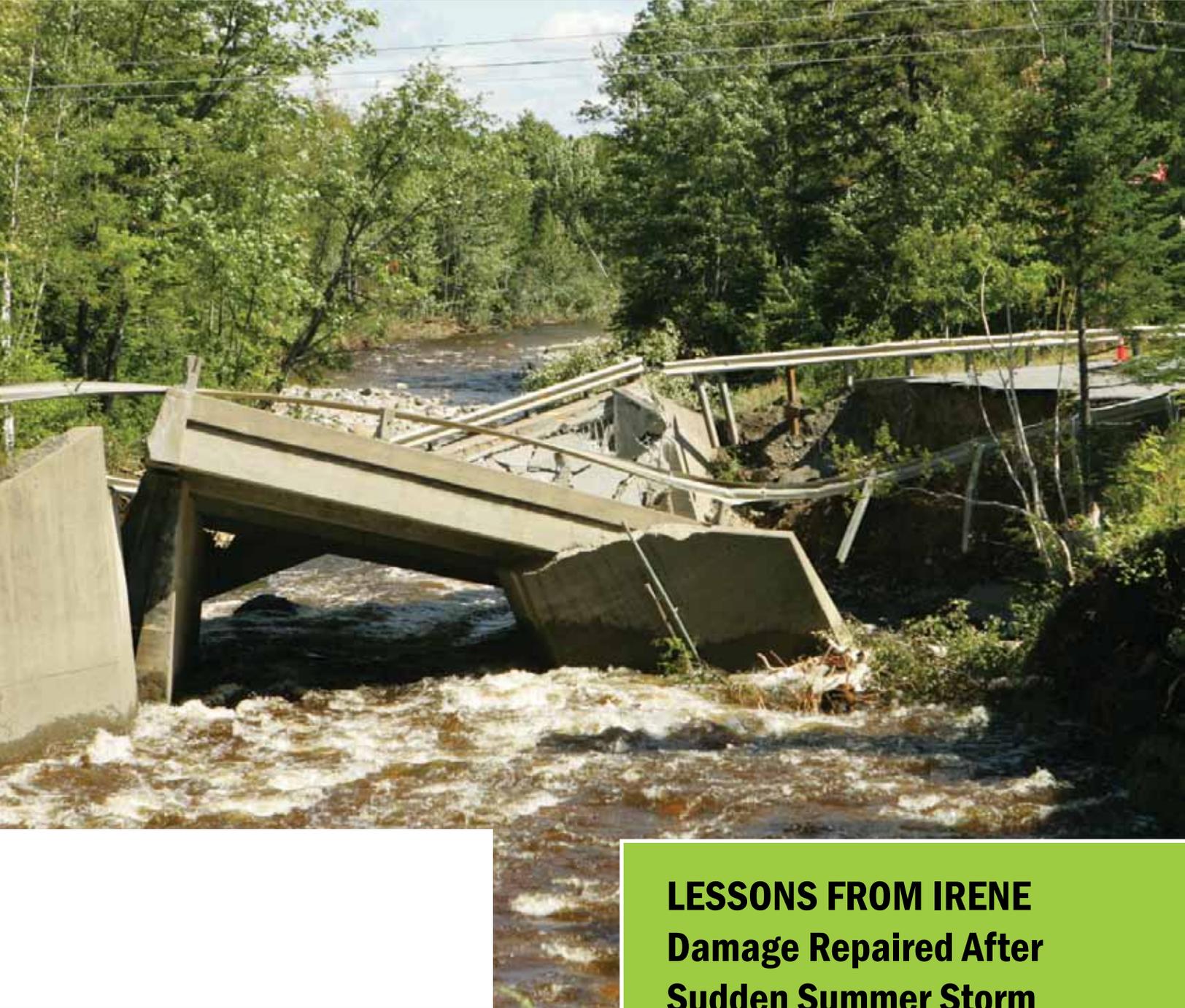


November 2011

maine townsman

The Magazine of the Maine Municipal Association



LESSONS FROM IRENE
Damage Repaired After
Sudden Summer Storm

ALSO IN THIS ISSUE:

Carthage's Steve Brown | Succession Planning | Convention Photos | University Survey

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The Magazine of the Maine Municipal Association

MMA President Reflects

5

President Mark Green, in his last column, praises elected officials who serve in public office – and often change their lives by doing so. Green, Town Manager in Sanford, says the most rewarding periods of his career came when elected officials worked together to create visions for their communities.

After the Storm

7

Maine didn't get hammered as badly as Vermont by Hurricane Irene but still suffered millions of dollars in damage at the hands of the intense storm. Town managers, first responders and public works officials discuss how well Maine prepared for and responded to Hurricane Irene.

Anniversary Series: Steve Brown

11

Steve Brown was elected First Selectman in the Town of Carthage less than three years after moving there. Thirty-one years later, he is one of western Maine's most prominent municipal officials, a thrifty leader who reflects on his town, its residents and its challenges.

Is Succession Planning a Secret?

13

As municipal employees, department heads and elected officials age, many leaders wonder if enough is being done about succession planning. One official says: "There needs to be more information exchange." This article at least puts the issue on the municipal radar screen.

Scenes of Success

17

Everything was up at the 2011 Maine Municipal Association Convention – registration, revenue and even fireworks. Turn here to see four pages of photos from the Oct. 5-6 event.

Survey Assesses Municipal Resources

23

The University of Maine and University of Southern Maine recently surveyed more than 1,000 municipal officials to find out more about their challenges, concerns and what resources they rely upon most. Two leaders of the survey and a follow-up project write about their findings.

People

30

News

31

Municipal Bulletin Board

32

Legal

33

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COVER: Jamie Corriveau of Carrabassett Valley took this photo of a bridge that collapsed last August, after Hurricane Irene poured heavy rain into the area.



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A Message From MMA



by Mark Green, MMA President, Town Manager, Sanford

A Tribute to Those Who Serve

Since this will be my last column as Maine Municipal Association President, I decided to take this space to write about my favorite topic. Those who know me well probably think I want to talk about regional communications or boats. Although I love both of those things, I want to use this space to talk about the key roles that elected officials play in the success of a community.

When I started as a Town Manager in 1981 I did so because I wanted to be part of improving a community. I thought that I could probably do it on my own as long as everyone did as I told them. It didn't take me long to figure out that local government didn't work that way and things only got done when there was good leadership and a common vision.

As I gained more experience, I decided my role was to provide that leadership and help develop that common vision. Well, I was wrong again. Although a Town Manager should provide leadership in regard to the administrative functions of government, trying to provide leadership on the really important things like creating a vision for the future direction of a community really didn't work that well. This is when the light finally went on for me and when I learned that there is nothing more important to a community than strong, committed and politically astute elected officials. By far the most rewarding and productive periods in my career have been when elected officials have come together and created a vision for their community, a vision that I can then work to help them achieve.

Unfortunately, often times these good elected officials pay a price for their contributions to their com-

munities. In the best cases the price paid is only in lost time with family and friends, a price every elected official I have ever known is happy to pay. Sometimes, however, the price is dearer and long-term friendships are strained. Perhaps a routine trip to the local store ceases to be routine. I only hope that these elected officials get some comfort knowing that their involvement has improved the lives of their neighbors and that most of their community will respect them for their contribution.

So, from one who works daily in local government, I would like to express my appreciation to all of the local elected officials that serve in our communities. Thank you for the sacrifices you have made and for helping to make our communities better places.

I am going to close this column with my favorite quote about elected officials. It is entitled "Politicians" and was part of a speech given by Elihu Root in 1924 at the dedication of a statue of Abraham Lincoln in Britain. Mr. Root was a true statesman; a former Senator from New York, a Secretary of War, Secretary of State and a winner of the Nobel Peace prize.

