said. [ml](#)

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4 RETURN the Final Order Form and checks made payable to MRRA by **MAY 3, 2011**. Bins and wingdigger orders must be made in exact multiples of 20 ONLY, Rain barrels are in lots of 15 and kitchen pails are in lots of 26. Team up with a neighbor if you need to meet the minimum quantities.

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Prepayments for orders will be accepted on **April 8, 2011** for delivery during the weeks of April 11-22, 2011, for those early birds.

Sign your town or organization up for the Spring 2011 campaign

Pros and Cons of Pay-Per-Bag Disposal

By Jeff Clark

A good many municipal officials are talking trash these days, but they're not trading insults. They're talking about solid waste and the most colorful commentary is generated by a disposal method called "pay-per-bag" or "pay as you throw."

Presque Isle's City Council approved a pay-per-bag system in December as part of an overall restructuring of its solid waste program that coincided with an expensive expansion of the city's landfill.

At almost the same time, Cape Elizabeth and Greenville municipal officials decided against instituting pay-per-bag, and the previous month Sanford residents repealed a controversial pay-per-bag program that had been operating since last summer with considerable success.

"Given the alternatives, we really felt (pay-per-bag) was the best way to go," said Presque Isle City Manager Jim Bennett.

The city landfill had been charging private trash haulers (the city doesn't have municipal trash collection) \$30 a ton to keep down disposal fees to residents, even though the real cost of operating the landfill was \$55 a ton, Bennett said. The balance came out of the property tax. With debt payments on a recent expansion project coming due this year, the cost will rise to \$100 a ton.

"We could institute pay as you throw or we could raise taxes," Bennett said. "This seemed the fairest way." Because of pay-per-bag, the city budget includes no tax increase this year, he said.

Bennett said some city residents

don't like the idea, although he hasn't heard of any organized opposition. If pay-per-bag works as expected, it should extend the current capacity of the landfill from 11 years to 20 years before a major expansion is required. That's money in the bank for Presque Isle residents, said Bennett.

FALMOUTH THE FORERUNNER

Starting with Falmouth in 1989, pay-per-bag programs have expanded to about 150 communities in the state, according to the State Planning Office. The mechanics vary among towns, but commonly residents either buy special trash bags or stickers to place on their own trash bags. Only those bags are picked up by trash collection crews or are accepted at local transfer stations. The money generated from sale of the bags offsets disposal costs.

Pay-per-bag enjoyed a dramatic boom during the 1990s but its acceptance has slowed considerably in recent years.

"Every year, a few more towns go to a pay as you throw system to reduce waste and increase income," said George MacDonald, manager of the waste management program at the State Planning Office. Pay-per-bag almost invariably lowers the amount of trash residents throw away and increases recycling tonnage.

Mainers generated 1.78 million tons of municipal solid waste in 2009, but nearly 39 percent of that – or about 690,000 tons – was recycled. "Towns with PPB generally have higher recycling rates," said Sam Morris at the State Planning Office.

There are some exceptions. Cape Elizabeth, for example, consistently recycles 30 to 35 percent of its solid

waste, and in early November town councilors cited the recycling rate as one reason not to pursue a pay-per-bag program.

Moving to a pay-per-bag system four years ago, coupled with a single-stream recycling program, cut Bath's municipal waste tonnage in half almost overnight, said Lee Lenier, the city's assistant public works director. At the same time, recycling rates soared to more than 40 percent.

"We'd had single-stream recycling for a year before going to pay-per-bag," Lenier said, "but it hadn't affected recycling rates that much. Moving to pay-per-bag really changed that."

Single-stream recycling does not require homeowners to separate re-



Jeff Clark is a new freelance writer for the Maine Townsman. He lives in Bath, jeffreyclark@gmail.com.

cyclables into various classes, such as newspaper, cans and bottles. Instead, all recyclables can be collected in a single container, and they are sorted at a central processing plant. Maine has one sorting plant operated by ecomaine in Portland, which serves 39 southern Maine communities. Other towns send their recyclables to two processors in Massachusetts.

RESIDENTS HAVE CONTROL

Lenier said one reason for the program’s success in Bath is the control it gives residents.

“With taxes, you don’t have much control; they are what they are,” he said. “With pay as you throw, you have a lot of control over how much you pay.”

Lenier also credited a strong educational campaign that included everything from information sheets handed out in the city’s schools to talk shows on the local public access cable channel.

“We certainly had people who weren’t happy about it early on,” Lenier said. “There was very broad acceptance, though, and we never saw any organized opposition, I think in

part because people understood this was saving them money.”

“I can’t imagine not doing it,” said Bath City Manager William Giroux. “Our revenues from it haven’t been as good as we thought, but regardless it is still the right thing to do. And Bath’s

residents have certainly supported it wholeheartedly.”

That opinion isn’t universal, as town councilors in Sanford learned in November when voters there repealed a pay-per-bag program by a 4,133-2,684 vote.



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Last spring, the Sanford town council, after several years of study and facing rapidly rising trash disposal costs, voted to implement a pay-as-you-throw program beginning in July. The goals, Town Manager Mark Green said, were to generate revenue to offset disposal costs and to increase recycling rates, thus lower trash tonnage.

"It costs the town \$70 a ton to haul trash to the incinerator," he said. "Recycling doesn't cost us a penny."

Residents paid \$1.25 for a 15-gallon bag and \$2 for a 33-gallon bag. At the same time, recyclables collection was increased from once every two weeks to weekly.

SUCCESSFUL, BUT REPEALED

"Implementation went unbelievably well," Green said. "The Public Works Department did a huge amount of work and the council invested \$50,000 in an educational campaign to show residents what we were doing and why."

In the 15 weeks pay-as-you-throw was in force, the town's trash volume fell by 83 tons a week, while recycling

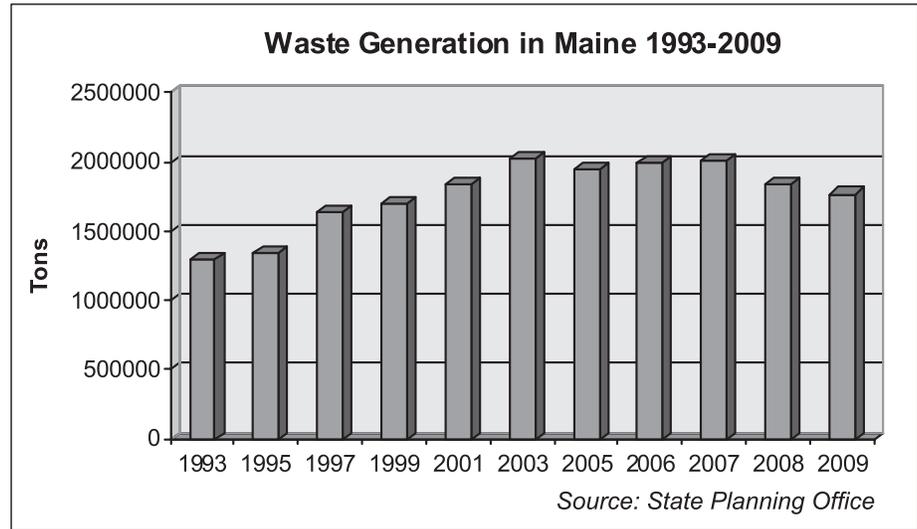
rose from 10 percent to 40 percent of the overall waste stream. "It was working," Green said. "When it was repealed, trash volume instantly went up by 50 tons a week."

