

January 2011

maine townsman

The Magazine of the Maine Municipal Association



'IT'S GOING TO FLY'
Shellfish Coalition Aims
To Protect Frenchman's Bay

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An Anniversary Year – For Us, For You 5

Maine Municipal Association turns 75 this year and we are planning a low-key celebration of municipal service that will be about the dedicated officials, managers and municipal employees that MMA strives to serve. To learn more, turn forthwith to Executive Director Christopher Lockwood's column.

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Seven municipalities on or near Frenchman's Bay near Ellsworth are working together to conserve clam flats there and to regulate the potentially lucrative pastime of shell fishing. This is the second such multi-town cooperative in the state. Municipal officials involved with the initiative say it's off to a promising start.

Older Really Can Be Better 11

It's not really news at this point: Maine is among the oldest states in the nation and it's attractive to retirees "from away." This trend can affect municipalities in many ways, such as increasing demands for emergency services and libraries. But, the stereotype that older citizens oppose school spending isn't always true.

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Here are some helpful tips for how municipalities can reduce the chances that cold weather will damage public buildings and how employees can drive safely during winter months. Also, there's a complete list of municipalities that received \$2.1 million in grants from MMA's Workers Compensation Fund in October 2010.

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The Maine Townsman asks three municipal veterans about the keys to effective working relationships among elected municipal officials and the managers that administer their cities and towns. Not surprising one another is listed as a top priority, as is creating an atmosphere of mutual respect. This Q&A offers anecdotes and sound advice.

Coming to 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.

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COVER PHOTO: Freelance photographer Jason P. Smith of Orono captured this photo of Jim Norris hunting for clams at Meadows Point in Lamoine last month.



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A Message From MMA



by Christopher Lockwood, Executive Director

A Celebration of Municipal Service

As we enter 2011, Maine Municipal Association begins our 75th year of serving and advocating on behalf of Maine's local governments. We are proud and honored to have such an important mission and to serve thousands of dedicated local government public servants.

MMA was initially formed in 1936 by a small group of elected officials who recognized the importance of having a unified municipal government voice in the state Legislature and the value of sharing information and ideas to strengthen and improve local government and the delivery of services.

Clearly much has changed in the intervening years, but much remains the same. Municipal governments continue to be on the front line of providing to citizens and businesses the basic services that are essential to public safety and for the functioning of our economy. Municipal governments continue to be accountable, frugal and resourceful, as confirmed by several recent independent studies. Likewise, municipal governments are significantly affected by policy decisions at both the state and federal levels.

While MMA's basic mission has remained the same, we have adapted our programs to reflect the changing needs of our members. Our advocacy efforts have broadened to reflect the importance of having a unified voice not only in the legislature, but throughout our state and federal system to maintain respect for the role of municipal governments and to enable local officials to serve as responsible partners in our intergovernmental system.

The MMA Legal Services program has been a mainstay of our technical assistance efforts, responding to over 8,000 inquiries a year. These inquiries have become increasingly complex and often arrive via fax or e-mail, compared to the more traditional letter or telephone call, with an expectation for quick turnaround responses.

Another staple of MMA's technical assistance, Personnel Services and Labor Relations, continues to offer advice and assistance on the broad array of human resources issues, including the requirements of various recent statutes such as the Fair Labor Standards Act, Americans with Disabilities Act and Family and Medical Leave Act.

Beginning in the late 1970s, MMA undertook a series of initiatives in the insurance and risk management arena. The MMA Workers Compensation Fund, MMA Property & Casualty Pool, MMA Unemployment Compensation Fund and various programs offered through the Maine Municipal Employees Health Trust enable municipalities to take advantage of group purchasing power and the financial tool of self insurance to achieve significant cost savings and to

obtain coverage and options tailored to local government operations.

Communication and Educational Services is another area in which MMA's traditional offerings have been augmented to reflect the dramatic changes in how people receive information and communicate. MMA's traditional Resource Center Library has been transformed into a website (www.memun.org) containing literally thousands of reference materials, all MMA manuals and Legal Information packets and links to an array of outside resources – all of which are available to members on-line 24 hours a day, seven days a week. We continue to recognize the value of delivering in-person training programs but also offer a variety of on-line programs.

As MMA begins our 75th year, we maintain our commitment to provide high quality services and to keep in touch with the changing needs of our members. Working with the MMA Executive Committee, we will commemorate our 75th anniversary during 2011 in a low-key manner by focusing on municipal government and the officials who serve at the local level. A few of the ideas under discussion include compiling oral histories from a few long time municipal officials, a "then and now" municipal photo contest – with winning photos to be displayed on a Municipal Calendar to be distributed to MMA members and an open house in conjunction with the MMA annual convention on Oct. 5-6. Our primary focus will be to celebrate and recognize the important work of municipal government in Maine

Thank you for the privilege of serving you.

MMA HISTORY

To read more about the history of Maine Municipal Association please visit the website (www.memun.org) and click on the 75th anniversary logo in the upper left.

There, you can read an article, written in 1986, that chronicled MMA's history over its first 50 years. We also have posted articles about the construction of MMA's headquarters in 1994 and conference center in 2009.

Throughout 2011, we will produce and add new items – at the website and in the Maine Townsman – as we profile and record oral histories of elected officials and municipal employees who dedicated themselves to many years of municipal service.

If you have suggestions of long-time municipal leaders or employees who MMA should consider interviewing, please contact Eric Conrad, Director of Communication & Educational Services, at econrad@memun.org or by calling 1-800-452-8786. 

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Clamming Together In Frenchman's Bay

By Douglas Rooks

Towns in Downeast Maine are legendary for their fierce independence. So when the six towns surrounding Frenchman's Bay, plus the City of Ellsworth, decided to form a regional shellfish conservation district, it was seen as newsworthy in the local press.

The regional district is just the second such multi-town cooperative in the state, and its rapid startup for the 2010 season took a lot of work and a lot of patience, but was worth it, said shellfish committee Chair Joe Porada.

"We think it's going to fly," he said. "We've been able to accomplish a lot in a short space of time."

The participating municipalities, proceeding clockwise around Frenchman's Bay, are: Trenton; Lamoine; Franklin; Hancock; Sullivan; and, Sorrento. Ellsworth, on Union River Bay, has no open clam flats, but does have 15 newly licensed diggers.

Town shellfish ordinances are focused on clams, one of Maine's most abundant and remunerative cash crops. For hundreds of years, people have been digging the clam flats, and it can still provide a good living, though most clam diggers also have other jobs, at least seasonally.

The state regulates clamming in municipalities that don't have their own ordinances. Most coastal towns do have ordinances but the smallest ones sometimes struggle to maintain them. Town ordinances, unlike the state rules, allow limiting licenses to local diggers, plus a 10 percent allowance for non-residents – but there's a catch.

Towns must enforce their ordinances to state standards and under-

take clam-flat conservation. It's sometimes difficult for small towns – many of which don't have full-time town offices – to sell licenses and pay for enforcement.

That was the case in Lamoine, where Selectman Dick Fennelly, who chairs the joint municipal committee for the new regional district, was once shellfish warden, as was his father before him.

"It's difficult to keep going, year by year, and many of these towns couldn't manage it," he said.

REGIONAL COLLABORATION

While a regional effort had been talked about for some time, according to Joe Porada, the big impetus was the 2009 clamming season, when red tide outbreaks closed many productive flats up and down the Maine coast.