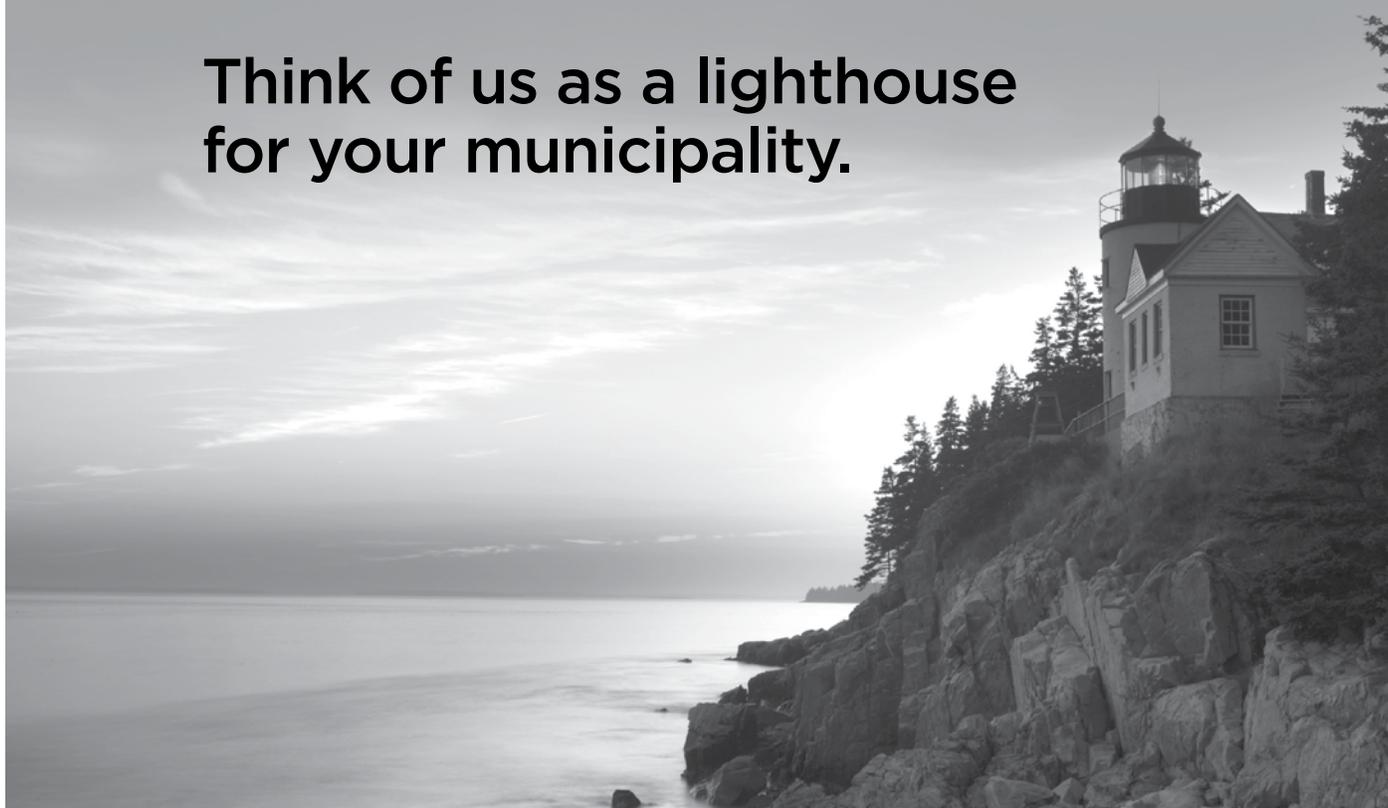
"Politics is the practical exercise of the art of self-government, and somebody must attend to it if we are to have self-government; somebody must study it, and learn the art, and exercise patience and sympathy and skill to bring the multitude of opinions and wishes of self governing people into such order that some prevailing opinion may be expressed and peaceably accepted. Otherwise, confusion will result in dictatorship or anarchy. The principal ground of reproach against any American citizen should be that he is not a politician. Everyone ought to be as Lincoln was."¹

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Irene Caused Damage, Provided Lessons

By Douglas Rooks

By the time Hurricane Irene breached Maine on Sunday, Aug. 28, it had been downgraded to a tropical storm. In that form, it did much of its damage.

"It made a left turn just before it got to us," is how Bruce Fitzgerald, deputy director of the Maine Emergency Management Agency, put it. In New England, Vermont was the hardest hit, with 11 inches of rain in some locations,

Western Maine – including the towns of Carrabassett Valley and Rumford – also took a pounding. Rumford saw more than five inches of rain fall in less than five hours. In Carrabassett Valley, it was 8.5 inches over 14 hours. Long-time residents said they'd never seen anything like it.

In Phillips, damage from the Patriots Day storm of 2007 was actually greater, said Town Manager Elaine Hubbard. But it was "how quickly the water from the (Sandy) river rose" that was truly scary this time, she said.

The storm was one of an intensity that hits Maine, on average, only once a decade. So, it provides an unusual challenge both for emergency response and for the rebuilding that must go on for months.

There were no fatalities from the storm in Maine and power outages were relatively modest. Most homeowners had electricity back within 24 hours, though Central Maine Power was still reconnecting some services five days later.

Vermont was not so fortunate. Five people there lost their lives after they were carried away by rapidly rising

floodwaters. Nationally, 42 deaths were attributed to the storm.

One of those searching for the missing Vermonters was Mike Clarke, a captain with the Bath Fire Department who, for the last 17 years, has served on the National Urban Search and Rescue Task Force. He's attached to the Beverly, Mass. team – one of 28 nationwide, and the only one in New England – that includes 13 Mainers. Clarke may be the only rescue worker who also serves in the Legislature, where he was elected to his first term one year ago.

Clarke's unit has been deployed to: New York City after the Sept. 11 attacks; New Orleans after Hurricane Katrina; to half a dozen hurricanes that struck New England; and, to events such as the Super Bowl and national Republican and Democratic conventions.

The Vermont duty was unusual. Hurricanes often change course, which forces changes for people who plan to respond to the storms.

"We were originally sent to Waterbury, Conn. on standby in case we were needed in New York," Clarke said. "It was lower Manhattan they were worried about."

TRACKING INLAND

But as Irene tracked inland, it became clear that coastal flooding and storm surges wouldn't be the main problem.

A few hours later, the team began searching for the right staging area in Vermont. But there was a problem: "It turned out the governor hadn't signed a disaster declaration yet" – a step necessary to call out the federal task force.

"We weren't sure why," Clarke

said. "Gov. LePage had signed one for Maine four days earlier."

TEAM PUSHES AHEAD

But the team did what it often has to do – push ahead without specific orders. "It's better to have to ask for permission later, rather than ask for forgiveness," he said.

For more than 24 hours, the team searched the banks of Mendon Creek, near a small village of the same name, where two men had been swept away. One body was recovered; that of the second man is still missing.

The terrain was unfamiliar. The "urban" in the task force title suggests what its training entails. The team usually combs through buildings that have collapsed from fires, earthquakes or high winds.

"We usually aren't looking at structures that are carried away by flash floods," Clarke said. Yet navigating remote areas wasn't a problem. "Our GPS coordination worked well," he said, "even if we weren't working from a street map."

Back in Maine, Carrabassett Valley Town Manager Dave Cota knew something extraordinary was happening. The town had experienced serious flooding in 1987 and again in 1991, but this was on a scale even the oldest residents had never seen before.

As national television viewers soon saw, the most spectacular damage came as two bridges on state Route 27 – "a stone's throw apart," in Cota's words – collapsed and were carried away by flood waters.

A federal grant of at least \$1 million will pay for the state's repair work; towns, cities and counties have to apply for reimbursement for their losses to the Federal Emergency Management

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

Agency (FEMA). Current requests are just over \$2.55 million (see table on pg. 9), and 75 percent of losses can be covered. Four counties – Franklin, Lincoln, Oxford, and York – are included in the disaster declaration issued by President Barack Obama.

PRAISING STATE RESPONSE

Cota can't say enough good things about the state's response.

"They had temporary bridges in



Rescue worker and dog search Mendon Creek bed in Vermont.

places in 10 days and it's not just a matter of moving them into place. There have to be engineering surveys and site plans. What the state and Reed & Reed (the contractors) did was extraordinary."

Permanent bridges should be open by the end of November.

Town roads survived the storm in relatively good shape but the same was not true of Carrabasset's extensive network of recreational facilities. Of the \$490,000 in damages it reported to FEMA, all but \$12,000 is listed in the "Other" category.

The popular five-mile Narrow Gauge Rail trail was heavily damaged, with one mile around the falls swept away. Bridges and roads on the municipally owned Sugarloaf Golf Course were also hard hit, though the course itself suffered little damage. "There were golfers out there two days later," Cota said.

Until the temporary bridges went up, the town was isolated to the north, though a route through the private subdivision known as Sugarloaf Village provided access to the south. Buses from Sugarloaf met workers at a pe-

destrian span across the Carrabasset River after they walked over.

When the flooding came, the town was just about to start on a major capital project, a new bridge that will serve the cross-country ski, ATV, snowmobile and hiking trails that wind throughout the town.

"This is a recreational community," Cota said. "It's like our industrial park."

The \$140,000 project was postponed and will have to be redesigned at an additional cost. "We were planning for what we thought was a 100-year flood and the river rose two feet above that," he explained.

Preliminary engineering estimates are that the trail reconstruction will cost \$376,000 if the traditional rip-rap and fill is chosen. That includes "the two major trail failures where the trail basically does not exist," according to the engineering assessment. The town may also consider a more durable reconstruction involving steel grids pinned to rock, Cota said.

"We're taking our time on that," he added, noting that the washed-out sections had been part of an intact

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railroad bed laid in the 1920s.

'HAS TO BE DONE'

Of the work required to reopen the trails, Cota said: "It's frustrating, but it has to be done. This is the lifeblood of the community." A special town meeting unanimously approved tapping into reserve funds for most of the immediate expenses.

In Phillips, the town roads suffered the most damage, an estimated \$182,000, while state Route 4 was mostly intact, Town Manager Elaine Hubbard said. Phillips was poised to start a major reconstruction project on the Tory Hill Road, costing \$250,000. "That was our capital road budget," she said.

