

April 2011

maine townsman

The Magazine of the Maine Municipal Association



TAXING DECISIONS
Some Towns Share Assessors,
Others Keep Them at Home

ALSO IN THIS ISSUE:

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MMA website: www.memun.org

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Differing Approaches to Tax Assessing 7

When it comes to collaboration and property tax assessing, municipalities approach things in different manners. Some towns and cities have full-time assessors in house, while other share assessors or hire private firms to do the work.

New Series Honors Municipal Service 11

The Maine Townsman and MMA's website this month kick off a series of profiles and oral histories that will recognize long-time municipal officials who have served their communities with distinction. The project is part of MMA's 75th Anniversary celebration this year. Walter Foster of Friendship is up first.

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Working together, the City of Saco, Jobs for Maine Graduates and MMA this school year introduced civics-oriented curriculum – the "Municipal Literacy Project" – at pilot high schools in Saco, Newport, Belfast and Houlton. Next fall, the program will expand to 59 more schools throughout the state.

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The Town of Sidney is the most recent municipality to join MMA's Property & Casualty insurance pool, which was founded in 1987. Read more about that and ways to cut down on workplace injuries in this quarter's Risk Manager.

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Ethics matter greatly when it comes to municipal leadership and gaining the trust of citizens. Consultant Randy Pennington this month offers a step-by-step guide to creating a culture of ethical leadership in your local government organization.

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Town meeting season has kicked off and, once again, voters are most concerned about the local economies and tax rates. Wind power, road maintenance and spending municipal surpluses are also among the hot topics.

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COVER PHOTO: Bill Healey, who works as a tax assessor for both Cumberland and Yarmouth, measures a home recently in a new development. Freelancer photographer Jeff Pouland tagged along.



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A Message From MMA



by Christopher Lockwood, Executive Director

Winning Support from Legal Services Staff

MMA's Legal Services Department is perhaps best known for its legal inquiry service, responding to roughly 8,000 requests each year from hundreds of municipal officials in communities of all sizes. The Legal Services staff is also responsible for drafting and updating manuals and handbooks on a wide variety of topics, as well as assembling information packets on over 50 topical areas. Members of the Legal Services staff also serve as instructors at MMA and affiliate group training sessions throughout the year.

Yet another important, but perhaps not very visible, role of Legal Services is judicial advocacy – preparing and filing *amicus curiae* (friend of the court) briefs on important cases affecting municipal governments that are considered by the Maine Supreme Judicial Court (the Law Court). The MMA Executive Committee decides whether to authorize the filing of an *amicus* brief, based upon the recommendation of the MMA Director of Legal Services and the guidelines adopted by the Executive Committee. MMA's submission of friend of the court briefs varies depending on the issues and cases facing the Court, but averages one or two briefs every year or two.

Why is this important? Let's take a look at a recent case in point. In 2007, the Town of Brunswick entered an agreement with a private firm on the redevelopment of a former Brownfield site now known as Main Street. In 2009, the developer began the application process for a credit enhancement tax increment financing (TIF) agreement to support an inn proposed as part of the project. During the process, the Town requested a market analysis from the developer to validate the need for the TIF assistance. The study was presented to Brunswick staff for its review to make a recommendation to the Town Council. In March 2010, the Council held the necessary public hearing on the TIF and after hearing from staff and citizens both supportive and opposed to the TIF, the Council adopted the TIF, including the credit enhancement agreement with the developer.

A competing business owner in town filed a Freedom of Access Act (FOAA) request to obtain a copy of the market analysis. The Town denied the request pursuant to a state law specifically related to proprietary information provided to a state or local entity in conjunction with an application for housing, community or economic development assistance. The competing business owner filed a lawsuit seeking either release of the entire market analysis or a redacted version. This lawsuit placed the Town of Brunswick in a difficult position – depending on the Court's findings, it could impose a significant burden on the town to determine which parts of the market analysis could be released and could potentially expose the municipality to litigation by either the developer (for breach of proprietary information) or the competing business owner. It could also jeopardize the economic development project.

The Town of Brunswick's decision to withhold the market analysis was upheld in a Superior Court decision, which was

subsequently appealed to the Maine Supreme Judicial Court. At this point, the Town of Brunswick contacted MMA to explore the possibility of submission of an *amicus curiae* brief in light of the significant potential implications for municipalities across the state engaged in similar economic development projects.