"Since these were among the few towns without local ordinances, diggers from all over the state started coming here," he said. When the red tide receded, "They had good flats to go (home) to, but we were cleaned out."

Porada said that on a good day, local diggers can collect two to three bushels, at 50 pounds a bushel. "We were lucky to get one bushel" after the non-local diggers left in 2009, he said.

But yields also vary depending on local management. Towns with extensive conservation efforts can produce

daily digs of three to five bushels, or even more. So Porada and other commercial diggers decided it was time to act.

The conservation district could have been formed with just four towns, but all six town meetings gave the go-ahead, and the Ellsworth City Council also gave its unanimous consent.

The district's budget for the first year is \$51,000, with the lion's share going to employ a full-time warden, Mike Hall, who's an experienced digger and has also worked as a town warden elsewhere. Considered an Ellsworth city employee, he also gets a benefits package.

"Mike has done a real good job," Porada said. "He's out there every day and he knows the area well."

LEADERSHIP IN ELLSWORTH

Ellsworth has agreed to administer the district, which Dick Fennelly considers a big plus. "The office is open full-time, people know where to go and they [city employees] have been calling whenever there's been a question."

City Clerk Heidi-Noel Grindle said Ellsworth has never had a shellfish ordinance before, so administration was a challenge at first.

"There was a learning curve, that's for sure, but we've gotten to the point where most of the questions have been

COLLABORATION CORNER

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

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

answered," she said.

Through mid-November, a total of 96 licenses have been sold, including 57 regular residential commercial licenses. The ordinance also provides for 10 non-residential licenses, distributed by lottery, and unlimited junior and senior licenses.

The latter provisions have occasioned occasional controversy, with some applicants believing the age limit applies to the calendar year, rather than the birth date of the applicant.

Another point of contention, as in other coastal towns, has been qualifying for residential status.

"There's a requirement that 12 months have to pass before you can get a license," Fennelly said. "You can't just move in and apply."

Aside from "tightening up the wording," something the joint municipal committee intends to do, the ordinance has worked well in its first year, he said.

CLAM FLAT RESTORATION

Porada said commercial license fees – \$400 for residents, \$600 for non-residents – have been an issue for a few diggers, "but it's what we need to keep the program running," he said. In addition to more than \$30,000 raised from license sales, each of the seven municipalities contributed \$3,000 to startup costs.

Rebuilding the depleted flats and restoring others will take time but it's necessary both for the resource and to meet state requirements.

"Most of the diggers have put in their conservation time already and they'll have one more chance in December," Porada said. Twelve hours are required annually.

The fledgling shellfish district has also benefited from charitable contributions, including the donation of 200,000 seed clams from the Downeast Institute in Beals.

Flat restoration sometimes includes moving seed clams from a productive flat where they are overabundant to others that have good characteristics but few clams. Diggers rake the flats to promote growth, and also do "brushing" – erecting stands of conifer boughs that form eddies that, in turn, help clams grow while offering protection from predators such as crabs and seagulls.

Consider all the work: It resembles some of the aquaculture operations along the nearby coastline where some clambers, including Porada, find employment.

"When I'm not out digging, I'm probably watching something grow," he said.

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Hannah Annis, regional biologist for Hancock and Washington counties with the Department of Marine Resources. Annis was closely involved in the startup effort, and “really showed us the ropes, and how we could actually do it,” said Porada.

Annis said she views the rapid and successful startup as “a real success story” for the area, one that benefits not only clambers, but the restaurants and stores that provide the bulk of their customers.

“It’s a big part of our traditional way of life but it takes a lot of effort to keep it going,” she said.

All six of the Frenchman’s Bay towns have active clam flats, although some are more productive than others. Ellsworth could have producing flats again along the Union River estuary when long-planned sewage treatment plant improvements are carried out, she said. The city council is expected to award a contract soon.

“That’s a big issue all along the coast,” she said. “One of the reasons for clambers getting together is to let people know why we need to maintain and improve water quality. It’s not just

a clamming issue. It’s about public health.”

GOOD MODEL EXISTED

The St. George’s River cooperative – comprising Cushing, Warren,

Thomaston, South Thomaston, and St. George – has been in business for nearly two decades, and provided a good model for Frenchman’s Bay, Annis said.

Dick Fennelly observed, “We had

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to make some changes, and we'll continue to tweak it, but it was good to have something to go on."

Annis thinks that, as the restoration efforts bear fruit and yields increase, other towns Downeast will take notice. While most of the larger towns on the southern coast have long had their own programs, some in Washington County face the same difficulties in keeping a municipal program going as the Hancock County towns did.

"Without professional enforcement, and a wage that's attractive enough to make it a real job, this is hard to do," she said.

Wardens are required to take a three-day training course from DMR and some do more than what's required. Mike Hall, for instance, has completed a 100-hour course at the Maine Criminal Justice Academy that was comparable to training offered game wardens and forest rangers.

Considering that the shellfish district is so new, there have been relatively few violations. "I'd say there have been less than 10 summonses," Fennelly said. "For commercial diggers, there's really no excuse not to know

about the ordinance."

NICE MONEY, HARD WORK

For non-diggers, the financial rewards can look considerable enough to seem tempting. At the wholesale level, clams usually sell for between 80 cents and \$1.60 a pound, with a pronounced seasonal variation. Prices, and demand, are highest in summer, lowest in the spring, when clams are abundant but tourists are not.

At the seasonal peak, a bushel sells for about \$80, but, as Porada observes, "There are no paid days off, and no guaranteed price."

Sometimes, the market goes away entirely. During the red tide scare in 2009, Annis said, "No one wanted to buy a clam at any price, even though a lot of flats were still open."

It makes sense to close some flats in winter so they can regenerate and produce more when prices go up in summer, Porada said. "On the other hand, people have to eat," he said – and even 80 cents a pound is a lot better than nothing."

Annis said that, while the commercial clam digging fraternity is still

large, she's noticed that many diggers are older – in their 40s and 50s – and that relatively few young people are taking out licenses. Some diggers she knows also cut wood, pick crops and go lobstering to fill out their incomes.

While the Frenchman's Bay Regional Shellfish Conservation District is officially less than six months old, Dick Fennelly believes it's here to stay.

"I think it's going to be successful. It's still early in the process, but a lot of the initial work has already paid off," he said. In large part, its continued existence will be up to the diggers themselves.

"A lot of it comes down to the shellfish committee itself. We [on the joint municipal committee] oversee the rules and any major changes, but they do most of the day-to-day work."

Annis said that cooperative efforts like this one are important in ensuring that there is a new generation of clam diggers.

"Commercial digging will continue only if we protect the resource, improve our marketing, and convince the public this is worth supporting," she said. 

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The Graying of Maine: Its Municipal Impact

By Jeff Clark

If there is a color in Maine's future, it is gray — gray hair, that is. From summer residents returning to stay in retirement to resident Mainers choosing not to move to the Sunbelt after getting the gold watch, the state's population of older people has risen steadily in the past two decades.

And the impact older residents are having, and will have, on Maine's municipalities can only grow.

Since 2004, Maine has been the oldest state in the nation, and by 2009 the state had a median age of 42, compared to 36.8 nationally, according to the U.S. Census Bureau.