With the need for immediate repairs town-wide, that project was in doubt, since financial reserves are limited. "Particularly these days, every dollar has to be accounted for," Hubbard said. But based on estimates of FEMA reimbursement, it looks like the Tory Hill Road project will go ahead next spring.

Rumford also was at the center of a raging tide of floodwater pouring off the mountains that ring this mill

town on the Androscoggin River. Town Manager Carlo Puiia said recent logging on these hillsides appears to have accelerated the pace of flooding, but the major problem was simply so much rain in a short length of time.

After the rain stopped, several roads were so badly washed out that residences were isolated. But crews soon made at least one lane passable on most of them, and a landowner from a neighboring town offered and installed a temporary bridge used in logging operations that provided a beachhead for other homeowners.



Erosion near Route 27 in Carrabassett Valley.

Preliminary Damage Estimates from Irene

Franklin County	\$932,973
Lincoln County	\$114,725
Oxford County	\$776,641
York County	\$727,574

TOTAL: \$2,551,913

Town by Town:

Carrabassett Valley	\$490,000
Rumford	\$337,835
Phillips	\$183,093
Kingfield	\$108,944
Peru	\$97,151
Parsonfield	\$75,695
Shapleigh	\$64,400
Sandy River Plt.	\$60,970
Lebanon	\$60,200
York	\$55,581
Eliot	\$52,720
Saco	\$44,997

(Source: Maine Emergency Management Agency)



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"It's just the way this town is built," Puiia said. "We have a lot of houses built in exposed locations on steep slopes."

He praised the responses of the emergency management teams and repair crews.

RUMFORD PROFESSIONALISM

"We have a very professional Public Works Department. They were as ready as they could be, and they responded quickly and effectively," said Puiia.

Rumford reported \$337,835 in

damages to FEMA, almost all of it from roads and bridges. Like Carrabassett Valley, Rumford will be able to advance most of the money from reserve accounts and unallocated surplus.

"Town leaders had the foresight to put money away for events like this one," Puiia said. While there will undoubtedly be an impact on the next annual budget, "We're in pretty good shape, overall," he said.

While Irene's devastation was different than most forecasters predicted, in some ways it was easier to plan for

than most storms, said Bruce Fitzgerald at MEMA.

"We had it on the radar for almost a week before it hit," he said. "That gave us time to test out all our communications and make sure everything was ready on the ground. You don't always get that kind of window."

The Irene response, local and state officials seem to agree, shows that the systems in place work well. Mike Clarke thinks there's something about the "New England ethic" that also helps minimize casualties.

"People have a lot of common sense here," he said. "They evacuate when they're supposed to and they take all the precautions they can."

The five people who lost their lives in Vermont "were just victims of a tragic accident," he said. "Nothing in their experience would have led them to think they would be in danger where they were."

Rumford's Puiia said it's difficult to be philosophical when your town is being pounded by the elements, but there's a lot of luck in the draw.

"You never know when it's your community that's going to be hit. This time, it was our turn." **mi**



Rescue deployment begins in Vermont.

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First Selectman Takes Practical Approach

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

The saying goes like this: If you want something done, ask a busy person to do it. Steve Brown, First Selectman in the Town of Carthage since 1980, fits the bill.

It all started back in 1978, when Brown made a fateful decision to move to Carthage, where he and his sisters had owned land since 1971. Brown had met many Carthage residents over the seven years he vacationed there. When he moved to town, a farmer named Leo Carrier asked Brown what he wanted to do next.

"I told him I want to work in the woods. I want to run a chain saw," Brown said. Carrier took him up on that, taught Brown how to use a chain saw and a skidder, and Brown started hauling wood from Carrier's property. In doing that, he met a small businessman from town who also harvested trees but on a larger scale. The next year, Brown was hired to manage that business owner's lumber yard, which he did for eight years.

"I'm 35, 36 years old and suddenly I had a real job," Brown said.

Actually, that's a little misleading. Brown, raised in a family of physicians, was educated at the University of Massachusetts, his hometown of Amherst, Mass. He attended graduate school and worked toward his doctoral degree at Rutgers University in New Jersey, where he worked for years on experiments assessing brain function. His father was a prominent pediatrician in Massachusetts but the family always respected its ties to Maine. Brown's grandfather was born in Hallowell.

A few years after moving full-time to Carthage, two selectmen in town approached Brown and asked if he'd consider running for First Selectman. They were good with their hands and

were thrifty and practical. But they knew of Brown's educational background. Carthage needed a first selectman who could run the town office administratively and be effective in doing so, they explained.

FROM AWAY

Brown declined initially, saying he was from away and hadn't lived in town long enough. But the selectmen persisted and nominated Brown for the post at the next town meeting. Sure enough, not everyone at the meeting was keen on the newcomer getting elected so fast.

"All kinds of nominations started coming up off the floor to keep the bearded guy out," Brown recalled. "Everyone who was nominated kept declining though, so I got in."

That started a 31-year career that is still going strong. At this point, Brown ranks as one of the best-known – and most active – local officials in his part of Maine (Carthage, pop. 552, is in Franklin County at the border with Oxford County).

Brown also serves as president of the Northern Oxford Regional Ambulance Service, a collaborative effort in which 11 municipalities participate. He serves on the board at the Androscoggin Valley Council of Governments and is active with the local historical society.

Over the years, Brown developed a humble approach to managing Carthage. First and foremost, he said, the town's limited financial resources mean practicality rules.

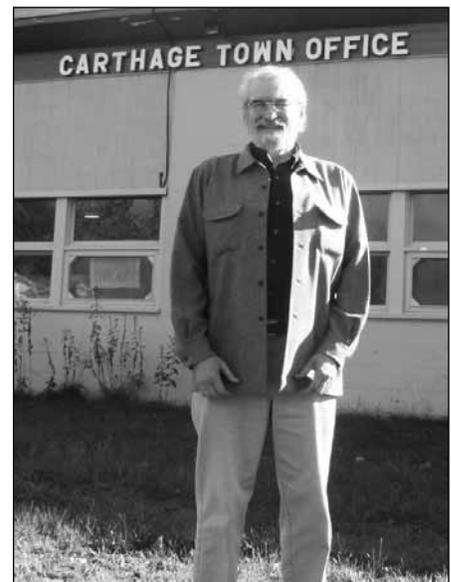
"What I realized was these poor, little towns, all you can do is what you have to do," Brown said. "Those aren't controversial things – dealing with solid waste, roads, that kind of thing."

'INNATE INTELLIGENCE'

Brown also has come to respect his fellow Carthage residents and natives of the town. Many of them lack a college education but they have "innate intelligence and lots of practical skills." There are many examples where those skills have come in handy for the town, getting projects done while keeping spending down.

A prominent example came in 1980, Brown's first year as first selectman, when a bridge built in 1905 needed to be replaced. The bridge was designed for horses and buggies. A dairy operation needed to use the bridge, but oil and milk deliveries grew difficult because the structure was obsolete.

The first projection to rebuild the bridge came in at about \$180,000. The state would provide matching funds but Carthage would have had to come up with \$80,000 or \$90,000.



Steve Brown

"That was completely out of the question for a town like Carthage," Brown said.

A new design was brought forward, estimated at \$70,000 for the entire project. But even \$35,000 for the town's share seemed too high.

Then, a few men from town approached Brown and said they could design and build it for less money than any of the estimates. Brown took their idea to the state Department of Transportation "and much to our surprise, the state agreed to it. They'd never done that with a town before."

The end result was a thrifty win-win: The bridge was built, the town saved money and Carthage residents were paid for the work that was done.

Another example involves the local Fire Department's relatively new tanker truck. Two men from town were at a state property auction where they saw a truck chassis that they believed could work. In fact it did, and Brown estimates Carthage paid less than \$10,000 for a tanker truck that could have cost \$200,000 or more if purchased new.

"The only dispute we've had is whether the front bumper should be chrome or painted black," he said. "I finally settled it by saying if they could get us a fire truck for under \$10,000, they can have a chrome bumper on it."

A LITTLE FUN

Carthage folks also have a sense of

humor. This is the tale of the town's compactor truck and it goes back only a few years.

"Like many small towns, we were finally told we had to close the only dump we ever had," Brown explained.

The town's solution was to buy a compactor truck. Residents would throw their trash into the truck at the town office, it was compacted and taken to the nearby town of Jay. The compactor worked remarkably well for years but eventually had to be replaced.

Several town residents went to a state property surplus sale a few years ago and saw a compactor there. It was a state-owned vehicle that previously was used at a prison, which had closed.

The men called Brown and said they thought Carthage could buy it for \$5,800. Brown told them no, the town didn't have \$5,800. But it did have \$3,600 available, and Brown projected Carthage might get the machine for that amount because the economy was down.

"By God, we went through the public-bid thing and bought it for \$3,600," he said.