With the approval of the MMA Executive Committee, Legal Services staff Attorney Susanne Pilgrim took on the assignment to prepare an *amicus curiae* brief. When preparing a friend of the court brief, MMA seeks to identify particular issues on which we might provide a unique perspective. In this case, Sue's brief complemented the brief prepared by the attorneys representing the Town of Brunswick by focusing on two particular areas:

Legislative history – MMA's brief provided the Court with an extensive legislative history of the particular sections of the statute at issue and reinforced the argument that the Superior Court had properly determined that the entire marketing analysis was confidential.

Burden and potential liability for municipalities – One of the remedies sought by the appellant business owner was for the municipality to release a redacted version of the market analysis. MMA's brief provided information to assist the Court in understanding such a narrow interpretation would be inconsistent with the Legislature's intent and would impose substantial, even onerous, burdens on municipalities and would increase of the risk of municipal liability.

In a unanimous decision (*Anastos v. Town of Brunswick*) issued last month, the Maine Supreme Judicial Court upheld the Superior Court's decision that the entire marketing study was not subject to FOAA disclosure. A number of the points made in MMA's *amicus curiae* brief appear to be reflected in the Court's decision.

In his letter of appreciation to MMA for our submission of a friend of the court brief, Brunswick town manager Gary Brown wrote: "In general it is important that municipalities have the ability to receive information from potential businesses with the understanding of all parties that if the information is sensitive to that particular business's success, that all parties know that such information will be kept confidential. To lose this ability to have accurate but confidential information puts municipalities and businesses at risk."

John Aromando, an attorney from Pierce Atwood who represented the Town of Brunswick, made the following observation: "The *amicus* brief filed by the Maine Municipal Association in support of the Town's position added a broader perspective and credibility to the Town's position, and helped offset the competing *amicus* brief filed by the Maine Press Association urging disclosure of at least portions of the proprietary market study at issue despite the clear legislative intent to the contrary."

I want to thank Sue for her excellent work and hope this helps to illustrate another dimension of MMA's advocacy on behalf of municipalities. Copies of the Law Court's decision and MMA's brief can be found on MMA's website (www.memun.org).

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Sharing Tax Assessors: Some Do, Others Do Not

By Lee Burnett

Two new groups of municipal officials are exploring shared property-tax assessing, possibly providing new momentum in an area that has proven somewhat resistant to change.

Officials in Bangor, Orono and Veazie have been discussing shared assessing for more than a year. Officials in Cumberland County have been studying a countywide assessing department for nearly five years and will bring their cause to the Maine Legislature.

For more than 30 years, municipal officials have explored various mechanisms for sharing the cost of assessing with neighboring towns. Assessing is an appealing candidate for consolidation because assessors' jobs are standardized regardless of where they work. (This is due to a state law requiring assessed property values to reflect current market values.)

Furthermore, Maine's municipally based system can be viewed as fragmented compared to the rest of the country, where countywide assessing is the norm, according to International Association of Assessing Officers (IASO). Of the nation's 3,100 individual municipal assessment districts, 492 of them are in Maine.

Perhaps most importantly, assessing property doesn't seem to arouse the same local control passions as fire protection or police coverage, as Maria Weinberger, acting Town Manager in Orono, pointed out.

"I think it (shared assessing) is a great place to start," Weinberger said. "It's pretty much cut and dried. Everyone is following the same rules and regulations."

In Maine, the concept of shared assessing dates to the 1970s, when the

Maine Legislature passed a law that allowed communities to band together to create "primary assessment areas." Old Orchard Beach, Lewiston and Bangor considered the idea, although they never got very far and the idea eventually died, according to Maine Revenue Services.

BUDGET PRESSURES

Since then, budget pressures and computer-driven efficiencies have prompted many communities to downsize their assessing staffs. Privatization is common. A handful of communities have reached out to each other and combined part-time positions into a single shared position. Typically, this has happened where a close working relationship already exists and where mass appraisal software is compatible. Today, fewer than a dozen communities collaborate on assessing.

Some recent initiatives suggest that collaboration on assessing is more complicated than it first appears.

Initial enthusiasm in Bangor, Orono and Veazie may have waned somewhat as officials began digging into the implications of collaboration. The assessors discovered that even though all three assessors use TRIO software, their versions aren't perfectly compatible, explained Cathy Conlow, city manager in Bangor and former town manager in Orono.