Research by well-known Maine economist Charles Colgan predicts that the over-65 age group will comprise almost 20 percent of Maine's population by 2020, climbing from about 16 percent today.

That likelihood is due both to the aging of the baby boom generation and Maine's attractiveness as a retirement home. By 2030, the state's over-65 population number is projected at 397,000 residents, or 22 percent of the state's total population.

COUNTERINTUITIVE TREND?

Maine as a retirement Mecca may seem counterintuitive, but observers as far back as 1988 noted out-of-state retirees choosing the state over more traditional retirement magnets such as Arizona and Florida. Seasonal summer residents and regular visitors were making their homes here after decades of vacation stays, while others were drawn by the state's four-season lifestyle or the desire to be closer to children and grandchildren.

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

John Wasileski developed one of the first purpose-built modern retirement communities, the Highlands, in Topsham in the early 1990s. He later expanded the concept with an over-55 condominium housing development, Highland Green.

Depending on how the term is defined, Maine now has at least 45 retirement communities, almost all of them in small towns on the coast between Kittery and Bar Harbor. Not coincidentally, the coastal counties from York to Knox are predicted to have Maine's fastest growing elderly population in the coming decade, with strong centers of growth in the Ellsworth, Blue Hill and Bar Harbor areas.

EMERGENCY CALLS

"Our older population does require more services," acknowledged Belfast Mayor Walter Ashe, Jr., who has been active in city and state politics for decades. "Years ago, our fire and police departments weren't a quarter the size they are now. We get more emergency services calls, for example. The police force does a lot more home checks, that sort of thing."

"I think public safety is a good example of where towns will see an increased need for services," says Colgan, who now teaches at the Muskie School at the University of Southern Maine in Portland. "There will continue to be a strong demand for other amenities, such as walking trails and public libraries."

Belfast and communities like it can expect to see more of the same in the future, said Colgan.

"Small cities like Belfast and Rockland are drawing retirees because they offer access to local hospitals and oth-

er amenities," he said. "Falmouth, for another example, is attractive because it's next door to Portland. In those kinds of service-center communities, you will see the development of denser communities of older people."

"Definitely, yes, the retiree population is a factor looking forward in our planning," said Nathan Poore, Falmouth's town manager. "You have to plan appropriately to meet the varying needs of your residents."

The Oceanview at Falmouth retirement community has been part of the town for more than a decade. Its 255 residents, along with the many other retirees who call Falmouth home, are a reliable source of volunteers for everything from election workers to library board members. They also have been key supporters for the local mass transit bus system, which links Falmouth and Portland.

The flip side of the need for services is the willingness of seniors to get involved in their communities. Today's elderly are generally healthier, more affluent and better educated than at any time in the past. They also vote more regularly than any other age group.

THEY VOTE, SEEK OFFICE

Senior centers and retirement communities have become regular stops for candidates for elected office, said First Selectman Dick McLean, of Damariscotta, himself a retiree "from away" who has served on the board for 13 years.

Since many of the candidates themselves are retirees, "they're not going to the old folks' home to make sure they fill out the absentee ballots the right way," he quipped. "They're sitting at the tables with the old folks

because they're older, too."

"They pay attention," said Ashe, the mayor in Belfast. "They vote. Plus, we have a lot of retired people involved in local politics and city boards and such. A majority of the city council is retired people. It's been a good thing. They bring a lot of experience."

McLean noted that three of the five Damariscotta selectmen are retirees. Retirees are also active on various town boards, councils, and committees, as well as local social organizations.

"We like to say we're retired, not tired," he joked.

McLean described a community where retirees group together and become active in many ways, from organizing book and garden clubs to opposing unwanted development, such as a proposal to build a Wal-Mart in the town in 2006.

"There's a real sense of involvement, I think," he said. "People want to be involved in their community."

POSITIVES IN BLUE HILL

"These people have enriched our community," said Jim Shaw, a selectman in Blue Hill, home to the Parker Ridge retirement community as well as a significant number of other retirees. Shaw does not see a "disproportionate" drain on resources due to the older population.

"We're a pretty healthy lifestyle community," he said. "I don't think our emergency services have seen much strain. If anything, they've benefitted. A lot of our volunteer firefighters are older people."

Shaw acknowledged that retirees have had an effect on town budget debates, although not in the way many might expect.

"The newer retirees from away are more willing to support spending," he said, while long-time residents and natives "tend to be a lot more conservative on things like property taxes and spending. There may be a little debate from both groups about things like the school budget, but it's nothing like it was when I first moved here 30 years ago."

Colgan, the economist, predicted that, as seniors make up a larger portion of a community's population, "there will be real battles over schools. Schools are the biggest cost in a municipal budget, and I think we'll see

real fights over education because older people don't have children in school."

If true, it has not happened yet. Ashe, McLean, Shaw, and others all described the elderly in their towns as sources of support for local education efforts.

"It makes sense that there should be some conflict," said Falmouth's Poore, "but I'm not seeing it."

BUILDING SCHOOLS

Topsham town manager Jim Ashe (no relation to Walter) said the town has built a new elementary school and a middle school in recent years, both without opposition from the town's significant — and often vocal — retiree population.

"They do have an effect on local politics," he said. "We've seen groups of retirees turn out on some zoning and tax increment financing issues. With our town meeting form of government, you don't need a lot of people to make an impact if you organize. But they've always supported the schools."

"They're concerned about education like everyone else," Ashe added. "They've become citizens of the community, and they want to see the community thrive and become a place that can keep their grandkids around and give them good jobs."

The conflict, when there is any, seems to come more between retirees from away and locals.

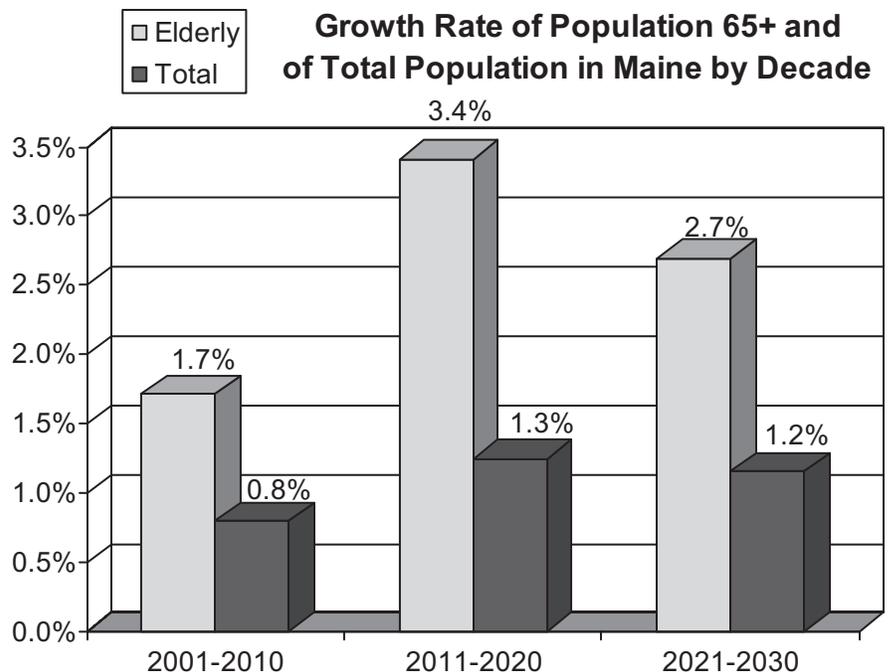
"There are two distinct attitudes about the world here," Damariscotta's McLean said. "One is generally by those who have never been away and the other is by those who are from away."