Critics of the program organized an effective campaign against pay-per-bag, portraying the bag fees as another tax. They argued that Sanford couldn't afford the additional costs.

When the repeal vote succeeded, Green immediately had to find ways to plug a \$700,000 hole in the town budget created by the loss of pay-per-bag income.

"We're looking at a \$1 million hole in the new budget, primarily because of solid waste costs," Green said.

"Pay-per-bag makes people look at what they're doing, what they're



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buying,” says MacDonald at the State Planning Office. “Some people don’t care, of course, but the traditional Mainer likes to save a buck.”

MacDonald was working for the Town of Brunswick when pay-per-bag was first proposed there. “We had 50 or 60 people turn out to oppose it at the council hearing,” he recalled. “It was tabled. But now Brunswick has pay as you throw. It’s a great educator.”

One of the curious byproducts of shifting to pay-per-bag, he added, is that the overall amount of waste drops. “I don’t know where it goes, but it goes somewhere,” he says. “I suspect that people are shopping more wisely and just being careful not to generate as much waste as they would otherwise.”

MIDNIGHT DUMPING?

One fear that pay-per-bag proposals often raise is the possibility of “midnight dumping,” the surreptitious and illegal disposal of garbage on side roads and vacant lots. That was one of the issues raised during Greenville’s discussion of pay-per-bag, according to John Simko, who was

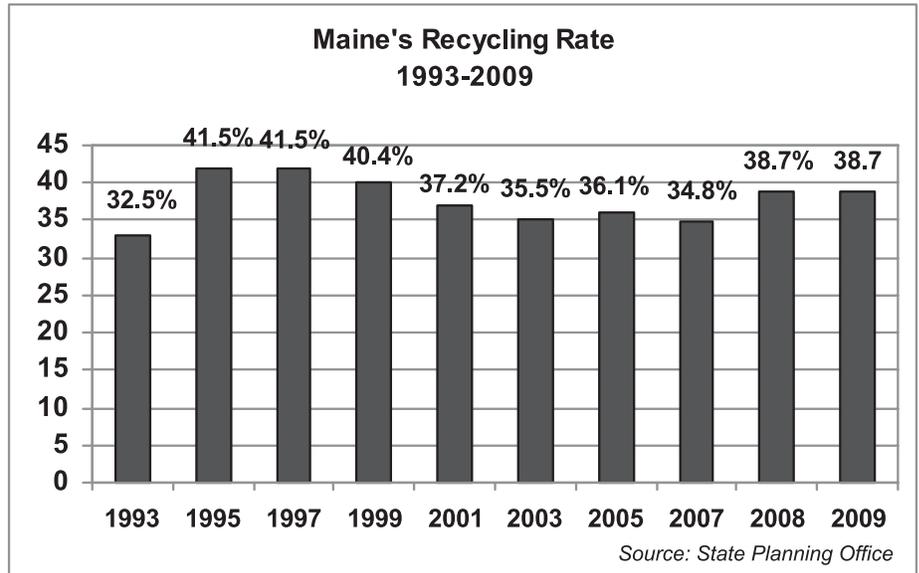
town manager at the time.

“It isn’t the problem that it used to be,” MacDonald said, “partly, I think, because people feel more responsibility for their waste. More likely you’ll see bulky items — couches, dishwashers, dryers — out alongside a woods road somewhere, but that’s not because of pay as you throw.”

Sanford’s Green said his town had

no illegal dumping problem, even as some residents organized against pay-per-bag.

“We had 99.99 percent compliance from residents,” he said. “I wish we had done a better job of showing people how it was working. We had less than three months’ experience with pay-per-bag and it was really making a difference.” **[mt]**



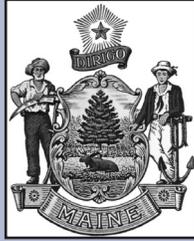
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Succession Plans Assure Steady Flow of Talent

By Rick Dacri

If your town manager was suddenly stricken and unable to work, what would happen to your town? What would happen if you lost your police chief or Public Works director? Do you have someone ready right now who could step in? If not, what's your plan?

When Jack Welch announced his retirement as the head of General Electric, there were three replacements waiting in the wings. When McDonald's Chairman Jim Cantalupo suddenly died, his replacement was a heartbeat away. In both cases, plans were in place and the transition for the new leader was orderly, with minimal or no impact on the organization.

GE and McDonald's exemplified the importance and effectiveness of succession planning. Each was ready with an able heir. But one does not have to be a Fortune 500 firm to have a plan – in fact, every municipality should be prepared for the inevitable. The success of your city or town depends on a smooth continuity of leadership and the development of home-grown talent. But few municipalities have a plan.

CRISIS-ORIENTED

Too often, municipalities are focused on the crisis in front of them. Making plans for something that will happen in the future does not seem to rise to the level of urgency. It is just easier to defer to another time.

For others, succession planning

Rick Dacri is a management consultant, featured speaker at regional and national conferences and author of the book "Uncomplicating Management: Focus On Your Stars & Your Company Will Soar." He is President of Dacri & Associates and was a speaker at the 2010 MMA Convention, leading a session on Succession Planning. He can be reached at 207-967-0837 or rick@dacri.com.

hits too close to home. Thinking about one's own position and when you may no longer occupy it makes some people feel uncomfortable. Planning for that time and developing a replacement, makes some feel superfluous.

Succession planning sometimes forces people to face their own retirements and brings up lots of issues that many would rather not address at all. It can be painful. And for others, those who may be a bit jaded, succession planning is simply not their problem.

As one cynical manager told me, "I'll be gone, so why should I worry?" While this myopic view may be shared by only a few, it will harm the long-term health of their towns.

NEED CONCRETE PLAN

The lack of a concrete plan to replace key managers can harm the organization. An unexpected departure at the top, coupled with a lack of a qualified replacement, can push an organization into crisis. It can create uncertainty among citizens and employees. Productivity can stop and, depending on the position, public safety can be put into jeopardy.

This year, the first surge of Baby Boomers begins to exit the workforce. The volume of turnover in the next 15 years could be unprecedented and its impact on municipalities will be dramatic. The number of persons aged 55 or older in the labor force was expected to increase by 12 million, or 43 percent, during the 2008 to 2010 timeframe, according the U.S. Bureau of Labor Statistics. This age group is projected to make up nearly a quarter of the total labor force by 2018.

Beyond the loss of people, there will be significant loss of experience,

knowledge, perspective and wisdom. This prospect of losing so much talent and knowledge in a short period of time has forced even the most reluctant to take notice and begin focusing on succession planning.

So what is succession planning? It is a process of identifying and developing talent to ensure that key positions can be filled with qualified internal candidates in advance of their actual need. It is a dynamic process focused on creating pools of talent available to meet the immediate and long-term needs of the city and town.

No longer is succession planning's focus simply on corporate America's executive suite, where the chosen few would scheme and plot before anointing the heir-apparent in a sort of king maker's game of chess. Today, succession planning is being implemented in all organizations, including municipalities. Boards and Councils are looking for assurance that a plan is in place to effectively identify and develop internal talent. By developing more and more levels of the workforce, ready replacements are in place whenever they are needed.

CAPABLE SUCCESSORS?

A well developed succession plan should be integrated into the municipality's overall workforce management plan and must be linked to recruitment, retention, training, performance management and knowledge-retention initiatives. After organizations define their short and long-term goals, they can assess whether they have the workforce capabilities to meet these strategic goals.

The gap between their current workforce capabilities and what is required to meet the expected future needs, along with the methods for

narrowing this gap, forms the crux of succession planning.

So what are the key elements of a successful plan?