They also discovered differences in how frequently property values are updated. Putting the three communities on common footing would require a substantial investment (more than \$200,000 for Orono) in software upgrades and a new town-wide revaluation, Conlow said.

"It was more complicated than any of us realized," she said. Still, the councils in each community confirmed their commitment to continue collaboration, she said.

A promising consolidation of assessing and computer systems in Lewiston and Auburn ground to a halt more than a year ago, even though the initiative had momentum and the two cities had already merged planning and code enforcement offices.

EXPERIENCE IN L-A

The Citizens Commission on Lewiston-Auburn Cooperation was the third joint planning effort by the two cities in a decade and had received \$163,000 in state grants to study consolidation. It recommended merging assessing departments for estimated yearly savings of \$140,000 a year. The Auburn City Council questioned the savings and pulled out of talks.

"Cooperation on a particular project is the routine way of doing business in Lewiston and Auburn," observed Peter Garcia, a lawyer who co-chaired

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.

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

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the commission. He ticked off a list that included tax-sharing agreements for an industrial park and power plant, common water and sewer departments and a common economic development agency.

“Ad hoc agreements for specific projects notwithstanding, institutional, structural change is an entirely different matter,” Garcia said. “I think there’s a fundamental political love affair with municipal identity.”

The most ambitious effort is in Cumberland County, where shared assessing was identified as a priority in 2001 and 2006 strategic plans. The county hired consultant Robert J. Finnegan of Acton, Mass. who compared Cumberland County with Erie County, Pa and estimated the 28 Cumberland County communities could collectively save \$1.5 million a year, half of what they currently spend, by consolidating individual departments into a countywide office.

Transitioning to a countywide office – revaluing all properties and consolidating five separate software systems – would cost an estimated \$2.5 million or more. That sounds like a lot but on a per-town-basis is comparable to a revaluation.

CUMBERLAND COUNTY APPROACH

Although not much has happened in the past two years, Cumberland County officials hope to rekindle a debate with proposed legislation that would allow countywide assessing offices anywhere in the state. County Manager Peter Crichton said he hopes Cumberland County’s entrepreneurial approach – working collaboratively to create savings through a community development office and an expanded regional dispatch center – might set an example. Still, he acknowledges there is inertia to overcome to start something new.

“I do not believe in any low-hanging fruit,” said Crichton, a former assistant city administrator in Lewiston. “What I’ve become convinced of is change is hard, not so much because of local control, as people don’t like to change the way of doing things.”

Bill Healey, assessor for Cumberland and Yarmouth, wonders if municipal downsizing has already stripped savings that might accrue from collaboration.

The assessing departments for Yarmouth and Cumberland, for example, employ the equivalent of a part-time assistant and a fourth-fifths time assessor. Not long ago, they employed two full-time assessors and two part-time assistants. Healey is now responsible for 6,500 properties, more than twice the national standard of 2,500 properties

per assessor.

“What makes it difficult is that we’re already working with skeleton crews, well-reduced staffs,” said Healey. Most Maine assessors have similar workloads, which mean that if a countywide office were created to national standards, it could result in adding positions, he said. Healey worries because the pro-

Assessing Costs in Two Counties

This table was compiled as part of a 2007 report by Robert J. Finnegan of Acton, Mass. for Cumberland County.

	Cumberland County, Maine	Erie County, Pennsylvania
Population	274,950	280,446
Cities and towns	3 cities, 24 towns	2 cities, 20 towns
Parcels	127,892	123,131
Median 2000 Home Value	\$131,200	\$85,300
2005 Building Permits	1,909	724
Equalized Full Value	\$27,727,817,604	\$9,449,431,800
Assessment units	27 individual departments	1 county wide department
Base Cost Assessment Administration*	\$3,393,632	\$1,658,157

*Costs were adjusted to reflect differences in level of building activity and wage rates



Cumberland and Yarmouth Tax Assessor Bill Healey works on a tax assessment for a new home in his office at the Cumberland Town Hall recently.

fession is not attracting young blood.

Another barrier to cooperation may be longstanding differences in how municipalities measure their performances, said two municipal managers in different parts of the state.

Glenn Aho in Auburn and Barry Tibbetts in Kennebunk say cooperating towns should first get on the same page with data collection before they consider regionalizing services.

“Are you cost-accounting your services?” Aho asked. “Where is your money going? I would first get your management house in order.”