He said it was characteristic of locals who had been born and raised in the area to resist change and perceived government interference.

"Those of us from elsewhere know that change happens, and you need to prepare for it," he said. "Things like design standards for buildings, for example. The natives will say we have never had any and don't need any, versus folks from New Jersey who have seen what happens (without standards) and warn that you won't like what you'll get without them."

McLean said there is a misconception about retirees who move to Maine later in life.

"Everyone has heard the old story about people from away who want to make Maine just like it was back home," he said. "Our retirees have seen the someplace else and they've come to Maine to get away from it. If anything, our attitude is just the opposite. We don't want to make this place like the one we left. We want to keep it the way it is." mt



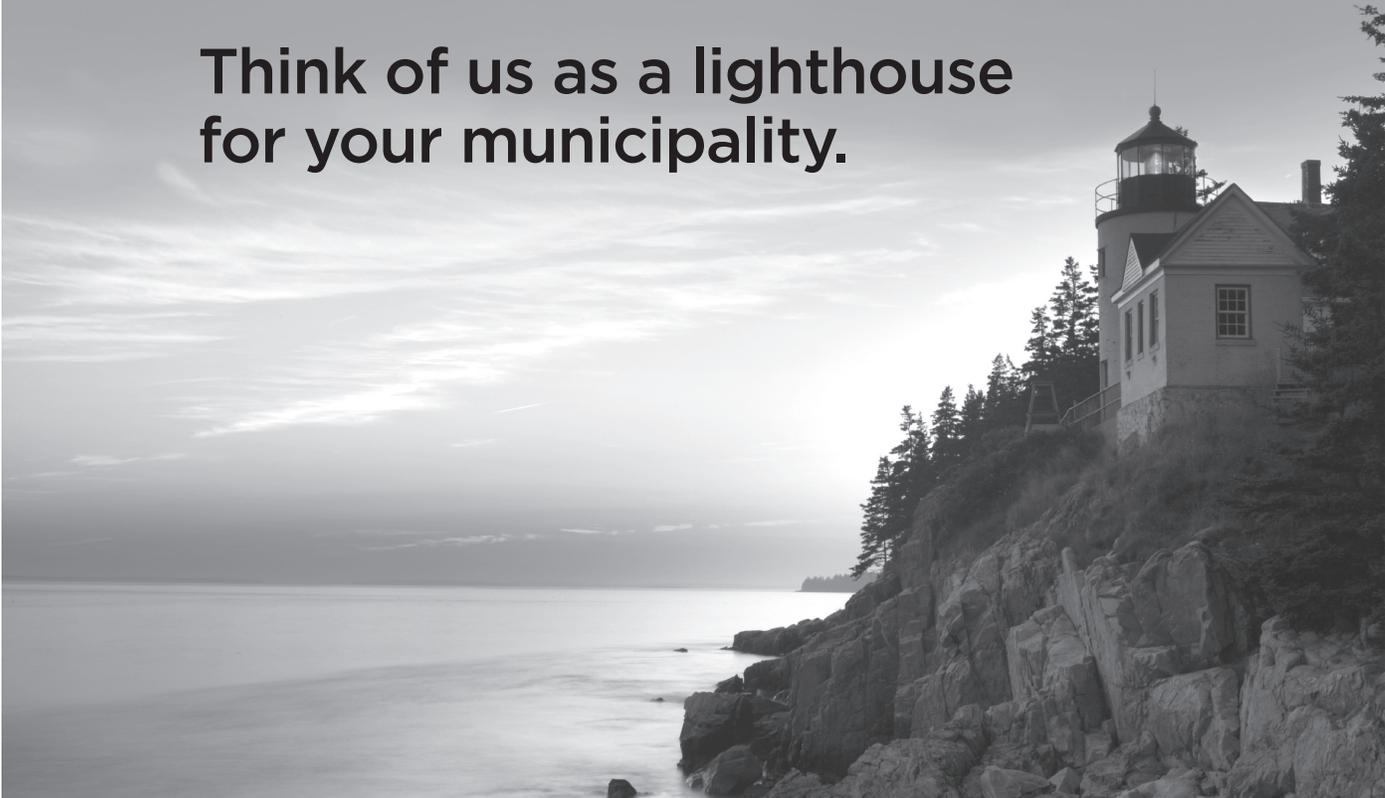
Source: Blaine House Conference on Aging September 2006

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Bangor, ME 04402-1838
Telephone 207-942-6772
Facsimile 207-942-4017
Email victor.horton@mrna.net or
john.albertini@mrna.net

Website mrna.net

Compost Bin sale It is estimated that 25% of an average household's waste is kitchen scraps and yard trimmings. The Maine Resource Recovery Association (MRRA) in cooperation with Norseman Plastics, an Orbis company, is pleased to offer **The Earth Machine™** backyard compost bins at reduced costs to Maine communities and their residents.

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Once you register with MRRA to participate, a sample of everything can be sent to you, to assist with sales!



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How the Program Works

1 CONTACT the Maine Resource Recovery Association (MRRA) at (207-942-6772) or email victor.horton@mrna.net for a Participation Packet.

2 REGISTER with the MRRA to participate in the sale.

3 PROMOTE the sale of bins and/or pails (a poster with an attached order form will be provided for easy copying) and accept orders until **April 29, 2011**, keeping track of who orders.

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.

5 ACCEPT delivery of compost bins/pails sometime during the week of **May 9, 2011**.

6 DISTRIBUTE the compost bins/pails to your residents and they start composting!

*** This program is also available as a fundraiser for your group.**

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Sign your town or organization up for the Spring 2011 campaign

RISK MANAGER

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Good Dialogue, Protocol Keys To Effective Service

By Liz Chapman Mockler

In many communities across Maine, new selectmen and councilors will take office this month. Meanwhile, veteran managers are retiring while younger ones are just starting or still building their municipal careers.

The Townsman recently questioned three veteran municipal leaders about advice for new elected officials and managers with the hope of sharing insight about common problems and ways to resolve them.

Those interviewed include: former Oakland Town Councilor Dennis McLellan; former Portland Councilor and Mayor Pam Plumb; and former Town Manager Don Gerrish, who now helps municipalities as a private consultant.

Q: Do you have any advice for councilors and selectmen in dealing with the manager and other municipal staff?

Gerrish: (As a former manager), ethics is a place to good start. I think a manager needs to understand that there are the elected officials and they have their roles and managers have their roles. The No. 1 priority should be communication to understand each other's roles. For managers, they should communicate with all their board members all the time – not just the chairman – and communicate with them at the same time. If you don't communicate and deal with issues, you're going to have a lot of problems.

McLellan: If someone comes to you with a problem, go to the town manager and put it down the chain-of-command. Don't act on it; wait until you find out from the town manager exactly what the facts are. Then you

can go back to the person (with the problem) and have good information on the matter. Some councilors think they're going to change the world, and they go directly to the public works director, for example. That's not the way to do it.