Active council and board involvement: No longer can this simply be an “HR plan.” More and more Boards realize they must be involved in actively managing this strategic initiative. Boards want to know if a key person is lost, they have a plan to name a replacement. A key role of the board should be to provide for succession planning so that the town is not adversely affected due to a vacancy.

Identify essential positions and critical competencies: Remember, not all positions need to be part of the plan.

Identify, promote and select “high potentials:” Along with this comes a plan for individual career development. Development from within is the key to future success. One of the biggest investment challenges in the next decade will be recruiting and developing key talent. With a national decline in employee loyalty, succession planning with a respective development component, go a long way to countering this trend, while increasing employee engagement and retention.

Monitor individual development: Use coaching, mentoring and appraisals, the essentials of a good performance management plan.

Identify gaps in succession: Do this to determine whether one can build internal strength or whether there will be the need to rapidly recruit from the outside.

Regularly review the plan: This helps ensure its effectiveness. Succession planning must be ongoing and not an annual look-see.

Unplanned turnover can derail the best laid plans. While the plan is to grow and develop internal talent for future opportunities and needs, things happen and employees leave.

Cities and towns need to put strategies in place to identify potential turnover issues and “at-risk” talent in order to minimize the impact. Employee satisfaction surveys have proven to be an effective predictor of turnover and should be an annual initiative.

RETAINING KNOWLEDGE

While the focus of the plan is to identify and grow talent, one must pay ample attention in preventing

valuable knowledge from walking out the door. Municipalities must focus on capturing knowledge of employees before they leave or retire. Through “knowledge retention” plans, managers can capture critical knowledge from their employees’ heads.

Common elements of knowledge retention plans include documentation, mentoring, training, shadowing, and expertise sharing. Knowledge retention must become the fabric of municipal government. When employees and managers readily share their knowledge, experiences and expertise, then the operation flows without any blips. Think about what you would do if you suddenly lost your town clerk right before an election.

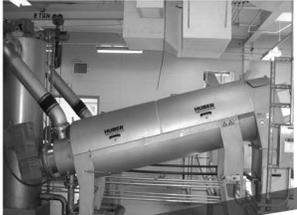
While succession planning looks

at how to prepare if you lose a key employee, emergency preparedness plans also must be put in place to address the stricken manager who is unable to work for an extended period. If the town faces the unlikely event of an untimely vacancy, an emergency preparedness plan ensures an orderly transition for both an interim and long-term replacement.

Today, we are at a critical juncture. We know that left unchecked, the flow of talent out of the workforce will steadily increase. Succession plans can begin to refill the pipeline. Beginning the process does not have to be difficult or complex. But the process must begin. Start slowly – but start before that slow drip becomes a steady stream that leaves your community drained. [\[inf\]](#)

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Disasters Are Local, Make Careful Decisions

By Dale Rowley

All disasters are local, since all responses begin and end with local emergency responders. In order to reduce the impact of a disaster on a community's residents and property, a community needs to put into place a management program to mitigate, prepare, respond and recover from the effects of disasters. Preparing for and coordinating the local emergency response is the responsibility of the municipal emergency management director. In the State of Maine, emergency management responsibilities for municipal jurisdictions are described in Maine Title 37B, Chapter 13.

The municipal emergency management director is the foundation that all emergency management in the State of Maine is built upon. County emergency management is called into play after all municipal capabilities, including mutual aid, are overwhelmed. Likewise, the State emergency management program is not typically tasked until County resources and capabilities are overextended.

A capable and effective municipal emergency management program can pay big dividends for a community. However, for many years, emergency management has been underused and not well understood. Recently, a new association has been created to network municipal and county emergency management programs and to build awareness of local emergency management. The association, which is an affiliate of the Maine Municipal Association, is called the "Maine Association of Local Emergency Managers" or MALEM.

One of MALEM's objectives is to

educate municipal officers on the responsibilities and requirements of the municipal emergency management program. Much of what follows comes directly from state statute. For the most part, these are minimum requirements. A community's emergency management program can be much more effective and capable when it incorporates federal emergency management processes and programs, such as comprehensive emergency management and the national incident management system. In this article, we'll start with the State requirements.

TOWNS CAN COLLABORATE

Paragraph 1 of Section §781 states that "*Each municipality of the State must be served by a municipal or interjurisdictional agency responsible for emergency management.*" This section of statute does allow for two or more towns to create a single emergency management agency (EMA) or hire a single local emergency management director. However, most Maine municipalities have their own emergency management agency and director. What is critical is that the person selected for this position becomes well acquainted with the concepts of emergency management.

Section §782 specifically requires that an emergency management director be appointed for each municipal emergency management agency. It further states that a municipal elected officer can not be the EMA director. However, a town manager or administrative assistant can also fulfill the EMA director role. This section further states that municipal officers have appointing authority for the EMA director. This person will serve as a

liaison to the county EMA.

The requirement to have a disaster emergency plan is identified in Section §783. The disaster plan, which may also be known as an Emergency Operations Plan or EOP, must identify the types of disasters the community could experience. These are usually referred to as "Hazards." Typical hazards include flooding, winter storms, hurricanes, forest fires, hazardous materials spills, aircraft crashes and many others. Your municipal disaster plan should cover those hazards that are more likely or could have severe impacts to your community. The plan will also need to identify activities which will be necessary to prevent or minimize injury and damage in the event those disasters occur. Finally, the plan must identify personnel, equipment and supplies required to implement those procedures and operations and the means by which their timely availability will be assured. This is usually known as a resource list.

Section §784 gives the emergency management director the authority to "*develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of a disaster too great to be dealt with unassisted.*" However, final mutual aid agreements must be approved by the elected municipal officers.

A special emergency management authority is mentioned in Section §784-A, known as the "*Right to call for and employ assistance.*" The emergency management director "*may employ any person considered necessary to assist with emergency management activities.*" A person who have been called and employed for assistance "*is deemed to be an employee of the State for purposes of immunity from liability ... and for purposes*

Dale Rowley is Treasurer of the Maine Association of Local Emergency Managers.

of workers' compensation insurance." This allows the emergency management director to accept the support of disaster volunteers and the volunteers will fall under the State's workers compensation and liability, instead of the municipality's insurance. Section §823 further describes and clarifies this authority.

Finally, in Section §824, the emergency management program is authorized appropriations "for the payment of expenses of its local organization for emergency management in the same manner as for its other ordinary expenses. In making those appropriations, the political subdivision shall specify the amounts and

purposes for which the money appropriated may be used by the local organizations."

As you can see, the municipal emergency management director and program has a fair number of responsibilities, capabilities and authority. It is important that elected municipal

officers take the emergency management authorities seriously. One vital step is to appoint an individual who is truly interested in emergency management and willing to complete the training necessary for becoming qualified and capable. 

The Maine Association for Local Emergency Managers is a resource for all elected officers and representatives and for municipal emergency managers. If you wish to learn more or to join the association, please contact MALEM at the Maine Municipal Association mailing address, or you may contact the author at emadirector@waldocountyme.gov.

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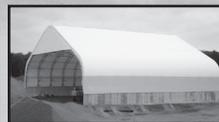
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Federal Ruling Renews Focus on Fluoride

By Douglas Rooks

A recent federal advisory for public water systems to lower the amount of fluoride they add has not spawned any major controversy. That's in part because opponents to using fluoride in drinking water welcome the lower standard, which reduces the recommended level from 1.2 parts per million to 0.7 ppm, a drop of 42 percent.