It didn’t make sense for Auburn and Lewiston to collaborate on shared assessing “because Lewiston doesn’t do budgeting the way we do... Few cities in Maine understand true overhead costs.”

It’s difficult to know if collaboration will save or cost money if the cooperating towns employ different budget and data-collection practices, said Tibbetts.

COUNTING THE SAME WAY?

For example, one town’s Assessing Department might appear to operate at lower cost than another because of differences in accounting of employee benefits. For example, are benefits counted as a departmental cost or lumped together with all employee benefits somewhere else in the budget? “It’s not a fair comparison,” said Tibbetts.

A first step in shared assessing might be to code properties the same way, he suggested. That might make it easier to share an assessor even if the towns were using different mass appraisal software, he said. The cost of “recoding” might run \$8,000 to \$10,000 for a town the size of Kennebunk – a significant sum, but far less than converting to a different mass appraisal software package, he said.

Standardizing data collection is a benefit that extends far beyond sharing assessors, Tibbetts said. Think of the benefits to economic development if properties were coded uniformly and keyed to a GIS system, he said.

A restaurant developer, for example, could easily check the locations of other restaurants before deciding where to locate, said Tibbetts. If all towns accounted for road maintenance costs the same way, it might illustrate the “best practices” in weighing wheth-

er to repave a road soon or rebuild it later, he said.

“I think we can save money,” said Tibbetts. “I think we can come out ahead.”

Ultimately, assessing may be a more emotional issue than it seems.

“Controlling assessing means you’re controlling the valuation of the town,” points out Mike Rogers, supervisor of municipal services for Maine Revenue Services. Even though state law gives local officials no overt control, they still exert indirect authority in how rigorously they observe the re-

quirement that assessments are pegged to market values.

One town might make incremental adjustments each year to reflect the latest market conditions, while another town might keep assessments more static until it is forced to make updates when assessments fall below state minimum quality standards.

Fear of losing control has been a barrier to cooperation since the 1970s, when some elected officials declined to get on board with “primary assessment areas,” he said. “It’s been a very tough sell.” 

Shared Municipal Assessors

Here is a list of municipal assessors who serve more than one town or city.

Bill Healey: Cumberland (3,144 properties) and Yarmouth (3,491 properties). Both communities use Vision Appraisal software.

George Greene and Jeff Gaumont: Old Orchard Beach (4,838 properties), Sanford (9,302 properties) and Alfred (1,668 properties). All three communities use Vision Appraisal software.

Elisabeth Sawyer and Robert Tripp: South Portland (8,698 properties) and Westbrook (5,992 properties). Both communities use Vision Appraisal software.

Craig Skelton: North Berwick (2,338 properties) and South Berwick (3,198 properties). North Berwick uses Harris Computer Systems TRIO while South Berwick uses AssessPro, Patriot Properties.

Rick Sands: Orono (2,382 properties) and Milford (1,430 properties). Both use Harris Computer Systems TRIO software.



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Walter Foster: A Career Preserving Friendship

By Liz Chapman Mockler

FRIENDSHIP – Walter Foster smiles gently, then laughs when he hears a lament about how poor the road signs are, leading to this small fishing town that sits on a peninsula 20 miles southeast of Rockland.

“That’s the way we like it,” Foster said, smiling broadly and unabashedly protective of the history, culture and endearing charm of the town he’s called home for 40-plus years.

“Friendship is 10 miles from Route 1 and is not on the road to anywhere else,” he said. “We don’t get transient traffic. There is nothing for a transient to see or do.”

What *is* in Friendship are innovative hard-working families, Foster said, people who make a living fishing or digging for clams and who have labored to preserve their way of life over many decades.

Foster has been at the center of that effort, having spent the past 40 years drafting, writing and urging voters to approve rules and limitations on shoreland use that will protect both the fishing industry and the land, as well as the town’s limited natural resources.

HOME, SWEET HOME

Foster adopted Maine as so many others have – by spending summers at his family’s home in Friendship. There are still many seasonal residents, whose families’ histories go back many generations in this town of 1,200.

Overall, Friendship remains much as it has for two centuries: A quintessential coastal Maine community where townsfolk trap lobsters, work

hard and keep mostly to themselves.

“I lived in the house my great-grandfather built, where my grandfather was born and where I spent my summers until I went on active duty in the Air Force,” Foster said. “Both my grandfathers were Maine people who went out of state to work.”