Plumb: Be very clear about what your role is and how that role is different from the staff's role. Your job is to listen to your constituency, understand (the public's) needs, gather the data (from staff) you will need and then make the most reasoned judgment you can make. That brings together what your public wants with what is realistic and financially feasible, and in the best interest of the community as a whole. In the broad brush, I think that's the largest responsibility of the council.

Q: What is the appropriate or most effective way for councilors or selectmen to conduct themselves?

McLellan: Sit back and listen to both perspectives before you act on the issue or problem you're looking at. What I did was look at the paperwork and then a person could go back and look at the (same) paperwork and have a better idea of the facts and what is the best way forward.

Plumb: There are two things to remember: The council makes the decisions collectively, so you don't, as an individual councilor, have the power or the right to say that I want (a) road repaved in the part (of the city) and go (directly) to the public works director. That's a decision of the entire council based on what the staff and the public works department determines should be paved and when. Secondly, the manager is hired by the whole council to manage the town's government and that you as a councilor need to let your manager do that. If you have a

disagreement with the manager about something, you, individually, aren't in



PAM PLUMB

EDUCATION:

Master's degree from New York University Institute of Fine Arts, Medieval Art; bachelor's degree from Smith College (Northampton, Mass.), majoring in history of art.

EXPERIENCE:

Portland City Council, 1979-1990; mayor 1981-82; president, National League of Cities, 1988; Governor's Municipal Advisory Council, chairwoman, 1981-84.

PROFESSIONAL:

Co-founder of Great Meetings! Inc. of Portland; YWCA Women of Achievement Award; Jean Gannett Hawley Award, 1997; Kiwanis Distinguished Service Award, 1990.

Age: 67

Family: Husband, Peter; two children, three grandchildren

Liz Chapman Mockler is a freelance writer and editor from Augusta, lizmockler@hotmail.com

a position to tell the manager what to do differently. Again, it's the entire council that makes the decision about whether to do something differently. It's intimidating if councilors (go) to staff and tell them to do this or that. I have never met a department head who has enough time to do all that has to be done.

Gerrish: My advice (for elected officials) is to really understand your role and your charter. Most charters and state statutes are pretty clear that elected officials go through the manager, not directly to (staff). That doesn't mean you can't have questions about



DON GERRISH

EDUCATION:

Bachelor's degree from University of Maine, majoring in public administration.

EXPERIENCE:

Former manager in Brunswick, Gorham, Auburn and Rockland over nearly 40 years. Presently a consultant on municipal issues for Eaton Peabody Consulting Group

PROFESSIONAL:

International City Managers Association 1974 to present, president 1996-1997, Northeast regional vice president 1993-95; Maine Town and City Managers Association 1974-present, president 1983-84, Manager of the Year, 1987; Maine Municipal Employees Health Trust 1981-present, chairman 1981-87 and 1999-2002, among other highlights.

Age: 60

Family: Wife, Joan; three children, seven grandchildren

the operations of a department. We work under an informational system; you have to make sure you communicate and follow the chain-of-command. As elected officials, you need to be sure you don't surprise people or surprise the manager. Communicate.

Q: Do you have an anecdote about something that surprised you in dealing with a manager or peer?

Plumb: I'm not sure any one thing surprised me. I found having (an) open and easy relationship with the manager was very helpful to me. Almost none of us come to (elected office) with experience running a town or city. We're milkmen, insurance agents, housewives, but we almost never have municipal (work) experience. It's sort of a symbiotic relationship in that councilors are very dependent on the expertise of the manager and the manager is very dependent on the council for his or her job. And so the council can't get very far without

being able to get support and information from the manager and the manager is going to end up without a job if he or she gets too far out of sync with the council, and that's a fine balance. The general public doesn't get that. Some say 'Let's run government like a business,' but (government) has a whole different purpose. It's not the same creature.

Gerrish: Nothing surprises me after 37 years. I have confidence in the manager/council/selectmen form of government. I think it works if people are working together and communicating. If the manager and the board understand their separate responsibilities and roles, the process works pretty well.

McLellan: One of our town managers resigned and took another job at a much higher salary. I was very surprised. I didn't know it was coming. If there's an opportunity for someone to better themselves, they should take

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it; I don't blame them at all for doing that. But this time I didn't hear (of the manager's impending resignation) through the grapevine. The grapes weren't good that year.

Q: What makes a good councilor, selectman or manager?

Gerrish: A good manager is one who clearly understands how government works, how the process works and can communicate and talk with their elected officials as well as their

department leaders and the public. The process of communicating is what the council wants and the public wants. Be upfront about decisions... Elected officials and the public want answers; they may not always like the answer, but most of the time they will understand it even if they don't agree with it. The manager has to have a sense of humor. It's a tough job and I think you need to be able to do a lot of hard work but to have a little fun, too. That's something I feel strongly about.

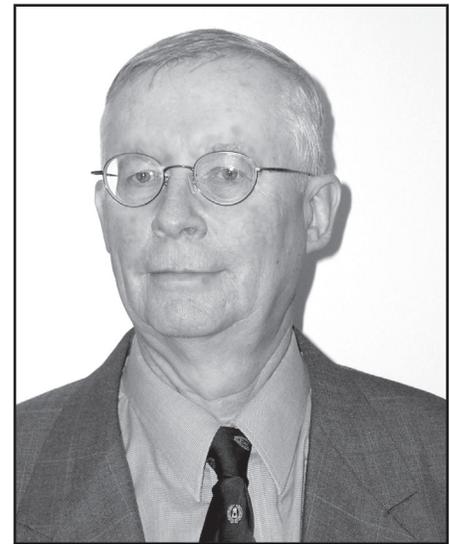
McLellan: Listening is the key one. Listen to the people. Get their opinions and then go to the town manager and ask if he's aware (of the issue). The people have to have confidence in their councilors; they look to them as the people who represent them. But you need to follow the rules. Some people have their own agendas and you can't sway them from it, but the council and the town employees are trying to better the town and do the right thing.

Plumb: I think people often are cause-driven when they run for council and that's the horse they ride through the election and they can openly have an impact on that cause if they find they have all the facts and information. Yes, they can convince the rest of the council that's something important to do, but you can't go in there willy-nilly and just make everyone do what you want.

Q: What was your favorite aspect of public service?

Plumb: There are two. I love problem-solving and public service provides a problem a minute that needs solving, so I got problems to solve to my heart's content and that was great.

Also, there are often very small ways in which you can help people. Sometimes it's not even a city issue. So it's



DENNIS MCLELLAN

EDUCATION:

Bachelor's degree from Husson College, Bangor, majoring in business.

EXPERIENCE:

Oakland selectman for 26 years; presently, member of Oakland planning board; former member, SAD 47 board of directors; active in various municipal and civic groups over three decades.

PROFESSIONAL:

Accountant for Sappi Fine Paper for 36 years; former member, Kennebec Valley Council of Governments; former member, First Park planning committee

Age: 67

Family: Wife, Judy; two sons, four grandchildren

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extra rewarding to be able to (help people). We can't help everyone, but we can always listen. Even if they're off the mark with a problem, the reality for them is far different.

Gerrish: Local government is where it happens. People can see and feel a sense of accomplishment. I used to speak to third-graders and would say, "It's good to study the federal and state governments... But you'll have more interaction in your lifetime with local government." I think it's important for kids to understand the value they'll get from local government. I also enjoyed the diversity of what we did.