The compactor truck now is used at the town transfer station and carries the slogan, "Satisfaction guaranteed or double your garbage back."

"I've been wanting to put that on the compactor for years," Brown said with a grin.

What are the keys to holding office in a town like Carthage for so long? Brown lists a few: Be non-judgmental. Have patience when issues arise. And, whenever possible, use the skills possessed by residents in town to get projects done.

Like many municipal officials, Brown cites the variety of issues as the reason why he gets satisfaction from his years of municipal service.

"It's very satisfying," he said. "You need some challenges in life. Every day, there's a variety."

The biggest challenge Brown faces now is deciding how and when to step down as first selectman. In some ways, he thinks towns benefit when long-time municipal officers step down because new thinking and approaches might be better.

"People have the skills to do it but not the willingness to spend the time for not much money," he said.

So in Carthage, people keep electing Brown, citing his practical and even frugal approach to managing the town, which had a property tax mill rate of 14.7 in 2010.

"I've found that it's not much of a problem getting a job like this," Carthage's first selectman said. "It's getting out of it." 

COLLABORATIVE EFFORTS

First Selectman Steve Brown cited two leading examples of municipal collaboration involving Carthage.

Sandy River Recycling Association:

Carthage is a founding member of this association, which was formed after the state began telling municipalities to close their local dumps. SRRRA was formed in 1990. Today, 21 municipalities and plantations are members. Some of the members also share a transfer station.

Northern Oxford Regional

Ambulance Service: Based in Mexico, the organization also goes by the name Med-Care Ambulance. The service is comprised of 11 municipal members. Brown, who is on the board of directors, said the service responds to 3,500 calls annually and has a budget of about \$1.7 million.

Brown also cited several examples where Carthage worked closely with its neighbor, the Town of Peru.



SPECIAL PROJECT, SPECIAL YEAR

Maine Municipal Association turns 75 this year and to celebrate we are producing a series of oral histories at our website (www.memun.org) and profile articles such as this month's piece on Carthage First Selectman Steve Brown. **Hear Steve in his own words.** Go to the MMA website, click on the 75th Anniversary logo in the upper left corner and follow the directions from there.

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

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

Succession Critical As Municipal Staffers Age

By Jeff Clark

In Fort Kent, all six full-time police officers, including the chief, are at or near retirement age. In Fairfield, Town Manager Joshua Reny worries that losing his current code enforcement officer/assessor to retirement will mean seeing an “incredible amount of institutional knowledge” walk out the door. Alfred First Selectman John Sylvester says the town has hired assistants to work with both of its oldest employees to maintain some continuity when they retire.

Town governments across Maine face a true challenge: Employees who entered municipal service as young baby boomers in the 1970s and 1980s are at or near retirement age, and a disproportionate number of them hold senior management positions or comprise the institutional memory for departments ranging from assessing to public works.

The statistics are daunting. In 1971, 71 percent of local government managers in New England were under 40 years old. In 2006, 87 percent were over 40, and many were looking forward to retirement, according to information from Cope and Associates in Shelburne, Vt.

The first baby boomers (people people born between 1945 and 1960) started collecting Social Security in 2007, and the numbers will grow steadily over the next eight to 10 years. The issue of boomer retirements and their impact on leadership has attracted a good deal of attention at the state government level, with a number of national conferences devoted to it. Yet by and large there hasn't been a whole lot of focus on the topic at the municip-

pal level, in Maine or elsewhere.

“I haven't heard a single person talk about it,” said Sylvester.

“It's not a major topic of conversation up here, either,” said Fort Kent Town Manager Donald Guimond. “I think other managers are dealing with it as it happens.”

“We have a regional town manager's meeting every month,” said Fairfield's Reny, “and it's not a subject that has come up in my time here.”

Guimond, a 19-year veteran of the post, said the situation with the police force was unusual.

“It just sort of happened,” he said. “It's not like we hired them all at the same time back in 1975.” Still, he acknowledged that boomer retirements likely will be an issue in the future. “It just isn't here yet,” he said.

PREPARING IN LINCOLN

At the same time, succession planning is something many town managers keep in the back of their minds during planning sessions. Lincoln Town Manager Lisa Goodwin says town officials recognized several years ago that they needed to prepare for the retirements of senior people – including Goodwin herself, who rose through the town's employee ranks to become manager in 2008.

“We saw there was a need down the road to prepare for this,” Goodwin said. “There are just a few of us who know everything. If one left, it would create a big void.”

Accordingly, the town treasurer now has a deputy, as does the code enforcement officer/assessor.

“I had been town clerk before I became manager,” Goodwin added. “We were fortunate that I was still here when my replacement was hired, so I

could just download my brain to her.”

Former Brunswick resident Paula Cope, of Cope and Associates in Vermont, regularly speaks at national conferences as well as to small municipalities about the impact of boomer retirements and the need for succession planning.

“We're certainly seeing a lot of municipal managers aging up,” she said. “One problem is that we don't see a lot of younger people choosing careers in small-town municipal government the way we once did.”

Jim Ashe of Cumberland served as a school superintendent and town manager in several midcoast towns, including Brunswick and Topsham. He echoes Cope's observations.

“I'm retired and trying to just do some part-time consulting work,” he said, “but I could work more than full-time helping towns find new managers and superintendents. People are retiring, and finding replacements is a real challenge.”

IS INTEREST DECLINING?

Town government's attraction as a job, much less as a career, seems to have declined in recent years, according to Cope.

“Not a lot of people coming up are choosing to work for smaller municipalities like they did in the 1960s and '70s and '80s,” she said. “Back then you grew up in your town, went to the schools, knew the store owners and you aspired to work there to make it better. These days the young people who would be replacing those aging managers are going to college to become urban planners and work for larger organizations.”

Ashe says the new crop of managerial talent, when they're willing to

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

work in small towns and school districts, are less willing to work the 60 or 70 hours a week that their predecessors did.

“In some ways, I admire them,” Ashe said. “They’re concerned about spending time with their families and having lives outside the office.”

The other problem he noted is the declining reputation of government workers in general, including town employees who presumably have closer contact with the people they serve.

“I’m appalled at some of the stories I see,” Ashe said. “People who work for towns shouldn’t be embarrassed about it.”

ECONOMY PLAYS A ROLE

Cope also has seen the effects of the recession. Senior staff members who a few years ago were planning to retire sooner rather than later have watched their investments shrink in value and their futures become more tenuous as the economy worsened.

“So they walk into the office one day and say, ‘You know what? I’m going to stay on for a while after all,’ ” she said. “That has an impact on the younger employee who was counting on moving up and it stalls future hiring of potential managers.”

Cope suggests a number of strategies to help municipalities ease the squeeze, including hiring deputies to train under current leaders and implementing an internship program to bring in younger people to give them a taste of small town government.

“College planning programs tend to aim students at larger organizations — the big cities, regional planning agencies and private companies,” she said. “Towns need to show prospective managers that they can offer a rewarding career as well.”

In Nova Scotia, a 2010 report not-

ed a disproportionate number of senior municipal managers would retire over the next five years. The province has implemented a “Next Generation” project to attract new government managers through a partnership program with universities and colleges. It works to complement a municipal internship program aimed at raising awareness of municipal government as a career choice among college students. The Massachusetts Municipal Association has distributed a program called “Passing the Baton: Municipal Succession Planning.”



Looking out

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But those programs are the exception, according to Ashe, Cope, and others. "Most municipalities are dealing with it on their own, sort of ad hoc," said Cope. "There needs to be more information exchange, I think."

A major roadblock to tackling the problems of boomer retirement and succession planning is funding. Fort Kent's Guimond said town officials are wrestling now with the prospect of finding the money to send replacement police officers through the Maine Criminal Justice Academy.

They also face the challenge of attracting new employees from outside the area when suitable candidates for a new position cannot be found in-

house. They face all this at the same time they are dealing with ever-tighter budgets and the prospect of continued reductions in state and federal aid.

STAFFING AT LOW TIDE

"We are currently employing the fewest number of employees in at least the last 20 years," added Joshua Reny in Fairfield. "Twenty years ago we had 12 people. Today we have eight full-time. As much as we want to have some depth in each office, it's really tough in the smaller towns."

Reny is writing a comprehensive review of all the town departments with an eye toward staffing needs. He lives in terror that his code enforcement officer/assessor, Cynthia Tuttle, will retire.

"She has an incredible amount of institutional knowledge in her head," Reny said. "If she were to go tomorrow, we'd be in deep doo doo."



Lisa Goodwin of Lincoln.

RESOURCES ONLINE

Maine Townsman on succession planning:
<http://www.memun.org/public/publications/townsman/2011/succession.htm>

The Massachusetts Municipal Association has a package of presentations about baby boomer retirement and succession planning at:
http://www.mma.org/resources-mainmenu-182/cat_view/144-labor-and-personnel/240-succession-planning

Succession planning and baby boomers:
http://www.hrtools.com/leadership_and_management/insights/baby_boomer_succession_planning.aspx

From a corporate Fortune 1000 viewpoint:
<http://www.globalhrnews.com/story.asp?sid=1061>

A Canadian white paper on recruitment and retention strategies for small municipalities:
http://www.muniscope.ca/research/research_topics/index.php and scroll down to "Senior staff attraction and retention measures in small municipalities." PDF file, Adobe Acrobat required.