When he was a teenager, Foster’s father retired from post-World War II relief work and had a choice of where to move his family. They had lived in Tennessee, North Carolina and California and now had a chance to settle somewhere permanently.

“He asked us where we wanted to live and we said, ‘Well, we want to live right here,’ ” Foster remembered his family deciding immediately. “There wasn’t any question about it.”

Foster, a retired career marine biologist, has served the town in many roles. He retired in January as code

enforcement officer after eight years, but remains on the planning board, on which he’s served since its inception in the early 1970s.

“I was lucky enough to have gone to sixth and seventh grade here and then to Orono in the winters through high school,” Foster said. “That left me summers to do some sailing and get involved in gathering, or raking, marine algae known as Irish moss. It was a good experience.”

Irish moss contains carrageenan, a gelatin-like substance used in food and other products such as ice cream, medicine, shampoo and lotion.

So good was Foster’s research that one summer the state asked him to take his experience to Washington County, where he was engaged to assess the Irish moss resource and employment potential for harvesters. He was still in college.



SPECIAL PROJECT, SPECIAL YEAR

Maine Municipal Association turns 75 this year and to celebrate, we are launching a series of oral histories at our website (www.memun.org) and profile articles such as this month’s piece, on Walter Foster in Friendship. **Hear him in his own words.** Listening to Walter Foster recount his experiences is easy. Go to the MMA website (www.memun.org), click on the 75th anniversary logo in the upper left corner and follow the directions from there.

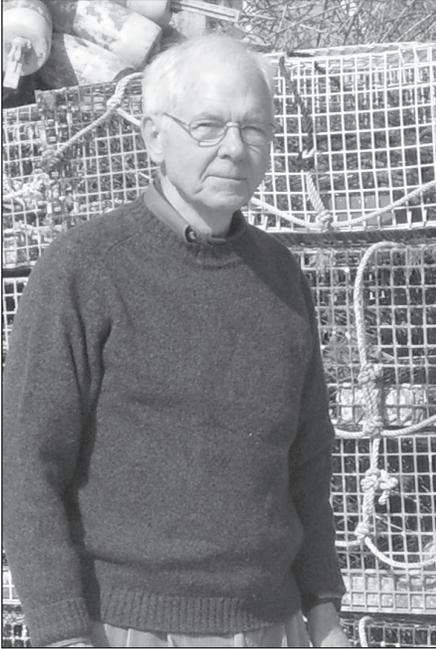
Earlier, this year, MMA asked members to nominate people who have dutifully served their communities in various municipal roles over a long period of time. The response was overwhelming! Dozens of suggestions came in and everyone who was nominated will be recognized at the MMA Annual Convention, Oct.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

Nine people have been chosen for the in-depth oral history and profile project that begins in this month’s Townsman and runs through December. We hope you enjoy the project.

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

YOUTHFUL DAYS

Foster remembers a lot about the Friendship of his youth. He remembers when there were multiple stores and a tiny town office ill-equipped to accommodate residents and their elected and appointed staffs.



Walter Foster

“The town clerk, tax collector and road commissioner used to work from their homes and were extremely devoted to their responsibilities,” Foster said, “but when the first municipal or community building was opened (in 1972), it was a major step forward in service for town residents.”

After graduating from Colby College in Waterville and earning a master’s degree in zoology from the University of Maine, Foster served three years in the military. He and his wife, Carolyn, who have two children, came to live in Friendship in 1967 as 30-somethings. Foster began working for the Maine Department of Marine Resources in 1977. He retired in 2000.

Foster described the loss of most retail businesses from the town as “worrisome.” In 1970, he said, Friendship offered two small grocery stores which also sold gas and had a “vigorous, marine-oriented” hardware and general store.

“Now we have one market selling gasoline and a part-time second-hand store,” he said. “The population had grown over those years but so has competition with ‘big box’ stores out of town.

“Friendship has experienced the well-documented loss of small stores because of this competition,” he continued. “People speak more these days about local sustainability. It has a real face in Friendship.”

Town leaders in 2007 dedicated Friendship’s Bicentennial Annual Report to Foster for his long and outstanding public service to the community.

In the dedication at the front of the report, officials wrote: “When deciding on the person to dedicate this town report to, a selectman touched on one much appreciated aspect of the attitude of Walter Foster. He stated simply that, ‘He had never heard Walter complain.’ ”

Other officials agreed, according to the report’s dedication, and wrote, “In the midst of an ever demanding and complex job, Walter never complains!”