McLellan: Being involved. I knew what was going on in town. I miss it a little but at least I don't have the headaches. Some people think you can snap your fingers and solve a problem. I just listen to them and tell them I have to get back to them. They might say they don't agree, but you have to tell them, "That's the way it is right now."

Q: Who is one of your heroes and why?

Gerrish: I had two mentors: John Bubier and Osmond (Oz) Bonsey. Both John and Oz were senior (Brunswick) managers and very successful in the profession and they really were able to help me as I grew and became a manager. These two people really helped mold my career and gave me someone to look up to and emulate.

McLellan: (Current Waterville City Manager) Mike Roy, who was able to get First Park (an industrial park sited in nearby Oakland). We couldn't have gotten it without Mike.

Plumb: Internationally, Desmond Tutu, a person who lived through an astonishing change from a government that totally devalued him as a person because he was black to a government run by (the people). He never lost his optimism or his ability to empathize with people. (Locally), Julian Orr (now deceased) was a fine, fine public servant, a thoughtful man, a creative person and a person who really reached out and did unusual things with his life. [\[mt\]](#)

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2011 MMA & Affiliate Training Calendar

Sponsor	Event	Location	Date/s	Sponsor	Event	Location	Date/s
JANUARY				JULY			
MWDA	Membership Mtg/Training	Augusta-City Hall	1/7	MMA	Elected Officials Workshop	Augusta-MMA	7/7
FEBRUARY				MMA	Customer Service	Augusta-MMA	7/13
MFC	Legislative Breakfast	Augusta-Senator Inn	2/1	MTCCA	Municipal Law for Clerks	Waterville-Elks Lodge	7/14
MMA	Personnel Practices	Augusta-MMA	2/4	MMTCTA	Payroll 1099	Augusta-MMA	7/19
MTCCA	Title 30A	Bangor-Spectacular Events	2/7	AUGUST			
MWWCA & MWUA Joint Conference		Portland-Holiday Inn	2/8	MTCCA	Vital Records	Orono-Black Bear Inn	8/8
		By the Bay		MTCCA	New Clerks	Augusta-MMA	8/16
MTCCA	Title 30A	Portland-Keeley's	2/16	MTCMA	NE Management Institute	Sebasco Harbor Resort	8/24-26
MWWCA	Legislative Breakfast	Augusta-Senator Inn	2/17	SEPTEMBER			
MMTCTA	Tax Liens	Brewer-Jeff's Catering	2/28	MTCCA	Title 21A Elections	Augusta-MMA	9/8
MARCH				MTCCA	Voter Registration	Augusta-MMA	9/9
MMA	Technology Conference	Bangor Civic Center	3/3	MMA	Elected Officials Workshop	Presque Isle-PI Convention Ctr	9/13
MTCMA	Interchange	Black Bear Inn-Orono	3/4	MTCCA	Annual Mtg & Networking Day	Waterville-Elks Lodge	9/14
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	MFC	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			
MFC	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	12/8
MWWCA	Spring Conference	Portland-Seasons Grille	4/29			Farmington	
MCAPWA	Supervisory Training I	TBD	TBD	MBOIA	Membership Mtg/Training	Brunswick-China Rose	12/15
MAY				KEY TO SPONSORS			
MBOIA	Spring Code Conference	Lewiston-Ramada Inn	5/2-3	MACA	Maine Animal Control Association		
MMTCTA	Govt. Acct. II	Augusta-MMA	5/6	MAAO	Maine Association of Assessing Officers		
MTCCA	Title 21A for New Clerks	Waterville-Elks Lodge	5/10	MBOIA	Maine Building Officials & Inspectors Association		
MWDA	Spring Seminar	TBD	5/16-17	MCAPWA	Maine Chapter of American Public Works Association		
MTCCA	Licensing	Augusta-MMA	5/17	MCDA	Maine Community Development Association		
MMTCTA	Cash Management	Brewer-Jeff's Catering	5/18	MEMA	Maine Emergency Management Association		
MMTCTA	Annual Conference	Brewer-Jeff's Catering	5/19	MFC	Maine Fire Chiefs' Association		
MMA	Personnel Practices	Augusta-MMA	5/24	MFPSC	Maine Fire Protection Services Commission		
JUNE				MMA	Maine Municipal Association		
MCAPWA	Highway Congress	Skowhegan Fairgrounds	6/2	MMTCTA	Maine Municipal Tax Collectors' & Treasurers' Assn.		
MMA	Elected Officials Workshop	Millinocket-River Driver's Restaurant	6/15	MRRA	Maine Resource Recovery Association		
				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		

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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

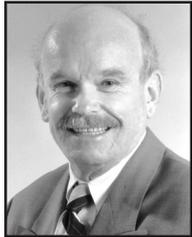
<p>8:00-8:45 a.m. Registration & Continental Breakfast</p> <p>8:45-9:45 a.m. Opening Presentation The Future of Municipal Government: The next five years will change our world! Join this plenary session, discussing the dramatic technological changes underway today and predict the impact on government 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.



Saying he was ready to “move on” to new experiences and opportunities, Portland City Manager **Joe Gray** announced in December that he will



Joe Gray

resign next month, a decade after becoming interim and then permanent manager of Maine’s largest municipality. Gray said he discussed his retirement while on vacation last fall with his wife, but it was over the holidays when he decided on a time to step down.

Gray, 66, has worked for Portland since 1969, when he was hired as an urban planner, then moved his way up to planning and urban development director. Gray eventually succeeded former City Manager **Robert Ganley**, who died of a heart attack. Gray was named interim manager at the time, but councilors last month said he quickly became the top contender for the job.

He was praised for his dedication to the city, his many accomplishments, budget prowess and leadership during the “Great Recession” of the past three years, when some city staff lost their jobs in order to balance the budget without a significant property tax increase.

Machias Selectman **Norman Nelson** died Dec. 14 after a short illness, ending a life well-lived that included decades of public service, according to his friends and peers. Nelson, 92, was a former state representative and for more than 30 years served as selectman, school board member and planning board leader in nearby Roque Bluffs.

Nelson was called a “war hero” for his service in World War II, including being part of the infamous D-Day battle on the beaches of Normandy. Nelson was known for making decisions based only on the facts, choosing to deflect emotional conflicts in favor of civil discourse and policy-making.

At the time of his death, he was serving his second, three-year term as a Machias selectman and was a member of the Maine Municipal Association’s Legislative Policy Committee. He was predeceased by his wife, Nancy, and survived by two sons and their families.

Former Old Orchard Beach Town Manager **Norris Stilphen** died in December at the age of 91. Stilphen also managed communities in Massachusetts and Illinois during his career. He mentored many young managers as a member of the Range Rider Program, a joint effort of the International City Managers Association and the Maine Municipal Association, among other state municipal groups.

Monmouth Police Chief **Kevin Conger** resigned in late January to take the Public Safety Director’s job at the University of Southern Maine. Conger, a 23-year veteran of the Maine State Police, replaced **Robert Annese** in Monmouth. Annese resigned in February 2010.

Former Rangeley Town Manager **Perry Ellsworth** has been named the new manager of South Berwick, effective in mid-January. Ellsworth’s experience in municipal management, negotiating with unions and overseeing Rangeley construction projects were among the traits that put Ellsworth at the top of the list of manager hopefuls, which included more than 40 applicants, according to officials.