Nova Scotia's "Next Generation" program (pdf file):
http://www.amans.ca/index.php?option=com_docman&task=doc_download&gid=22&Itemid=76



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His preference would be to hire a second CEO as the office's responsibilities grow under Maine's new Uniform Building and Energy Code.

"We need to be grooming someone for the future," he said. "You don't ever want to be in a situation

where all the knowledge base rests in one person." The trick, of course, is to find the money for the new position.

"We have two people in their early 60s and they are very important to the organization and very good at what they do," said Alfred's Sylvester, a Past

President of Maine Municipal Association. "We've found the money to give one a deputy and the other an administrative assistant. It will be hard to replace them. Small towns in general have that problem. I guess we all need to be thinking about it." [\[ME\]](#)

DEALING WITH SUCCESSION

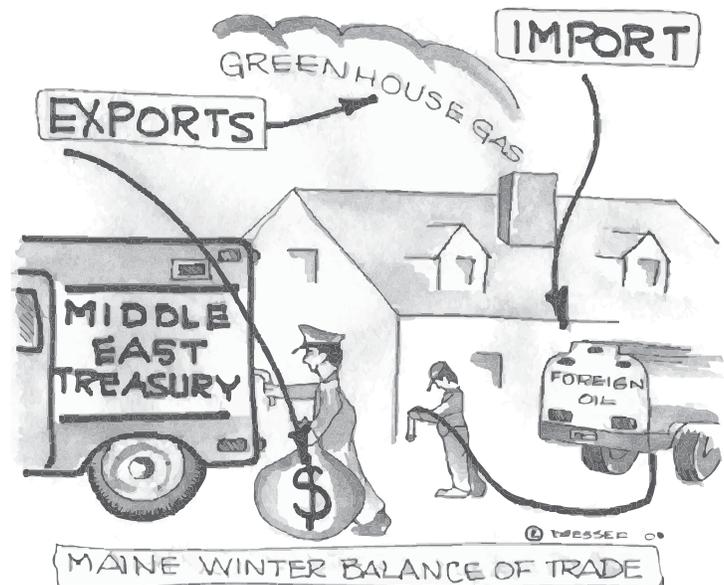
Within the constraints of municipal budgets, here are a few strategies Maine towns can use to deal with the wave of boomer retirements and the succession planning they require.

- Add depth to staffs with deputies or assistants.
- Consider coordinating with university or college management and planning programs to bring in interns, exposing them to municipal government.
- Look outside the box for talent and energy. Lincoln organized a program with high school students to do a census of all town cemeteries.
- Build a mentoring program into staffing structures so senior people can cultivate up and coming employees.
- Consider job sharing as a way to allow an older employee to ease into retirement while breaking in his or her replacement.
- Keep employees up to date on outside training and education opportunities.

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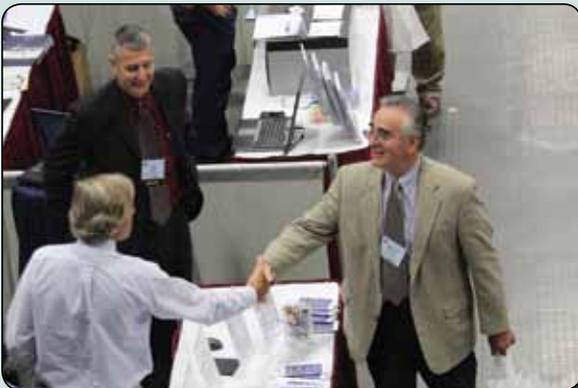


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4. promoting market development and cooperative marketing opportunities.

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Concerns, Opportunities Cited in Survey

By Karen Hutchins and Laura Lindendorf,
University of Maine

Reductions in state and federal resources and increasingly complex issues are inspiring municipalities and universities and colleges alike to seek new arrangements, often in the form of partnerships, to meet the demands of 21st century society. In Maine, innovative partnerships across communities are enabling a collaborative approach to dealing with pressing problems like stormwater regulations, recycling, transportation, public safety and climate.

In 2009, the University of Maine and University of Southern Maine partnered to form Maine's Sustainability Solutions Initiative (SSI), an interdisciplinary, collaborative project that is currently funded by a five-year, \$20 million National Science Foundation Experimental Program to Stimulate Competitive Research (EPSCoR) grant. Eight institutions of higher education from across the state have since joined the project.

The SSI aims to transform Maine's capacity for creating sustainable solutions by finding better ways to link knowledge with actions that meet human needs while preserving the quality of our natural amenities such as water, air, coastline and forests. A sustainable future for Maine means that

Laura Lindendorf is an Associate Professor in the Department of Communication and Journalism and Margaret Chase Smith Policy Center. She has been at the University of Maine since 2000.

Karen Hutchins is an IPhdD Candidate in the Department of Communication and Journalism and a Graduate Research Fellow with Maine's Sustainability Solutions Initiative. She is a 2003 graduate of the University who returned in 2009 to work toward her PhD.

we must promote strong economies, vibrant communities and healthy ecosystems. SSI also understands that we must collaborate across diverse organizations and groups to create solutions to our most pressing problems

A central component of SSI is to build partnerships with stakeholders, such as municipalities, to identify problems, conduct research and develop solutions that are realistic, comprehensive and meaningful to decision-makers and citizens. Key to this effort is that we must do this work as partners, which means we have to understand the issues that different groups face and people's preferences in how to work together. If we are to build successful partnerships designed to solve problems, university and college researchers must do a better job of listening to communities to understand their needs and preferences.

THE SSI TEAM

One of the ways we seek to understand communities' needs is through research. Starting in August 2010, a group of SSI team members (PhD student Karen Hutchins; faculty members Kathleen P. Bell, Jessica Leahy, Laura Lindendorf and Linda Silka) sent a mail survey to municipal officials across Maine. Using the Maine Municipal Association's (MMA) mailing list, we mailed 2,553 surveys to more than 490 municipalities, plantations and townships and included participants from 13 different municipal positions. We heard from town and city managers, mayors, chief elected officials, community development, purchasing, assessing, finance, public safety, recreation, public works, welfare, code enforcement officers and

additional personnel.

When we set out to do this survey, we had some goals in mind. First, we wanted to understand more about the challenges municipalities face. Are municipal agents more concerned about the impacts of climate change or about increasing drug abuse? This is important for us to understand because our colleagues and we may assume that one problem is more urgent than the other, when it may not be to officials. Second, we wanted to understand how much interest there is in forming partnerships with the university and what style of collaboration people prefer.

This includes exploring how much involvement municipalities want to have with us across various stages of research. Do people want to be involved across all stages of research, including problem characterization, conducting the research and developing and implementing solutions, or just in the problem characterization? Finally, we wanted to use the survey as a conversation starter to let municipal agents know that we are interested in working together to promote a sustainable future for Maine.

Through this survey, we learned a great deal about the issues facing municipalities and how officials across the state want to partner with researchers like ourselves. We want to share the findings because we feel that it is important for people throughout the state, across agencies and institutions, to understand current issues in Maine municipalities. We value the feedback we received and are using it to inform our research practices. We hope to continue our conversations with municipalities so that we can collaboratively explore opportunities

to work together on future research projects.

MUNICIPAL CONDITIONS

We asked about officials' pessimism and optimism about their municipality and the State of Maine. We learned that most participants feel somewhat neutral to optimistic about the direction of their municipalities, but there is a somewhat pessimistic view about the direction of the state. In fact, 56 percent of respondents indicated that they were *very* or *somewhat optimistic* about the direction of their municipality but only 13 percent indicated that they were *very* or *somewhat*

what optimistic about the direction of Maine.

This information helps us understand how municipal officials' attitudes might affect motivation, either for the positive or negative, and relationships with state officials. It is important to keep in mind that this survey was conducted prior to the 2011 gubernatorial administration inauguration and answers may vary under the current administration.

Citizen participation is an important aspect of community life and can affect decision-making and resources in communities. Because of this, we asked municipal officials to rate the

level of residents' participation on municipal committees or at municipal events, such as town meetings. We learned that participation levels at the municipal level are moderate to low.

Finally, community choices about environmental and economic needs impact how communities plan and function. Recognizing that municipalities face difficult trade-offs between environmental and economic conditions, we asked officials to rate how their municipality prioritized environmental versus economic considerations. Respondents reported that their municipality tries to balance environmental and economic protection, but tended toward protecting environmental conditions even if there were negative economic consequences.