Reductions in fluoride use also will prompt some welcome savings in annual water system expenses, anywhere from \$1,000 for a small system to about \$50,000 for the Portland Water District, Maine's largest – plus a smaller saving for reduced use of caustic soda, a chemical used to balance Ph.

For most treatment plant superintendents in Maine, the lower fluoride levels require only minor changes.

"Since we have a new treatment plant, it really only means we tweak a few dials," said Dan Well, superintendent of the Winthrop Water District, which supplies water from Upper Narrows Pond to Winthrop and neighboring Monmouth.

Winthrop has been using fluoride since the 1960s, but Monmouth just since 2000. Monmouth previously drew its water from wells that were relatively high in naturally occurring fluoride that is present – though often at low levels – in most groundwater supplies. Two schools in Maine – Hartford-Sumner Elementary and the Beech Hill School in Otis – need to treat their water to remove excessive fluoride.

About half of Mainers get their water through public systems – the rest use private wells. Of those customers, 84 percent receive fluoridated

water. Yet, of the 161 public systems monitored by the state Drinking Water Program, the majority of them – 95 – do not add fluoride. That's in large part because many of them are small and do minimal treatment. But it also includes a few larger systems, such as York, Yarmouth, Hampden and Farmington.

HISTORY OF FLUORIDE

Fluoride has been added to drinking water in the United States since the 1940s; most Maine systems began to use it in the 1950s and '60s. Dr. Jonathan Shenkin, a pediatric dentist who practices in Augusta, said fluoride was the first effective preventive for dental cavities that, by the early 20th Century, affected just about every American adult.

The efficacy of fluoride against dental disease has never been seriously questioned, although more recent studies have shown a decline in the number of cavities avoided between fluoridating and non-fluoridating communities, from about 40 percent to 20 percent. That's probably because fluoride is now widely used in other products, including food and toothpaste.

Still, there are concerns about adding it to water that range from the Red Scare of the 1950s ("What are they putting in our water?") to more recent scientific research showing possible effects on bone formation. Fluorosis – white spotting of teeth enamel – is the most common sign of excess fluoride.

Shenkin is among those who think that drinking water is an important preventive tool. He points out that while some continental European countries stopped fluoridating water in the 1970s, many of them add it to food, including table salt.

Fluoride was listed by the U.S. Department of Health and Human Services as one of 10 "Great Public Health Achievements" of the 20th Century, along with childhood vaccinations, recognition of tobacco use as a health hazard and safer motor vehicles.

Judy Feinstein, who directs the Oral Health Program for the Maine Center for Disease Control and Prevention, said the controversy lingers, "perhaps because it's the only thing we add to drinking water that's not necessary to improve its safety or potability."

It's also a public health achievement that costs very little, "and requires no action by an individual to receive benefits," she said.

Indeed, fluoride remains in the water of every Maine system that began adding it, except two. The Maine CDC estimates that for every dollar spent on fluoride in drinking water, \$42 is saved in reduced dental expenses, a remarkable cost-benefit ratio.

DIFFERENT REACTIONS

The news of the U.S. Center for Disease Control and Environmental Protection Agency's joint order reducing recommended levels did generate substantial news coverage.

In Newcastle, a retired couple vowed to seek a statewide referendum vote that would ban fluoride from drinking water. In Portland, Oliver Outerbridge, who ran for a seat on the Portland Water District board on an anti-fluoride platform in 2009, and lost, called it "a step in the right direction."

But most treatment plant superintendents see it largely as business as usual. In Caribou, Superintendent Alan Hitchcock said, "We haven't had any calls" from customers as a result of the announced change and said

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

he sees no hurry. Caribou will reduce fluoride levels gradually.

The state directive says that water systems can move to 0.7 ppm immediately, but will not be required to do so until state rulemaking is completed, probably in about three months.

At the Kennebec Water District, which serves Waterville, Winslow and four other communities, Jeff Lacasse said he also "hasn't heard a thing," although the district, which upgraded its treatment plant in 1993, switched to the 0.7 level almost immediately.

TOO MUCH FLUORIDE?

One plant superintendent for whom it was not business as usual is Norm Labbe at the Kennebunk, Kennebunkport and Wells Water District, which was the most recent municipal system to begin adding fluoride, in 2004, after a successful referendum drive organized by a local orthodontist. All of the seven towns served by the water district voted in favor.

Labbe has concerns. He notes that in 2006 Mount Desert became the first public water supply in Maine to eliminate fluoride through a required referendum vote; Jackman is the only other water district to follow suit so far.

Portland Water District began adding fluoride to its Sebago Lake supply in 1997 and spokeswoman Michelle Clements said that, though there was talk of a referendum petition to remove fluoride two years ago, nothing came of it.

Labbe counts himself as among those worried that people may be getting too much fluoride because there are now such a variety of sources. A 2008 newsletter from the district said, "We are feeding fluoride because the voter has exercised the freedom of choice to do so." It also argued that topically applied fluoride is superior to ingesting it in drinking water.

Labbe said he's also concerned about fluoride not only in the water, but around the treatment plant. "It's a difficult chemical to handle," he said, "and as little as four grams "can be a fatal dose, so even the residual powder is a concern."

Judy Feinstein at Maine CDC said that although dental authorities acknowledge the value of topical fluoride, "not every Maine kid sees a dentist and some people can't even afford toothpaste."

When the new federal guidelines were released, the Kennebunk water district issued a press release saying it "welcomed" the lower standard. And Labbe, using the discretion allowed by the state, said the district now fluoridates at .52 ppm, near the minimum.

Because not every system can precisely control fluoride levels, the old guidelines allowed anywhere from 1 to 2 ppm, with 1.2 the recommended level. The new "optimum range" is 0.5 to 1 ppm, with 0.7 the recommended level, according to an interim




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guidance letter from Roger Crouse, director of the Maine Drinking Water Program.

Crouse said he “tries to stay out” of the discussion of the merits of fluoride, said that many system operators began reducing levels right away, but said they are not required to until new rules are formally adopted.

Dr. Shenkin isn’t wholly convinced that the 0.7 ppm level is ideal for dental health. He points out that one of the reasons why the federal guideline was adopted is that there’s always been a split standard for fluoride added to drinking water.

Northern states, like Maine, were supposed to add 1.2 ppm but southern states used the 0.7 standard. The theory was that southerners would drink more water because of the warmer weather, and hence ingest more fluoride.

But the widespread prevalence of air conditioning “means that southerners don’t drink any more water than northerners,” he said, yet the observed dental decay rates are relatively uniform nationwide.

Shenkin said dental researchers will be watching to see if there’s any upswing in decay rates over the next decade. Overall, cavity rates are still declining among all groups except young children, he said, probably because most kids are drinking large quantities of juice, which is as harmful to teeth as soft drinks.

Norm Labbe takes the other side. “Toothpaste is a major source of fluoride, and since it tastes good, kids swallow it,” he said.

Feinstein said Maine CDC recommends that parents not use fluoride toothpaste for children younger than two years and for toddlers to use only a small amount – “no larger than a pea.”

Discussion about the proper use of fluoride may sometimes overshadow the remarkable public health achievement represented by community water systems themselves. In the 19th Century, water-borne diseases such as cholera and typhoid were endemic, killing thousands every year. Such diseases have disappeared from this country, replaced by scientific regimens that protect and promote public health.

“Overwhelmingly, plant operators are dedicated professionals,” Feinstein said. “They take a lot of pride in providing safe water.” 

More Testing Leads To New Arsenic Data

Although fluoride has received more notice recently, arsenic in water has also been an important topic.