After more than 30 years on the beat, Yarmouth Police Officer **Bruce Flanders** has retired at the age of 62. Flanders joined the force in 1975 and served as the department’s DARE officer for seven years. Among many honors over his career, Flanders received the 2009 Walton O. Hanson Award, which recognizes annually a person who has provided outstanding public service

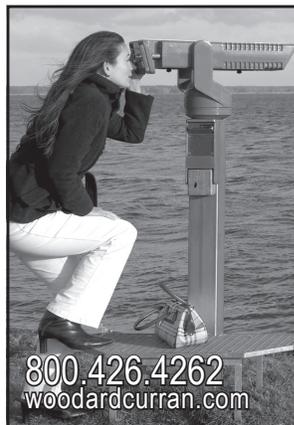
to town residents.

Stephen French, Minot fire chief for 25 years, will retire in February. In addition to supervising the small-town volunteer fire crew, French has worked for 33 years as superintendent of the nearby Mechanic Falls Water Co.

Corinth selectmen hired **Travis Gould** as the town’s new manager. Gould succeeds **Donald Strout**, who managed the town for 31 years and retired last October. Gould has served as the town’s tax assessor and assistant town manager. He will continue his assessing work, while also serving as town clerk, tax collector and treasurer, as part of his new duties.

Cornell Knight, Winthrop town manager for 12 years, has accepted the top administrative job in Topsham, effective Feb. 1. Knight bested some 60 other candidates for the job. He will replace **James Ashe**, who served as manager for three years. In addition to Winthrop, Knight, 54, has managed the towns of Baileyville and Jay, and the City of Hallowell, where he has lived for nearly 30 years.

Joshua Reny will take over the town manager’s job in Fairfield this month, several months after 10-year veteran Manager **Paul Blanchette** died. Reny, 29, was the town’s former economic and community development planner. The Fairfield native left the job after about 18 months to train with the Air National Guard. **Dwight Dogherty**, a retired Pittsfield manager, worked as interim Fairfield manager through December. [mc](#)



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COMMITMENT & INTEGRITY DRIVE RESULTS

Statewide: Maine Municipal Association wants to interview some of the longest-serving elected or appointed officials and municipal employees in the state. MMA will use the interviews as part of its 75th Anniversary this year, which will be a recognition and celebration of municipal service. Interviews are likely to be used for future Townsman articles and oral histories to be posted on the website and made available in other forms. If you know someone with decades of municipal service, please e-mail Eric Conrad, Director of Communication & Educational Services, at econrad@memun.org or call 1-800-452-8786.

Calais: Washington County sustained nearly \$815,000 in damage from a rainstorm in mid-December that dropped eight to 10 inches of rain over the northeastern part of the county on Dec. 13. A week earlier, a snow storm left behind a foot of snow; the double-whammy downed power lines, destroyed roads and caused near-flood levels in the St. Croix River. The state must pledge \$1.67 million for repairs to the region in order to win federal emergency funding. Officials said many aspects of the storm damage in Maine's easternmost county still had not been tallied as of Christmas.

Eastport: The deepest sea port in North America set a new record in 2010 by handling more than 400,000 tons of cargo. When first established in 1977, experts thought 50,000 tons of cargo going out or coming in to the port would be a good year. A cargo load of wood from Maine, headed east to China, put the port's record over the top in December. Not included in the total tonnage were three shipments of cows to Turkey.

Hampden: The town council is poised to extend a 180-day moratorium on medical marijuana dispensaries for another six months to formulate an ordinance regulating dispensaries that are allowed under a new citizen-initiated law. Town officials will seek more public input in January before voting officially to extend the temporary ban. There are no pending applications for a dispensary in the Bangor suburb,

but officials in Hampden and many other Maine towns want an ordinance in place before someone asks to cite a dispensary in their communities.

Manchester: Selectmen expect to hire a new town manager by Feb. 1, with applicants given until Jan. 7 to file their resumes. The town's code enforcement officer, Patrick Gilbert, has been working as interim manager since the death of Mark Doyon on Oct. 29.

Mexico: The town fire department will begin covering the neighboring community of Byron following action by officials and voters in both towns. Byron, with a population of about 140, dissolved its fire department because of increasing regulations and a declining number of volunteers.

Pittsfield: The town council recently approved a 2011 municipal budget that was \$62 lower than 2010, maintaining the town's three-year streak of enacting lower budgets. The amount to be raised by property taxes will drop by \$3,000 in the New Year. The budget figures do not include school or county costs.

Waterville: The city council in December voted unanimously to ban adult entertainment businesses in the downtown, although newly elected Gov. Paul LePage, then Waterville mayor, objected to the move. The businesses included in the ban range from escort services to pornography shops. Some councilors plan to introduce measures to expand the ban to other parts of the city. 




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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*.

- **Energy Efficiency.** E2Tech and the Environmental Technology Council of Maine will present a forum on energy-efficiency efforts on Jan. 20 at the Woodlands Country Club in Falmouth. More information is available through the MMA website.
- **Wind Energy.** The Maine Wind Energy Conference will be held Jan. 24-25 at the Augusta Civic Center. This is billed as the second such conference and is an opportunity for energy professionals, businesses, homeowners and municipalities to learn about wind energy in Maine. Details are available at the MMA website.
- **Arsenic Levels.** The U.S. Geological Survey office in Augusta recently released its most comprehensive report ever about arsenic levels in wells throughout Maine. The complete report is linked, as is a press release about the report and its findings.
- **Our New Governor.** A video of a question-and-answer session with Gov. Paul LePage from last July has been re-posted and is important viewing. In his meeting with MMA's Executive Committee, Gov. LePage answered questions about unfunded mandates, transportation financing, revenue sharing and more.

www.memun.org



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 Office in 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 15-20 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 provide show college identification. Registration can be done through the MMA website.

TOWN MEETING AND ELECTIONS (TITLE 30-A)

The Maine Town and City Clerks' Association will offer a workshop on Title 30-A at Spectacular Events in Bangor on Feb. 4, from 8:30 a.m. until 3:30 p.m. Michael Stultz of the MMA Legal Services' staff and April Dufoe, Clerk in Kennebunkport, will co-present.

The workshop is designed principally for clerks, including deputies and assistants, but selectmen and moderators also will benefit from the information presented and are encouraged to attend.

Attendees should bring with them copies of MMA's Town Meeting and Elections Manual, which can be ordered by calling 1-800-452-8786 and asking for Kimberly Veilleux. It can be

printed out at: www2.memun.org/public/mmmapub/OrderForm.cfm.

The cost for the workshop, which is necessary for MTCCA certification, is \$50 for MTCCA members and \$60 for non-members. Registration can be done through the MMA website, www.memun.org.

PERSONNEL PRACTICES

Portland attorney Larry Winger will conduct a day-long workshop on best personnel practices at the MMA conference center in Augusta, on Feb. 4. The workshop, which runs from 8:30 a.m. to 3:30 p.m., touches on employee discipline, family medical leaves, collective bargaining and many other topics.

The workshop is relevant to elected officials and all municipal managers. Two recent Personnel Practices workshops drew people from all walks of municipal life, from clerks to fire and police chiefs.

The cost is \$75 for MMA members and \$95 for non-members. Registration is available online from the MMA website (www.memun.org).