MUNICIPAL ISSUES

Municipalities rated *reductions in state funding*, *rising health care costs* and *rising energy costs* as the top three economic issues in their communities (See Figure 1 on page 25). On average, these issues were rated as serious to moderate problems. These results demonstrate that municipal officials have to conduct their work within

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WORKING WITH MMA

SSI faculty, staff and students are interested in developing community-university partnerships, yet the university was not rated as a top resource for municipalities. Given MMA's role in serving municipal government, we recognize that collaborating with MMA offers our team and other researchers the opportunity to work with and learn from a respected, knowledgeable organization that understands municipal government and has connections with municipal agents in a way not presently realized by the university. We see this collaboration as a win-win relationship where we can work together, with municipalities, to provide the services and research needed in local government. .

significant economic constraints and these pressures must be remembered when working with municipalities.

Municipalities rated *rising unemployment, increasing drug and alcohol abuse* and the *rising poverty rate* as the top three social issues in their communities (See Figure 1 on page 25). On average, these issues were rated as moderate problems. At the time of this survey, unemployment rates in Maine reached approximately 8 percent. High unemployment rates cause ripple effects in communities.

Unemployment can force people to leave their community in search of a job, depend more on social services within the community and result in fewer resources coming into the municipality. These ripple effects strain both the municipal government and its citizens.

Municipalities rated *increasing invasive insects and/or plants, loss of farm land* and *increasing traffic congestion* as the top three environmental issues in their communities (See Figure 1 on page 25). These issues were rated as

moderate to small problems. Overall, municipalities did not rate environmental issues as serious problems. We hope to learn more about why certain environmental issues were perceived as problems, while others, such as increasing risks of flooding and decreasing air and ground water quality, were not.

Municipalities rated *land use planning and zoning regulations, shoreland zoning regulations* and *regionalization* as the top three debated public policy issues in their communities. On average, these issues were rated as being the focus of moderate to limited debate.

MMA TOP RESOURCE

The survey showed us that municipal officials must manage a variety of complex issues. We were interested in learning who officials looked to for training, education, and support for day-to-day tasks so that we could begin to understand the resource networks, and the role of the university in that network, of municipal officials.

Maine Municipal Association (MMA), state government agencies, and fellow municipalities were selected most frequently as providing training, education, or support for day-to-day tasks with 88 percent of respondents indicating that MMA helped them with day-to-day tasks.

These results demonstrate that MMA is an invaluable resource for the majority of Maine communities, providing critical legal and insurance sup-

Type of Issue	Top Three Issues Rated as Problems
Economic	Reductions in state funding Rising health care costs Rising energy costs
Social	Rising unemployment Increasing drug and alcohol abuse Rising poverty rate
Environmental	Increasing invasive insects and/or plants Loss of farm land Increasing traffic congestion

Figure 1: Top Municipality Issues

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HELP AVAILABLE

SSI teams are working with numerous municipalities. The University of Maine System and SSI continue to look for opportunities to pool resources and knowledge to conduct research that benefits the state. We encourage municipal officials and other agencies who would like to work with us to contact: Karen Hutchins, Graduate Research Fellow, Maine's Sustainability Solutions Initiative, at karen.hutchins@umit.maine.edu or (207) 581-3859.

port, training and citizen education. Maine universities and colleges were among the least selected resources turned to for day-to-day support by municipal officials. It seems important for Maine universities and colleges to explore how they can improve their service to communities in the state as well as understand the critical organizations with whom to collaborate when researching issues of interest to municipalities.

Collaborating with communities to address economic, social and environmental problems in Maine is important to SSI faculty, staff and students. Partnerships offer numerous benefits, including combined and improved knowledge, learning opportunities, the development of capital and expanded networks and resources.

Through this survey, we explored municipal officials' past experience with Maine college and university researchers, trust in researchers, how much interest there is in forming partnerships with the university and what style of collaboration people prefer.

Results indicated that the benefits of working with University of Maine System (UMS) researchers are relatively unknown to municipal officials. Over half of the participants provided a rating of not sure when asked if UMS researchers could assist them in resolving some of the issues in their municipalities. Statistical analyses conducted on this survey data show that this belief is a key factor influencing officials' interests in developing community-university partnerships. If increased partnerships are a goal,

UMS researchers need to better explain how they can help municipal officials deal with problems in their communities.

POTENTIAL EXISTS

In addition, over half of Maine municipalities are not and have not worked with Maine college and university faculty, staff, or student researchers. However, when universities and municipalities do collaborate, it appears to be positive and helpful. Over half of the participants rated their experiences as *very positive* and *moderately to extremely helpful*. These findings are encouraging for conduct-

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



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ing community-supported research. However, given the low number of community-university partnerships, officials and researchers should increase efforts to explore how and on what issues they can work together in order to improve the potential for partnerships.

Overall, participants trust UMS researchers, especially for providing scientific and reliable information and having high technical competence. The majority of respondents expressed that they have some or a lot of trust in UMS researchers and that their level of trust had not changed over time. Since trust is significant in successful collaborations, this finding is encouraging for establishing part-

nerships.

Finally, municipal officials were asked to rate their preferred structure for community-university collaborations. Over 70 percent of respondents selected a partnership structure in which municipal officials and university researchers collaboratively identify the problem, university researchers conduct the research, and municipal officials implement solutions in their respective communities. Over one-third of participants wanted university researchers to propose solutions to the problem; over one-third wanted to collaboratively develop solutions.

We were happy to see that there are strong possibilities for developing community-university partner-

ship in the future. Over half of the participants indicated that they or a colleague would be *very likely* or *likely* interested in pursuing a community-university partnership, and over 60 percent wrote that we may contact them to talk about partnership opportunities. [\[m\]](#)

FULL REPORT ONLINE

You can read the full SSI report at: <http://www.memun.org/public/news/TechReport.pdf>



Karen Hutchins



Laura Lindenfeld

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2012 Spring Bond ISSUE SCHEDULE

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FEBRUARY						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

MARCH						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APRIL						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MAY						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Wednesday, February 1st

Application Deadline.

Wednesday, March 14th

Application approval (Board Meeting).

Tuesday, April 3rd

Preliminary opinions and loan agreements due from bond counsel of each borrower.

Friday, April 6th

Last date for signing school contracts and rates in place for water districts.

Monday, April 23rd & Tuesday, April 24th

Maine Municipal Bond Bank Pricing.

Wednesday, April 25th

Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Tuesday, May 15th

Final documents due from bond counsel.

Wednesday, May 23rd

Pre-Closing.

Thursday, May 24th

Closing - Bond Proceeds Available (1:00 PM)

If you would like to participate in or have any questions regarding the 2012 Spring Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.





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Maine Municipal Association

The Bar Harbor Town Council selected **Enoch Albert** to fill the seat vacated by **Matt Horton** in August. Although Horton's term did not expire until June 2013, voters will elect a permanent replacement at next June's town meeting. Albert holds a master's degree in zoology and has taught both at the high school and college levels. He retired in 2006 as a registered nurse from the Togus Veterans Administration hospital in Chelsea.

Mexico Selectman **Reggie Arsenault** and his wife, **Louise**, were honored by the town in October when they were presented the 2011 Citizen of the Year award. Arsenault has served on many town committees and boards over decades, while his wife has been the long-time director of the Greater Rumford-Mexico food pantry, among other efforts to help the poor.

After leaving the Brewer municipal staff as code enforcement officer, **Rodney Butler** will return to the city as its new water department supervisor. The city has been searching for a leader for the water department and Butler, who wanted to return to the city staff, garnered strong support from officials. Butler replaces **Mike Riley**, who resigned in June. Meanwhile, **Ben Breadmore** replaced Butler as CEO, moving up from an assistant's position.

Auburn councilors named Police Chief **Phil Crowell** as acting city manager after terminating Manager **Glenn Aho** in mid-October. Under his contract, Aho has been placed on paid administrative leave for three months and will receive a severance deal. Crowell will be replaced by a longer-term, acting manager as soon as possible. Meanwhile, City Clerk **Robertta Fogg** resigned to take a state job, effective this month.

Houlton Treasurer **Nedra Hanson** has been promoted to finance director, while Town Clerk **Cathy O'Leary** will assume the job of assistant town manager. Both appointments took effect Nov. 1. Hanson worked her way up to treasurer after starting her municipal career in 1970. Ten years later,

she was named treasurer. Hanson will remain the treasurer and oversee the tax collection process, as well as take on all facets of the duties of finance director. O'Leary, who started her career in Houlton government in 1978 as an office clerk, moved up to deputy clerk in 1987 and to town clerk in 1991. O'Leary, the 2005 recipient of MMA's Ethel Kelly Memorial Award, also served as acting town manager twice in her career.

Wally Litchfield was elected in October as a Sumner selectman, replacing veteran Selectman **Mark Silber**, who resigned in September after 29 years on the board. Litchfield had lost a special election in September to **Danny Perron** to fill the seat vacated by Selectman **Glenn Hinkley** who, like Silber, stepped down, citing stress and questions about their integrity. Perron defeated Litchfield in September by a vote of 34-26. In October, Litchfield easily defeated two other candidates to win Silber's seat.