LOOKING AHEAD

Foster has been a strong and patient advocate of good planning, particularly in protecting the shoreline, which is rocky ledge that has limited capacity for water supply and waste-

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water treatment. Portions of the town also are challenged by lack of healthy drinking water because of high amounts of iron in the water from the ledge, Foster said. Private wells can be contaminated by seawater.

The geology of the peninsula has effectively helped preserve its fishing culture, small-town life and historical charm.

Foster became interested in the topic of planning after the state began "instructing" municipalities to create shoreland-use ordinances, followed in later years by zoning, land-use, subdivision and other planning laws.

Foster, who had started a small oyster hatchery on his part of Friendship's shore, wondered how the state directive might affect his business and livelihood.

He attended so many meetings on the new Shoreland Act that the Eastern Midcoast Regional Planning Commission named him to its board of directors and elected him chairman.

Foster said fishermen had a major influence on the town's planning efforts from the start. He added proudly that they still do.

"As it turned out, the Shoreland Zoning Act was the right thing at the right time for a community that depended on a working waterfront as the basis of its economy," he said.

"Perhaps a high point in my planning experience was when people who had known me from our youth, or when residents of an established neighborhood felt threatened, they asked me to help them," he said.

Foster said one of the challenges of serving as a town planner is encouraging residents to be involved in planning and other town affairs at a time when so many people seem busy,

stressed and distracted.

"Getting people to think long-term and getting people to carve out time from their busy lives to commit to serving on something like a comprehensive plan committee" is challenging, he said.

"Friendship is fortunate to have many residents with deep roots here who care very much about their town. And we are fortunate to have many here who have chosen to be here, who also care deeply," Foster said.

"Anyone active in municipal affairs has to be very grateful for these people. I certainly am." 

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Sumner Selectman Offers Some Advice

By Liz Chapman Mockler

There isn't any one right way to create an oral history, but there is a guiding principle to making it a success: Find the emotion.

That's the advice of long-time Sumner Selectman and oral historian Mark Silber, a professor who teaches cultural anthropology at the University of Southern Maine's Lewiston campus.

"What I try to show is how people see the town, where they're going, where they've been," said Silber, who has been recording and editing oral histories since the 1960s. "I think it's essential that the questions are qualitative, not quantitative. By asking qualitative questions, you get the richness of a culture that you cannot get by asking specific questions."

He added: "Ask about feelings, not facts."

Silber offered some helpful hints for aspiring oral historians during a recent interview with the Townsman, which this month debuts an oral history project designed to honor and recognize long-time municipal officials.

"Diversity and values are what make up a community," said Silber, who also does documentary photography to enrich the oral histories he completes. "How that diversity changed over time, and how the values of a community have changed, is what someone 100 years from now will want to know about."

Silber, who does consulting work for groups and communities that want to create oral histories, offered these specific tips:

"Think big. Don't diminish its value" by honing in on only a few facts or subjects. In his western Maine hometown, for example, Silber worked for two years to complete a bicentennial oral history of 900 people. The project totaled 250 pages and featured

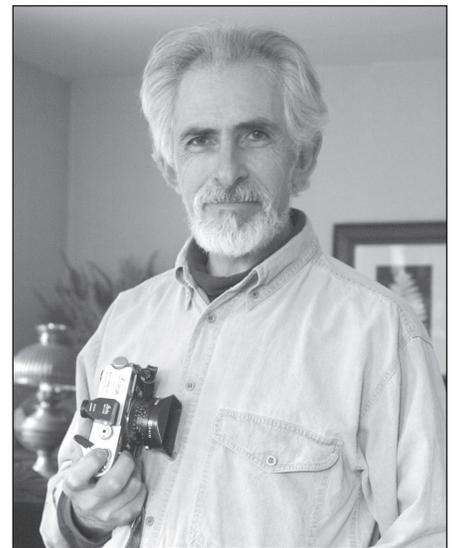
stunning photographs of the people interviewed, in their homes or other relative environs.

Interview people of all ages and backgrounds, not just senior town residents. "Be more inclusive, not exclusive," he said, explaining that children, outsiders, people who have not been successful in their lives, critics and even criminals all have stories that will reveal the broader character and changes in a community.