TAX LIEN PROCEDURES

The Maine 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: and Gilberte Mayo, Treasurer in Lincoln; and, Stu Marckoon, Treasurer in Lamoiné.

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. 26, 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: AUGUSTA

MMA's Legal Services Department will host a session for local Planning Board and land use Board of Appeals members from 5:30 to 9 p.m. on March 9 at the MMA Conference Center off Interstate 95 in Augusta.

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

The cost is \$40 for MMA members and \$60 for non-members. Registration is available online from the MMA website. [mm](http://www.mmun.org)

SAVE THE DATE!	2011 MMA TECHNOLOGY CONFERENCE
March 3, 2011	
Bangor Civic Center	

All of the upcoming workshops can be found on the MMA website. Use the following link:
<http://www.memun.org/public/MMA/svc/training.htm>

2010 FEDERAL CENSUS: TIME TO REAPPORTION

The 2010 federal Census has now finally been completed, and as with every new Census, municipalities that elect some or all of their municipal officers by district or ward are required to reapportion their voting districts accordingly, to ensure that each vote counts equally. Unless a municipal charter provides otherwise, the method of reapportionment is set out in 30-A M.R.S.A. § 2503.

Under the statute, the municipal legislative body must enact a reapportionment ordinance within 12 months after the Legislature has reapportioned the House and Senate districts or after a court has finalized the reapportionment of districts. The ordinance must be enacted at least 90 days before a regular municipal election occurring within that 12-month period. If the legislative body fails to meet this deadline, then all municipal officers to be elected shall be elected at large and shall serve until their terms expire. Such at-large elections shall continue until the legislative body enacts a reapportionment ordinance at least 90 days before a regular municipal election.

Other requirements and the petition process for forcing reconsideration of and a possible referendum on the ordinance are also included in the statute.

It's unclear when the Legislature will reapportion House and Senate districts, but the new Census data should be available in early 2011. (By R.P.F.)

'ADVISORY' APPEALS BOARD DECISION NOT REVIEWABLE

For the second time in a year (and the third in a decade), the Maine Supreme Court has refused to review an appeals board decision that was merely advisory.

In *Elliot Shores, LLC v. Town of Elliot*, 2010 ME 129, a developer was cited by the code enforcement officer (CEO) for violating the subdivision law. Because "any determination" by the CEO was appealable, the developer appealed to the appeals board, which upheld the CEO's citation. The developer then appealed to the courts.

On review, the Law Court held that

since the CEO retained discretion to prosecute the violation regardless of the appeals board's conclusion, its decision had no legal consequences; it was simply an advisory opinion, which is not subject to judicial review. (This longstanding rule of jurisprudence economizes judicial time and resources, among other things.)

Elliot Shores was decided on the same grounds as *Farrell v. City of Auburn*, 2010 ME 88, and *Herle v. Town of Waterboro*, 2001 ME 1. In all three cases, the Court itself raised the issue of whether the appeals board decision was advisory only and therefore not justiciable. For more on this theme, see "Land Use Appeals – Two New Decisions," *Maine Townsman*, "Legal Notes," October 2010. (By R.P.F.)

ORDINANCE 'TYPOS'

Question: We found several "typos" or clerical errors in an ordinance that was recently enacted. Is there a simple way to correct them, or do we have to formally amend the ordinance?

Answer: There is no shortcut for correcting spelling, punctuation or other errors in an ordinance. Any change to an ordinance requires action by the municipal legislative body (town meeting or town or city council), by the same process as for enacting the ordinance.

The reason is that while such mistakes may be unintentional, they are not necessarily insignificant (as anyone familiar with *Eats, Shoots & Leaves*, the witty punctuation guide, can appreciate). Thus, correcting a "minor" mistake may profoundly change the meaning of an ordinance. This demands careful consideration by the only body authorized to enact or amend an ordinance – the municipal legislative body.

For details on the ordinance enactment process, see our "Information Packet" on the subject, available free to members at www.memun.org.

For a list of frequent errors in the preparation of ordinances, see "Ten Common Mistakes in Drafting Ordinances," *Maine Townsman*, "Legal Notes," April 2006. (By R.P.F.)



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)].

PLANNING BOARDS – ARE THEY REQUIRED BY LAW?

Question: Are municipal planning boards required under Maine law?

Answer: No, but most municipalities find them virtually indispensable in matters of land use planning and regulation.

Planning boards have, in fact, never been required by State law. If and where they exist, it is by virtue of a local ordinance or charter provision that created them. Up until September 23, 1971, however, if a municipality opted for a planning board, State law governed the number of members, their term of office, how they were chosen and so on (see former 30 M.R.S.A. § 4952). Planning boards created before that date are still governed by this law. But for planning boards created after that, their composition, etc. is governed solely by “home rule” ordinance or charter.

Neither does State law specify the duties or jurisdiction of planning boards except in the case of subdivision review. Here, the “municipal reviewing authority” is the planning board, or if none, the municipal officers, i.e., selectmen or councilors (see 30-A M.R.S.A. §§ 4403(1) and 4301(12), respectively). Otherwise, a planning board’s responsibilities are determined largely by local enactment. For example, it is common for zoning, site plan and other land use ordinances to give the planning board a major role in the review and permitting of significant development.

Planning boards may also be (and frequently are) tasked with developing comprehensive plans, growth management programs and implementing ordinances. While this is often a logical choice, again, it is a local one, exercised either by ordinance or the municipal officers (see, e.g., 30-A M.R.S.A. § 4324(2)).

For much more on planning boards, their composition, jurisdiction, conduct of business, etc., see MMA’s *Planning Board Manual*, available free to members at www.memun.org.

Incidentally, for anyone wondering about it, a board of appeals (unlike a planning board) is required by State law in any municipality that adopts a zoning ordinance, including shoreland zoning

(see 30-A M.R.S.A. § 4353).

For a comprehensive list of boards and officials required by Maine law, see “Municipal Officials Required by Statute,” *Maine Townsman*, “Legal Notes,” June 1999. (By R.P.F.)

TO ENACT A MORATORIUM, IS A COMP PLAN REQUIRED?

Question: Must we have a comprehensive plan in order to enact a moratorium?

Answer: No. A comprehensive plan is a legal prerequisite for enacting a zoning (but not a shoreland zoning) ordinance (see 30-A M.R.S.A. § 4352(2)), but there is no such requirement for a moratorium.

Nevertheless, a moratorium (a temporary ban on specified development, such as medical marijuana dispensaries, methadone clinics or wind power projects) is a type of ordinance and must meet the statutory specifications for moratorium ordinances (see 30-A M.R.S.A. § 4356; see also “Moratorium

Ordinances,” *Maine Townsman*, “Legal Notes,” December 2008). These include, among other things, a 180-day limit on the term of a moratorium, subject to extensions for additional 180-day periods provided certain legislative findings are made.

For full details, including links to applicable statutes, a sample ordinance and some valuable tips on drafting, see MMA’s “Information Packet” on moratoriums, available free to members at www.memun.org. (By R.P.F.)

ERRATUM

One of last month’s Legal Notes (“What Should/Shouldn’t Be in the Annual Report”) erroneously advised that the names and dates of births may be included in the annual report. This is no longer correct. The vital records law was amended last year to prohibit disclosure of all but the number and location of births. Thanks to Fairfield Town Clerk Tracey Stevens for spotting our mistake. We regret the error. 

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