Damariscotta selectmen named **Matt Lutkus** of Colorado as their next town manager, effective in January. Lutkus has 32 years of municipal experience at several levels and presently works as deputy manager of Westminster, Col., a city of 110,000 residents. Lutkus, 58, began his career in Connecticut and replaces **Greg Zinser**, who resigned earlier this year in order to become York County manager. Acting manager Don Gerish, now a consultant, will remain on the job until Lutkus starts his new position. He intends to move to Damariscotta.

Dale Lancaster's police career has come full circle. The former long-time state trooper has been named deputy police chief for the town of Skowhegan. Lancaster, 56, served the Maine State Police for 27 years before retiring as a major. In all, the Cornville resident has 37 years of law enforcement experience, including a stint as a Skowhegan patrolman just before joining the State Police.

William Najpauer has been hired as Waldoboro's planning and develop-

ment director and code enforcement officer. He replaces **Misty Gorski**, who resigned in September to take the job of Wiscasset planner. Najpauer is a former CEO for the City of Gardiner and spent 13 years working as a planner for the Kennebec Valley Council of Governments. He has been self-employed since 2006 and was expected to start work in Waldoboro early this month.

Milo selectmen promoted Officer **Damien Pickel** to police chief, in part because of his effectiveness and success after joining the department in 2009. A former New York police officer for 20 years, Pickel assumed his new duties in October. He replaces **Kenny Williams**, who resigned in May

Robert Pyle has retired as Mt. Desert librarian after more than 40 years, beginning his library career with the town in 1971 and promoted to librarian in 1974. Over Pyle's tenure at Northeast Harbor Library, the facility grew from 18,500 to 48,000 books. Pyle will be replaced by **Brook Minner**, who was among 40 applicants for the job. Northeast Harbor is one of several villages within the town of Mt. Desert.

Penny St. Louis, the director of Portland's Planning and Development department, resigned effective Oct. 28 to pursue other opportunities in her field. St. Louis has worked for the city for 14 years.

Oxford Police Chief **Jonathan Tibbetts** seriously injured a heel in early October and will be out of work until at least until Christmas. Lt. **Michael Ward** will serve as acting police chief until Tibbetts' return. 

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)

Statewide: In a contest sponsored by the Maine Better Transportation Association, Route 141 in Waldo County was chosen in October as the state's worst road. The Waldo resident who nominated the road received \$250 for car repairs. The second-worst road was declared to be West Street in Princeton. Route 105, which ambles from Windsor to Washington, placed third.

Anson: The Somerset County towns of Anson and Madison will merge their water districts, pending voter approval this month. The move could save an estimated \$110,000 annually by eliminating jobs, duplicate transactions, insurance, equipment and office space. The towns already share the same water source, as well as a joint treatment plant. A state water official said the towns are unique in Maine, and that the federal Environmental Protection Agency requires that only one treatment plant be associated with one public water supply. There are about 1,800 users in both towns.

Augusta: City firefighters rescued a man from his burning apartment after heavy smoke blocked his vision and path to the door. Firefighters carried the man out of the house despite the thick blanket of dark smoke. The home was located near the city's main firehouse and firefighters from Augusta, Winthrop, Hallowell and the Togus Veterans Hospital crew were able to quell the blaze. Damages were estimated at \$25,000.

Calais: City officials and leaders hope that a new clothing store on Main Street and a \$10 million expansion of the existing Wal-Mart store will revitalize interest in investing in Calais. The two projects are expected to create 60 jobs in the Washington County community. The Wal-Mart expansion will add 25,000 square feet to the existing store as the nation's largest retailer adds a supermarket to its Calais store.

Cape Elizabeth: Town ordinance committee members said in October they aren't interested in proposed strict rules to stop property owners from renting their properties. However, they have heard concerns from residents

who say some properties being rented during the summer are negatively affecting quality of life because of noise and late-night comings and goings. The committee has asked town staff to provide information on complaints about noise and nuisances. The panel will meet this month to begin work on defining a rental property and what rule changes might help resolve the issue. Its recommendations are scheduled to go to the town council in December.

Glenburn: The town council has passed a resolution taking a stand against spousal abuse and family violence in Maine following several high-profile domestic violence cases, including a man who killed his wife and two children earlier this year. "We, the members of the Glenburn Town Council, believe that we have an obligation to take a formal, public stand against this terrible trend and, in the strongest possible way, to advocate for early identification and intervention..." to those who may afflict violence and abuse on others, according to the resolution. The resolve was introduced by the late Kevin Paschal, a selectman who died in August. Glenburn is encouraging other communities to follow suit.

Kingfield: The town that thousands

of skiers pass through on their way to Sugarloaf/USA each year has developed a five-year plan to help revitalize its downtown and possibly hire the town's first planner. The plan includes goals such as traffic management, a village green and riverfront park, historic walking trails and street-scape improvements.

Rockland: An estimated 200 people met in Rockland in October to talk about how to handle the growing problem of people using bath salts to get high. The trend has increased the burden on Maine police departments. In Rockland alone, more than 130 people have been arrested this year for crimes linked to the new so-called "designer drug." People using the bath salts are doing strange things. In some cases, the user turns violent, while others strip off clothing and act delusional.

Saco: The city council voted in October to solicit bids to demolish the former downtown fire station. Despite its historic designation, the 1938 building and a separate one-story administrative building drew interest from investors, but councilors rejected all bids because they were too low. The council is thinking of converting the property to a parking lot. [mt](#)

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*.

- **Fiscal Survey.** Maine Municipal Association Legislative Advocate Kate Dufour recently completed her annual Fiscal Survey, which documents declines in municipal revenue and spending from 2009 to 2010.
- **Conservation.** The Maine Association of Conservation Commissions wants to hear from municipalities interested in forming, or re-forming, local commissions.
- **Regionalization Doesn't Work.** Canadian Economist Brian Lee Crowley, who spoke at MMA's recent Convention, has posted his research showing that small, localized units of government are more efficient and cost-effective than larger governmental agencies. His report is titled: "Surviving and Thriving in an Irrational World."
- **Celebrating Service.** MMA, as part of its 75th Anniversary, is recognizing many officials for their tireless years of public service. Oral histories – first-person interviews – can now be heard at the website. Walter Foster of Friendship, Linda Boudreau of South Portland, Kenneth Michaud of Fort Kent, Roy Gardner of Allagash and Grace Hatton of Charlotte were the first five subjects whose interviews are available for listening.



Municipal Bulletin Board

PLANNING BOARDS/BOA: BATH, FARMINGTON

An attorney from MMA's Legal Services Department will take the show to the Hampton Inn in Bath on Nov. 29 and to the University of Maine-Farmington on Dec. 8 to discuss issues confronting Planning Boards and Boards of Appeal. The workshops begin with registration and a light meal at 5:30 p.m. and end at 9 p.m.

These workshops are designed for relatively new Planning Board/BOA members but long-time members can benefit from the updates as well. Among the topics to be addressed: jurisdictional issues; conflict of interest and bias; site visits; deadlines; nature of evidence upon which to make decisions; and, more. The cost of the workshop is \$40 for MMA members and \$60 for non-members.

ELECTED OFFICIALS: SOUTH PORTLAND

MMA officials will hold an Elected Officials Workshop on Dec. 1 at Embassy Suites in South Portland. The workshop will run from 4:30 to 8:30 p.m. and includes a light meal. Registration begins at 4 p.m.

The workshop is a "must" for both newly elected and veteran officials as it provides updates to legal requirements regarding: your rights as officials; open meeting requirements; conflicts of interest; liability issues; and, the Maine Freedom of Access law. Officials who attend the session meet the state's Right to Know training requirements and will receive certificates.

The cost is \$40 for MMA members and \$60 for non-members. Registration is available through the MMA website at www.memun.org.

BASIC MUNICIPAL BUDGETING

James Bennett, City Manager in Presque Isle, and John Eldridge, Finance Director in Brunswick, will co-present a workshop on municipal budgeting on Friday, Dec. 2 at the Black Bear Inn in Orono. The program begins with registration at 8:30 a.m. and concludes at 3:30 p.m.

The course, sponsored by MMA, is

designed for municipal officials with primary responsibility for budget preparation and management. The cost is \$60 for MMA members and \$90 for non-members.

FORM-BASED CODES & MORE: MTCMA

The Maine Town & City Management Association is sponsoring a three-pronged workshop that will touch on code issues, creating professional development plans and career management. The day-long event will be held at the Bethel Inn on Dec. 9. It starts at 8 a.m. and will end at 2:45 p.m.

Code expert Alan S. Manoian, who has served for 20 years in various economic development roles, will present on form-based codes in New England. Manoian, currently Bridgton's Director of Economic & Community Development, is a "proud member" of the Formed-Based Codes Institute's inaugural class of 2005. He will present first. There also will be a 30-minute session on solar panels.

Richard "Gary" Stenhouse, a retired manager in New Hampshire and Connecticut, and Donald P. Bliss, a professor at the University of New Hampshire, will participate in discussions about professional development plans for municipal staffs and career management. Don Jutton, President of Municipal Resources, Inc., who is well known to MTCMA members, will moderate those discussions.