The U.S. Geological Survey announced in December that arsenic concentrations in groundwater have been recorded at unsafe levels “in private wells across Maine, where elevated arsenic risks were not previously suspected.”

At Maine CDC, Andy Smith, the state toxicologist, said the announcement reflects “an accumulation” of findings in recent years that show that it’s a good idea for anyone not using a public system for drinking water to get their wells tested – preferably every three to five years.

Arsenic, like fluoride and a host of other chemicals and minerals, is naturally present in groundwater and in most cases does not represent a problem. “But we have had wells where it was really high, at levels you would definitely would not want to drink,” Smith said.

One of the hopes for recent analyses of the test data was that, by overlaying high arsenic readings onto geological maps, the state might be able to predict, with greater accuracy, areas where arsenic might be present in high concentrations – and to localize Maine CDC’s warnings.

“So far, it doesn’t show much of a pattern,” Smith said. “There’s still an inability to know or predict results” from individual wells, though CDC and other state agencies will keep trying.

HOT SPOTS

The state first identified “hot spots” for arsenic in the Buxton area back in the 1980s. More recently, areas of Rangeley, Danforth, Turner, Northport, Blue Hill and Owls Head have turned up clusters of wells with elevated arsenic.

“We’ve known for awhile that this is an issue Down East and west of Bangor,” Smith said.

The reason why the state now has more data is that arsenic testing, which wasn’t required in standard test kits before, has been included by the state laboratory and most private testing companies since 1999.

As a rule of thumb, about 10 percent of wells show elevated arsenic, although far fewer have dangerous levels. The state data shows that the number of private wells that have been tested has risen from 28 percent in 2004 to 50 percent last year. That’s progress, but not, in Smith’s view, enough. “We still have half that are basically unknown,” he said.

Though there have been some attempts in the Legislature to require water testing – such as when a house is sold – they have not been successful.

“Legislators see this as a personal responsibility, not a subject for a mandate,” he said.

Municipalities may not have a major role to play, but Smith said town offices have been helpful in distributing testing brochures. It seems that when people are in line to pay taxes or register a car, they’re more likely to read about drinking water hazards than when they visit a convenience store.

“That’s one of our best sources of outreach,” Smith said. “That and the coverage we get from the news media.”



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MWWCA	Legislative Breakfast	Augusta-Senator Inn	2/17	SEPTEMBER			
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MWWCA	Ski Day	Carrabasset Valley-Sugarloaf	3/9	MWWCA	Fall Conference	TBD	9/14-16
MMA	Planning/Bd of Appeals	So. Portland-Embassy Suites	3/15	MBOIA	Annual Meeting	Gray-Spring Meadows	9/15
MBOIA	Membership Mtg/Training	TBD	3/17	MMA	Planning/Bd of Appeals	Ellsworth-TBD	9/20
MMA	Planning/Bd of Appeals	Augusta-MMA	3/23	MAAO	Fall Conference	Sebasco Harbor Resort	9/28-30
MMTCTA	Tax Liens	Portland-Keeley's	3/24	OCTOBER			
MWDA	Advanced GA	Augusta-MMA	3/25	MMA	75th MMA Convention	Augusta Civic Center	10/5-6
APRIL				MMA	Elected Officials Workshop	Ellsworth-TBD	10/18
MACA	Spring Conference	Bangor-Hollywood Slots Hotel & Raceway	4/1	MFCA	Annual Conference	TBD	10/27-28
MMA	Basic Municipal Budgeting	Augusta-MMA	4/1	NOVEMBER			
MMA	Planning/Bd of Appeals	Bangor-Spectacular Events	4/5	MMTCTA	Municipal Law for Tax Collectors	Augusta-MMA	11/9
MCAPWA	Annual Spring Meeting	Waterville-Elks Lodge	4/7	MMA	Personnel Practices	Augusta-MMA	11/15
MTCCA	Vital Records	Portland-Keeley's	4/12	MMA	Planning/Bd of Appeals	Brunswick-TBD	11/29
MWDA	Basic GA	TBD	4/14	DECEMBER			
MFCA	Blaine House Conference	Northport-Point Lookout	4/14-15	MMA	Elected Officials Workshop	So. Portland-Embassy Suites	12/1
MMTCTA	Govt. Acct. I	Augusta-MMA	4/21-22	MMA	Basic Municipal Budgeting	Orono-Black Bear Inn	12/2
MMA	Labor & Employment Law	Augusta-MMA	4/26	MMA	Planning/Bd of Appeals	Farmington-UMaine Farmington	12/8
MWWCA	Spring Conference	Portland-Seasons Grille	4/29	MBOIA	Membership Mtg/Training	Brunswick-China Rose	12/15
MCAPWA	Supervisory Training I	TBD	TBD	KEY TO SPONSORS			
MAY				MACA	Maine Animal Control Association		
MBOIA	Spring Code Conference	Lewiston-Ramada Inn	5/2-3	MAAO	Maine Association of Assessing Officers		
MMTCTA	Govt. Acct. II	Augusta-MMA	5/6	MBOIA	Maine Building Officials & Inspectors Association		
MTCCA	Title 21A for New Clerks	Waterville-Elks Lodge	5/10	MCAPWA	Maine Chapter of American Public Works Association		
MWDA	Spring Seminar	TBD	5/16-17	MCDA	Maine Community Development Association		
MTCCA	Licensing	Augusta-MMA	5/17	MEMA	Maine Emergency Management Association		
MMTCTA	Cash Management	Brewer-Jeff's Catering	5/18	MFCA	Maine Fire Chiefs' Association		
MMTCTA	Annual Conference	Brewer-Jeff's Catering	5/19	MFPSC	Maine Fire Protection Services Commission		
MMA	Personnel Practices	Augusta-MMA	5/24	MMA	Maine Municipal Association		
JUNE				MMTCTA	Maine Municipal Tax Collectors' & Treasurers' Assn.		
MCAPWA	Highway Congress	Skowhegan Fairgrounds	6/2	MRRA	Maine Resource Recovery Association		
MMA	Elected Officials Workshop	Millinocket-River Driver's Restaurant	6/15	MSFFF	Maine State Federation of Firefighters, Inc.		
MBOIA	Membership Mtg/Training	Scarborough-Dunstan School Restaurant	6/16	MTCCA	Maine Town & City Clerks' Association		
MMTCTA	Basic Excise	Augusta-MMA	6/16	MTCMA	Maine Town & City Management Association		
MMA	Planning/Bd of Appeals	Presque Isle-PI Convention Ctr	6/21	MWWCA	Maine WasteWater Control Association		
MMA	Elected Officials Workshop	Bethel-Bethel Inn	6/30	MWDA	Maine Welfare Directors Association		

For more detailed descriptions, please visit the MMA website: www.memun.org. Go to the top of the page under "Marketplace@MMA" and pull down to "Training & Wksp's".