Cost is \$20 for MTCMA members and \$60 for non-members. Continental breakfast, lunch and snacks will be provided. Attendees earn six credit hours toward MTCMA certification.

MMA CLOSED

Maine Municipal Association will close at noon for the remainder of the day on Dec. 16 to allow employees to attend a Staff Appreciation Holiday Luncheon.

STATE HOLIDAYS

The State of Maine's 2012 Holiday Observance schedule is as follows:

Holidays	Date Observed
New Year's Day (2012)	Mon, Jan 2
MLK, Jr. Day	Mon, Jan 16
President's Day	Mon, Feb 20
Patriots Day	Mon, Apr 16
Memorial Day	Mon, May
28, Independence Day	Wed, July 4
Labor Day	Mon, Sept 3
Columbus Day	Mon, Oct 8
Veterans Day	Mon, Nov 12
Thanksgiving Day	Thur, Nov 22
Thanksgiving Friday	Fri, Nov 23
Christmas Day	Tues, Dec 25

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>

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WINTER HEATING AID UPDATE

With heating oil prices expected to set a record this winter, and with President Obama proposing to slash federal LIHEAP or Low Income Home Energy Assistance Program funding by 50 percent, keeping needy Mainers warm this winter will be more challenging than ever. Many of course will not qualify for LIHEAP or General Assistance, so charity will play a vital role. But before establishing a *municipal* heating assistance program, see the following updated “Legal Note” from the October 2008 *Maine Townsman*:

LOCAL HEATING ASSISTANCE: PLANNING/ACTION REQUIRED

Question: We’d like to establish a local (municipal) heating assistance program for those who may not qualify for General Assistance or LIHEAP funds, but we don’t know where to start. Any suggestions?

Answer: Yes, but first decide whether a *municipal* program is really necessary or the best way to go. Many local charities, including church and civic groups, are already set up to provide help. And the statewide “Keep ME Warm” program, funded by donations and administered by local community action agencies, has been up and running for six years now. Many thousands of Maine households have been helped by this program. *And donations to Keep Me Warm can be earmarked for a specific town or area, so donors can keep their charity “local.”* (For more, go to <http://www.mainecommunityaction.org/keep-me-warm/>.)

If you still want to set up a municipal program, here are three things you’ll have to plan for and act on:

How will the program be funded? If by donations, they will have to be accepted before assistance can be distributed. The general rule is that gifts for a particular purpose (e.g., heating assistance) must be accepted by vote of the municipal legislative body (town meeting or town or city council). But gifts of money to supplement an appropriation already made can be accepted by vote of the municipal officers (selectmen or councilors) alone, so a nominal appropriation for heating assistance

would facilitate the acceptance of donations. Absent an appropriation, a vote to accept prospectively all donations of money for heating assistance will probably suffice. (For more on the acceptance of gifts and their tax-deductibility, see “Tax Status of Municipalities and Deductibility of Gifts,” *Maine Townsman*, “Legal Notes,” August/September 2000.)

Who will administer the program? It is essential, both for accessibility to clients and for public accountability, that some person(s) be designated to administer the program. We suggest either the General Assistance administrator or a small, special committee (including perhaps a community representative or two). Either way, this designation should be made by the municipal legislative body or by the municipal officers if authorized by the legislative body.

What eligibility criteria will apply? Public assistance, including local heating assistance, cannot be distributed without uniform guidelines to ensure that it will be dispensed fairly, based on bona fide need. Otherwise, a heating assistance program may not qualify as a public purpose and could be open to charges of cronyism (or worse). We suggest either adopting the criteria of the Keep ME Warm program (see above) or using criteria like the General Assistance guidelines (but modified to relax qualifications) as the basis for determining eligibility under a local heating assistance program.

A final note: Since it’s not confidential General Assistance, a local heating assistance program will be subject to public scrutiny. All meetings of a board or committee and all records, including the identities of recipients and the amount of assistance, will be open unless otherwise protected by law. (*By R.P.F.*)

MUSIC LICENSES REPRISED

Judging by the number of inquiries we’ve received lately, ASCAP (the American Society of Composers, Authors and Publishers) has renewed efforts to enforce its musical performance copyrights against municipalities in Maine. ASCAP undertook a similar initiative almost 10 years ago (see “Sound of Music May Not Be Free,” *Maine Townsman*, “Legal Notes,” January 2002).

ASCAP, together with BMI (Broadcast Music, Inc.), represents about 98 percent of all musicians and composers. U.S. copyright law prohibits the public performance of copyrighted music without the permission of the copyright holder. A public performance, for municipalities, means any live, broadcast or recorded musical performance at a municipally sponsored concert, parade, festival, dance, athletic event, recreation program, etc. Copyright law makes the owner of a facility or the sponsor of an event liable for the performance. The use of copyrighted music without permission or a license from the copyright holder can lead to substantial fines.



ON OR BEFORE DECEMBER 15 — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333-0011 [22 MRSA §4311].

DECEMBER 26 — Christmas Day Observed - a legal holiday (4 MRSA §1051, 20-A MRSA §4802).

DURING DECEMBER — Towns that elect officials by secret ballot under

30-A MRSA § 2528 must make nomination papers available 40 days before the filing deadline. The filing deadline must be at least 45 days before the election date. For most towns with March elections, papers must be made available beginning sometime in December, depending on the date of the election.

BY JANUARY 1 — Each owner or keeper of a dog or wolf hybrid at the age of 6 months or more shall obtain a license for that animal from the municipal clerk (7 MRSA § 3922).



ASCAP and BMI, in cooperation with the International Municipal Lawyers Association, have developed a blanket license agreement for municipalities which covers virtually all public musical performances for a full year. The license fee is relatively modest and is based on the municipality's population.

For a detailed Q & A on copyrighted music, public performances, license agreements, penalties and more, go to <http://www.ascap.com/licensing/pdfs/IMLABrochure.pdf>.

For ASCAP's and BMI's license agreements, explanatory brochures and rate schedules, go to http://www.imla.org/index.php?option=com_content&task=view&id=74&Itemid=159.

If your municipality sponsors public musical performances and has received a demand from ASCAP or BMI to pay a licensing fee for doing so, it is probably legitimate. Whether you sign the agreement, continue without one and risk penalties, or discontinue public performances is a business judgment you should make after consulting with your local attorney. (By R.P.F.)

PARTIAL DISCHARGE OF LIEN

Question: The owner of a parcel under tax lien has an opportunity to sell a portion of it. He's offered to pay a portion of the taxes if we'll give him a partial discharge of the lien. May we?

Answer: We don't recommend it, as there is no authority for giving a partial discharge under the property tax lien laws, and municipalities are strictly bound by them. Moreover, there are several practical problems. For one, both the assessment and the lien are based on a specific property description, and the treasurer is not authorized to use a different description in the lien discharge. For another, the treasurer has no authority to determine how much of the tax is fairly attributable to the portion to be discharged, since the parcel was assessed only as a whole.

Because there's absolutely no authority in statute for giving a partial discharge of a tax lien, we strongly advise against doing so regardless of the circumstances.

For more on tax liens, see MMA's *Guide to Municipal Liens*, available free

to members at www.memun.org. (By R.P.F.)

THE FLAG AT HALF-STAFF

Question: A decorated veteran in our town passed away recently. May we display the U.S. flag at half-staff in his honor?

Answer: Your intentions are commendable, but according to Maine's Uniform Flag Law, the U.S. and the State of Maine flags may be flown at half-staff only as ordered by the President of the United States or by the Governor of Maine (see 1 M.R.S.A. § 252-A). The Governor may authorize flags to be flown at half-staff in a specific municipality or at a specific location instead of statewide, however, so you should contact the Governor's office for special permission.

Maine's Uniform Flag Law (1 M.R.S.A. §§ 251-256) is relatively brief in comparison to the detailed federal Flag Code (4 U.S.C §§ 1-10). Both prohibit desecration and mutilation of the flag, but while the federal law contains a comprehensive set of standards for use and display of the flag (including times,

occasions and manner of display), Maine's law, other than the half-staff provision, simply requires that the flag, when displayed, be in good condition, not tattered, torn or discolored.

Interestingly, while Maine's law specifies penalties for desecration and mutilation of the flag (a \$50 civil fine and a Class E crime, respectively), the federal law does not. This is likely due to the fact that the U.S. Supreme Court has held that flag desecration or "flag burning" is a form of constitutionally protected free speech (*United States v. Eichman*, 496 U.S. 310 (1990)). Both the State and federal flag laws are thus advisory instead of punitive, though we recommend compliance as a show of respect not only to the flag but to those who have fought for it.

Incidentally, municipalities have a legal duty on Memorial Day to decorate the graves of all veterans with flags. For details on this and other municipal duties regarding veterans graves, see our "Information Packet" on cemeteries, available free to members on MMA's website at www.memun.org. (By R.P.F.)

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