2011 Municipal Technology Conference

Thursday, March 3, 2011 Bangor Civic Center

(Sponsored by Maine Municipal Association & the Maine GIS User Group)

Agenda and Topic Sessions

<p>8:00-8:45 a.m. Registration & Continental Breakfast</p> <p>8:45-9:45 a.m. Opening Presentation The Future of Municipal Government: The next five years will change our world! Join this plenary session, discussing the dramatic technological changes underway today and predict the impact on government services. Discover the balance between cost and citizen service and how technology will become a major catalyst to government access and efficiencies. Speaker: Dick Thompson - Principal Consultant for T4G and former Chief Information Officer for the State of Maine.</p> <p>9:45-10:00 a.m. BREAK</p> <p>10:00-10:45 a.m. Concurrent Sessions Managing Office Technology - Day to day business tools for busy municipal offices. Maine Cloud: What could it actually mean to Maine State and Local Governments. Status of Flood Mapping in Maine Low Tech vs High Tech GPS Units</p> <p>10:00 – 11:30 a.m. Accessing and Utilizing Census Data for Your Community!</p> <p>10:45 – 11:00 a.m. BREAK</p> <p>11:00-11:45 a.m. Concurrent Sessions Telecommuting: is it a Fit for Municipal Government? Creating Accountable and Efficient Government Through Innovative Technology Town Level Landslide Risk Assessment (GIS) Orthoimagery Report</p> <p>12:00 – 1:30 p.m. Luncheon & Speaker: Future of GIS/GPS Technology in Maine</p>	<p>1:45 – 2:30 p.m. Concurrent Sessions Using Internal Resources to Develop Data Tracking Systems Based on Existing Microsoft Programs Open Source Projects on a Shoestring Presentation by Blue Marble Geographics Crime Analysis (GIS)</p> <p>1:45 – 3:00 p.m. GovOffice User Group Session: A major system upgrade and other new features will be discussed at the GovOffice User Group Session, this informative session will also include Best Practices Tips to allow you to improve your site appearance and functionality. The session will also address the recent GovOffice User Survey, Google Analytics and much more! If your community has a new site administrator this session is a must - the event is also open to those considering moving to GovOffice.</p> <p>2:30 – 2:45 p.m. BREAK</p> <p>2:45 – 3:30 p.m. Concurrent Sessions Information Security and Communications Technology: Protecting against fraud and unauthorized access On-Demand Online Training GeoParcels Panel Discussion</p> <p>3:30 – 3:45 p.m. BREAK</p> <p>3:45 to 4:00 p.m. MEGUG Scholarship/Grant Recipient Presentations</p> <p>4:15 to 4:30 p.m. MEGUG Business Meeting</p> <p>4:30 p.m. Adjourn</p> <p>Detailed information about sessions, registration, and speaker biographies are available online at MMA's website (www.memun.org – use the conference logo on right).</p>
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Registration: \$65.00 (MMA Members, Non-profit, Gov't Agencies, MEGUG) / \$90.00 (Business Reps)
Register online at: www.memun.org (click on the Technology Conference logo).

Questions & Cancellations: If you have any questions regarding registration, please call Educational Services at 1-800-452-8786 (Augusta area, 623-8428). Notification must be given at least 72 hours before the conference to receive a refund (minus processing fee). **All** cancellations are subject to a \$10 administrative fee for processing.



Livermore Deputy Town Clerk **Ann Gile** died Jan. 2 of breast cancer. She was 54 and had worked for the town since 2000. Portland born, Gile began working at the age of 10 as a newspaper carrier and never stopped working until she became too ill to complete her clerk duties. She had lived in nearby Livermore Falls since 1984.

Sangerville Selectman **Harold Leland**, 82, died on Dec. 19 after serving on the board for six years. A longtime farmer, Leland later worked as an executive director for the U.S. Agricultural Stability Conservation Service until his retirement in 1988.

Dixfield Board of Selectmen Chair **Bettina Martin** died Jan. 9 at her home at the age of 73. Martin served six years on the Board of Selectmen, the last five as chair. She also served three years on the town's finance committee, as well as working as administrative assistant for the Greater Dixfield school district. She also had a stint as Farmington town treasurer. A Husson College graduate, Martin also was a self-employed businesswoman for many years in Farmington.

Russell Mathers II, Wilton's wastewater treatment and water superintendent, died Jan. 7 after a long illness. Mathers, 58, started his municipal career in 1987 as a plant operator. He had been on medical leave since last November. Mathers was an artist with a great sense of humor, his friends said, as well as a song writer and political junkie, among many other interests and accomplishments.

Shapleigh firefighter **David Remington Sr.** was killed while en route to a fire on Jan. 3 as the result of crashing his pickup truck on a road that officials called "horrible" and "tough to negotiate." Remington, 58, lived in Acton and had served as a firefighter for Shapleigh for four years. He also is a former Portland firefighter.

Lisbon Town Council Chairman **Michael Bowie** got past a recall election on Jan. 4 as voter turnout fell far short of what the town charter required to unseat a councilor. Al-

though the recall recorded a vote of 160-96 to unseat Bowie, the charter dictates that at least 608 voters participate in the balloting, based on current registered voter numbers.

Portland City Clerk **Linda Cohen** resigned her position in early January after 10 years to start a new career in real estate. Cohen worked as South Portland clerk for 12 years before being hired in Maine's largest city in 2001.

Ralph Dwyer has been named Ashland town manager, replacing **James Gardner**, who resigned last December. Dwyer was an executive with Irving and most recently Pinkham Lumber before accepting his first municipal job. Gardner was recently named town manager in Easton.

Portland Assistant City Manager **Patricia Finnigan** has been named acting manager while the council conducts a national search to find a permanent replacement for former manager **Joe Gray**, whose retirement took effect on Feb. 11. Finnigan joined the city staff in 2007 after working as Auburn city manager for 13 years. Finnigan, a former Bangor city councilor, did not rule out applying for the manager's job on a permanent basis.

Corinth selectmen hired **Travis Gould** to replace Town Manager **Don Strout**, who retired last October after 31 years. The job is Gould's first as a manager. Most recently, he worked as assessor for the towns of Palmyra, Kenduskeag, Hudson and Corinth, as well as code enforcement officer for Palmyra. Gould started his new job on Jan. 1 and will continue acting as assessor for the town, as well as manager and town clerk. Deputy Town Clerk **Patricia Downing**, who has worked for the town for more than 20 years, served as acting man-

ager until Gould's hiring.

Dave Johnson has been hired by Dover-Foxcroft selectmen as the town's new finance director and office manager, effective Feb. 28, to replace **Barbara Moore**, who is retiring. Johnson, a town resident, holds a bachelor's degree in business administration and management and has worked for the last 11 years for a Dover-Foxcroft law firm as office manager.

Sanford Fire Chief **Raymond Parent** retired in early February after fighting fires for more than four decades, including 30 years in the Biddeford Fire Department, from which he retired as deputy chief in 1996. Assistant Fire Chief **Jeff Rowe** will serve as acting chief until a new chief is named.

Waldoboro Town Manager **William Post** resigned effective Jan. 11 after serving the town since 2008. Finance Director **Eileen Dondlinger** will serve as acting manager.

Lester Stackpole defeated four other candidates in a special election on Jan. 4 to fill the Orland selectman seat left vacant last November after the death of Selectman **S. Wayne Ames**.

Scott Tilton was named manager of the town of Arundel, effective Jan. 1. Formerly administrative assistant to the North Yarmouth selectmen, Tilton replaces **John Fraser**.

Joseph Young was named interim Winthrop town manager, effective Jan. 29, replacing **Cornell Knight**, while the council looks for a permanent replacement. Young is the town's police chief. He will appoint someone to work as interim chief. Knight left Winthrop after 12 years to become Topsham's town manager. 

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

Augusta: The city received one proposal to redevelop the famous Cony flatiron building from a Manchester businessman who wants to turn the building into shops, condos and eateries. A fourth floor would be added for housing, under the proposal. The bidder offered to buy the building for \$1 million and to spend \$1.7 million to \$2.2 million to remodel the former high school. Councilors will discuss the proposal at an upcoming informational meeting. The latest plan represents the city's third attempt since 2009 to find a suitable proposal to save the iconic, historical building.

Gardiner: The city will begin accepting credit card payments via the Maine PayPort service for municipalities for taxes and fees. The new service was launched in response to residents' requests. The program will allow people to pay either at the counter or by phone, officials said, and eventually online.

Jay: A group of residents objected to a proposed recycling ordinance that would allow officials to enter private property to enforce the new rules. Officials said the provision was intended to permit investigation when someone tries to illegally dump material, especially waste from non-residents. The proposed language would not allow officials to enter buildings. The board will review the proposal after hearing the public concerns.

Limestone: Federal military contract cuts will cost the town about 40 percent of the workforce at one of its largest employers, the Maine Military Authority at the former Loring Air Force Base. The company has about 350 workers who refurbish vehicles for the Army National Guard and the funding cut is expected to cause the loss of 152 jobs. The work was paid for through budget earmarks that did not pass Congress because of the withdrawal of combat troops in Iraq. The company has worked with Maine's federal delegation to stave off layoffs over the past few years, but those efforts were unsuccessful this year.

Livermore Falls: Selectmen voted in January to retain the town's police department rather than contract for

coverage by the county. The board was asked by voters in 2010 to study whether the town could save money by eliminating the municipal police force and seek coverage by the Androscoggin County Sheriff's Department. Selectmen decided there would not be savings, but said they would work to make the local department even more efficient.

Palermo: A man and his son from York, who own property in town, must get a variance to preserve the tree house they built together in the town's shoreland zone last summer. The house was built without town permission and is just 93 feet from the high water mark of Sheepscot Lake. The town's shoreland rules require all structures to be at least 100 feet from the water.

Vassalboro: Selectmen are considering whether to spend \$10,000 to \$25,000 for cameras to monitor the four-way intersection in the town village, an area where loitering, thefts and other crimes upset residents last summer. The neighborhood has created a Crime Watch program and town officials are seeking grant funding for the cameras, should selectmen ultimately agree they are worth the investment.

Wiscasset: The town has been named one of only 20 "coolest towns" in the U.S. by premier travel magazine

Arthur Frommers Budget Travel. Under contest rules established by the magazine, the nominees must have been municipalities with populations under 10,000; offer an extensive art community; be located near natural resources; and provide a high quality of life. Town officials and business owners hope the designation will lead to a boost in tourism for the Lincoln County town and its regional neighbors.

Statewide: The State Planning Office is again offering \$500 matching grants to municipalities to promote recycling and/or composting. In previous years, grants have been awarded for a variety of things such as website development, facility signage, compost workshops, videos and customized print brochures. Application deadline is March 11. For more information and an application form see <http://www.maine.gov/spo/recycle/index.htm> or contact Suzanne Duplissis, suzanne.duplissis@maine.gov or 207-624-6248. 

CORRECTION:

A Q&A about the roles of managers, selectmen and councilors in the January Townsman should have cited John Bibber as a former Brunswick manager and role model to Don Gerish.

NEW ON THE WEB

Here are some highlights of what's been added at www.memun.org since the last edition of the *Maine Townsman*.

- **Technology Conference.** New program information and details have been added about the 2011 Municipal Technology Conference, which will be held at the Bangor Civic Center on March 3 and is co-sponsored by MMA and the Maine GIS User Group. Simply go to the home page and click on the Technology Conference icon for more information.
- **Revenue Sharing.** Revenue sharing is a big issue in the current supplemental state budget and in other budgets past and future. MMA staff has posted a spreadsheet that provides town-by-town details showing how revenue-sharing funds were reduced in 2010 and how they would be affected in the supplemental budget (LD 100) as proposed.
- **Recycling and Composting.** Outreach grants are once again available from the State Planning Office for municipalities that promote recycling and/or composting. An application form is available through the website, as is contact information for municipalities with questions. The deadline to apply for a grant is March 11.



Municipal Bulletin Board

MMA TECH CONFERENCE IN BANGOR

The MMA Technology Conference this year moves from Augusta to the Bangor Civic Center, and will be held on Thursday, March 3 in the Bangor Civic Center.

The event, co-sponsored by the Maine GIS User Group, begins with registration at 8 a.m. and concludes at 4:30 p.m. Dick Thompson, principal consultant for Canadian Technology company T4G and former Chief Information Officer for the State of Maine, will deliver a keynote speech on the "Future of Municipal Government" at 8:45 a.m.

Among the other topics to be covered: Cloud Computing in Maine; Accessing and Using Community Census Data; and, Telecommuting: Is it a Fit for Municipal Government? The Tech Conference aims to appeal to both information technology professionals and municipal managers and elected officials.

The Tech Conference is considered MMA's second-largest event, as it typically draws upward of 300 attendees and 15 to 20 exhibitors. Cost to attend is: \$65 for MMA and MEGUG members and employees from non-profit government agencies; \$90 for businesses; and, \$35 for students who show college identification. Registration can be done through the MMA website.

TAX LIEN PROCEDURES

The Maine Municipal Tax Collectors' and Treasurers' Association will sponsor one-day workshops on Tax Lien Procedures on Feb. 28, at Jeff's Catering in Brewer, and on March 24 at Keeley's Katering in Portland. The workshops start at 8:30 a.m. and conclude at 3:30 p.m.

The program focuses on proper procedures in the tax lien process as well as the proper completion of necessary forms. The emphasis is on the "how to" rather than the legal aspects of tax liens. Instructors are: Gilberte Mayo, Treasurer in Lincoln; and, Stu Marckoon, Treasurer in Lamoine.

It is important that attendees have Municipal Liens Manuals and bring them to the workshop, which costs \$50 for MMTCTA members and \$60 for

non-members. Registration is available online from the MMA website. Municipal Liens Manuals can be purchased by calling MMA at 1-800-452-8786, ext. 2291.

MANAGERS INTERCHANGE

The 32nd Annual Statewide Manager Interchange will be held on Friday, March 4 at the Best Western Black Bear Inn in Orono. The day-long event, sponsored by the Maine Town & City Management Association, begins with registration at 8 a.m. and ends at 3:30 p.m.

Cost to attend is \$60, if pre-registered or postmarked by Feb. 25, or \$85 after that day. There also is a \$30 first-time attendee registration offer for MTCMA new managers. Registration is available through the MMA website.

The MTCMA has blocked rooms at the Black Bear Inn. In making reservations, be sure to mention that you are with the MTCMA. The telephone number at the inn is: 207-866-7120.

PLANNING BOARD/BOA: SOUTH PORTLAND, AUGUSTA

MMA's Legal Services Department will host sessions for local Planning Board and land use Boards of Appeal members from 5:30 to 9 p.m. on March 15 at the Embassy Suites in South Portland and at MMA's Conference Center in Augusta on March 23.

The workshops are designed as an introduction for new or less experienced members but veterans may find an update useful as well. Among the topics to be covered: jurisdictional issues; conflicts of interest and bias; public notice requirements; site visits; procedure for decisions; and, variances.

The cost is \$40 for MMA members and \$60 for non-members. Registration is available online through the MMA website.

MUNICIPAL ROLES: UNION

The Midcoast Management Association and Town of Union will host a workshop about the proper roles of Selectmen, Councilors and Managers on Wednesday, April 6 at the Union Town Hall.

The workshop, being organized by MMA, will be led by former Portland City Councilor and Mayor Pam Plumb and by Don Gerrish, a long-time town and city manager who is now a municipal consultant with Eaton Peabody.

The workshop will begin at 6 p.m. and will end at about 8 p.m. A light meal will be provided by the Town of Union. The cost is \$20 per registrant for MMA members and \$30 for non-members. Reservations are available on a first-come, first-served basis through MMA's Communication & Educational Services Department, which can be reached at: 1-800-452-8786. www.mma.org

MMA Personnel Services and On-site Consulting Services

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

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

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

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

Testing — Entry level police and fire testing.

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

For more information visit the MMA website: www.memun.org

CAN A SELECTMAN ALSO BE A SCHOOL BOARD MEMBER?

Question: I'm a selectman, but I'm also interested in serving on our school board. Is this permissible?

Answer: No, a municipal officer (selectman or councilor) and a school board member are considered legally incompatible offices and may not be held simultaneously by the same person.

Though there's no statute on the subject, the Maine Attorney General's office has given this opinion on at least six occasions that we're aware of (May 15, 1936; April 18, 1942; May 15, 1968; February 17, 1972; June 21, 1978; and May 31, 1995). And a Maine Superior Court issued this judgment in *M.S.A.D. No. 24 v. Butler*, Dkt. No. 10717 (Me. Super. Ct., Aro. Cty., Oct. 26, 1972) (Roberts, J.).

The reasoning, briefly, is that there are various and sundry conflicts between the statutory duties and authority of municipal officers and school board members that render it impossible for one person to fully and faithfully discharge the duties of both offices. And this is so whether the school administrative unit involved is a municipal school, a regional school unit (RSU), a school administrative district (SAD), a community school district (CSD), or otherwise.

Incompatibility of office should not be treated lightly – it has real legal consequences for the officeholder. Where it is found to exist, as with municipal officer and school board member, the first office held is deemed vacated automatically upon acceptance of the second (see, e.g., the *Butler* case cited above).

For a detailed discussion of incompatible offices and a comprehensive list of prohibited combinations of offices, see "Incompatible Offices," *Maine Townsman*, "Legal Notes," August 1987 (updated February 2010). (By R.P.F.)

MAXIMUM INTEREST RATE FOR 2011 DELINQUENT TAXES: 7%

The State Treasurer has established 7% as the maximum interest rate that may be set for delinquent taxes committed during calendar year 2011.

Interest does not actually accrue on

unpaid taxes, however, unless a municipality, at the meeting at which it votes to raise a tax or at any subsequent meeting prior to commitment of that tax, by vote sets the rate of interest and the date or dates from and after which interest will accrue (see 36 M.R.S.A. § 505(4)). This rate then applies to all delinquent taxes committed during that year until they are paid in full, even if a different rate is set for taxes committed in a subsequent year.

For a detailed description of how to calculate interest on delinquent taxes, see pages 12-16 of MMA's *Municipal Liens Manual*, available free of charge to members on MMA's website at www.memun.org. (By R.P.F.)

MULTIPLE NOMINATIONS

Question: A candidate wants to take out nomination papers for two different offices she cannot legally hold at the same time. Must we issue both nomination papers?

Answer: Yes, a candidate is entitled to take out as many nomination papers

as he or she wishes. After all, she may not get enough signatures to qualify for any of the offices she seeks. Or she may decide to file only one set of completed papers. But what if she wants to file both?

Before accepting nomination papers for two offices that cannot be held simultaneously, the clerk should remind the candidate that each nomination must be accompanied by her written consent to qualify if elected (see 30-A M.R.S.A. § 2528(4)(C)). The clerk should also point out that, if she is elected to both offices, this could result in substantial inconvenience and expense, particularly if a special election is required to fill the office she declines. This may be sufficient to dissuade her from filing both sets of papers.

But if the candidate insists on filing both, our advice is that the clerk should accept both, as there is no clear statutory authority to do otherwise. (A clerk's duties respecting nomination papers are ministerial or nondiscretionary.) If someone else wishes to object,

 MMA Municipal Calendar

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

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

FEBRUARY 21 — Presidents' Day, the third Monday in February, is a legal holiday (4 MRSA § 1051); and shall be observed as a school holiday in the absence of any vote of the superintending school committee designating how the day shall be observed (20-A MRSA § 4802).

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

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

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

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

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

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

the procedure for doing so is outlined in 30-A M.R.S.A. § 2528(4)(D). Or the candidate herself may later decide to withdraw from one of the races, thus resolving the dilemma (see 30-A M.R.S.A. § 2528(6-A)).

For more on the secret ballot nominating process, see Chapter 8 of our *Town Meetings & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

MULTI-YEAR CONTRACTS

Question: Do we need specific authorization to enter into a multi-year contract, for snow removal, for example?

Answer: We strongly recommend it. The authority to bind a municipality to a contract derives from its legislative body, whether a town meeting or a town or city council (see, e.g., *State v. Town of Franklin*, 489 A.2d 525 (Me. 1985)). Thus, it's in the best interest of all parties to an agreement that that authority be clear and unambiguous.

Where a contract is for one year or less, and a municipality has no suitable equipment or personnel of its own, authority to contract for work may be clearly implied by an appropriation of funds for that purpose (although express authorization is even better). But where it is a multi-year contract, an annual appropriation, by itself, is hardly clear evidence of authority to enter into an agreement requiring future appropriations as well. Hence, our conservative advice is that the authority to enter into a multi-year contract should be explicit.

We are not suggesting, however, that the legislative body must approve the specific terms of a multi-year contract. Clear authorization to the municipal officers (selectmen or councilors) or some other designated official to negotiate and enter into the contract, perhaps within specific parameters, should be sufficient.

Even so, in *Boudreau v. Town of Princeton*, 611 A.2d 78 (Me. 1992), a multi-year snow removal contract was upheld without express authorization where the voters first authorized the selectmen "to select a contractor to perform whatever duties they may deem necessary" and then appropriated the first

year's snow removal budget. Because the holding in *Boudreau* was based on the particular facts in that case, though, we do not recommend relying on it as a general rule.

For much more on contracting, see our "Information Packet" on municipal contracts and competitive bidding, available free to members at www.memun.org. (By R.P.F.)

SPOUSES ON THE SAME BOARD

Question: Can a husband and wife legally serve on the same board at the same time?

Answer: Yes, unless a municipal charter provision prohibits it (we've never seen one that does). Otherwise, there is no Maine law barring spouses or other family members from serving simultaneously on the same board provided they all are legally qualified (see "Qualifications for Municipal Office," *Maine Townsman*, "Legal Notes," May 2008).

There are several laws dealing with family relationships and local government, however. One prohibits a municipal officer (selectman or councilor) or spouse from serving on a board of appeals (see 30-A M.R.S.A. § 2691(2)

(B)). Another prohibits a school board member or spouse from being an employee or a primary volunteer in any school within the board's jurisdiction (see 20-A M.R.S.A. § 1002(2)). Still another disqualifies any official who, in a quasi-judicial setting, is related by blood or marriage to any interested party within the 6th degree (see 1 M.R.S.A. § 71(6) and the "Table of Consanguinity" in Appendix 2 to MMA's *Municipal Officers Manual*).

Surprisingly, perhaps, Maine has no general "anti-nepotism" law prohibiting favoritism toward relatives in appointments, hiring decisions, contract awards, etc. This is no doubt due to the fact that we are a state of many small towns and that, in many instances, those most active in local government are in fact related in some degree. Nevertheless, where a decision involving a relative will benefit an official financially, Maine's conflict of interest law will disqualify that official from participating.

For more on this and related topics, see our "Information Packet" on ethics and conflicts of interest, available free to members at www.memun.org. (By R.P.F.) 

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