Research the town's history, read old newspaper stories and read minutes from past meetings to prepare for the interviews. "You need to prepare yourself" before interviewing even one person, he said.

Don't worry about getting too much information or detail. It's almost impossible to do so. "When you think of an oral history, nothing is really mundane."

In addition to the Sumner project, subtitled "Portrait of a Small Maine Town," Silber's experience and skill



Mark Silber, Sumner Selectman.

were pivotal in creating an oral history for the L/A Museum. The project was six years in the making and includes three parts: mill workers; brick makers; and shoe workers (www.shoehexhibit.museumla.org/list.asp).

Silber urged communities and groups to produce oral histories, despite the time, effort, patience, research and money involved in the effort.

"Creating an archive is one of the most valuable documents you can produce for a town," he said. "It is so significant to do it right." 



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

Students Embracing ‘Municipal Literacy’

By Lee Burnett

Saco Tax Collector Stephanie Weaver receives blank stares more often than she'd like when she explains to a young person some aspect of registering a car, getting a copy of a birth certificate or purchasing a fishing license.

"They clearly have no idea what we are doing or why," Weaver said. "They don't really understand what an excise tax is or a (motor vehicle) title. They don't understand the difference between state and local government."

Weaver and the folks in Saco's Finance Department decided to do something about the situation and the upshot is a citizen education program in the pilot phase at four Maine high schools.

The "Municipal Literacy Project" is a collaboration of the City of Saco, Maine Municipal Association and Jobs for Maine's Graduates, a career preparatory program in place at 62 high schools in Maine. The four pilot schools are: Thornton Academy in Saco; Nokomis High School in Newport; Belfast High School; and, Houlton High School. The schools will develop curriculum for the program that will be made available next year to all 62 high schools with JMG specialists.

The literacy project is the latest in a continuing series effort to better connect with citizenry. Not long ago, municipal websites and local-access cable TV were hailed as potential solutions to connecting citizens to local government. Their use is now widespread, yet apathy is still a problem in some towns.

Eric Conrad, Director of Communication and Educational Services at Maine Municipal Association, said municipal government still can be the object of undeserved distrust, even

though voters have repeatedly sided with local government when it comes to tax-cap and other initiatives.

"We worry that municipal government gets lumped in with state and federal government," Conrad said. "Local government is very accessible, very efficient and very accountable. Still, it's getting harder to find people to run for local office, take appointed municipal positions and attend town meetings in some cases."

GOOD TIMING

The timing seems right for connecting students with local government. Most high schools now require students to perform community service as a condition of graduation and some schools are emphasizing service learning, where the curriculum is designed around students solving real-world community problems.

The literacy project got off the ground when the group landed a \$5,000 grant from the Maine Community Foundation to develop a curriculum that could be shared with other schools. Each school is developing its own combination of experiences and hands-on projects. Common tools are job shadowing, interviewing municipal officials, visiting town offices, publishing stories and designing an educational poster.

Kimberly Lipp, Executive Vice President of Jobs for Maine's Graduates, said her organization was interested in the Literacy Project as a networking opportunity and a way to explore a variety of community service activities in the schools' own backyards. Jobs for Maine's Graduates is a career exploration and preparation program that emphasizes internships, job shadows, career fairs and community service.

One unanticipated benefit from

the Literacy Project so far is that many students are expressing an interest in pursuing careers in municipal government.

"They [students] didn't realize the variety of responsibilities that a career in local government encompasses," Lipp said. "I think they're now realizing how much the job entails and how much is happening in local government."

Other students discovered that local government is not just the province of folks their parents' ages. "They're now seeing it as a welcoming place for young people," she said.

That some students became interested in pursuing a career in local government was "a happy unplanned outcome," she said.

THORNTON ACADEMY

A visit to Heather Hall's journalism class at Thornton Academy in Saco suggests it doesn't take that much to change attitudes about local government. Hall's students interviewed and wrote stories for the school's online newspaper featuring Police Chief Brad Paul, Mayor Ron Michaud, Finance Director Cheryl Fournier, Public Works Director Patrick Fox and Parks and Recreation Secretary Erika Dube

Tyler Cadorette, a junior who interviewed Chief Paul, said he once thought police work involved mostly paperwork and now knows of the variety of other skills it requires.

"Before, I thought police work was an easy route (after high school) because it didn't take college," Cadorette said. "But it's a lot more competitive. It takes more education than I thought. I thought it was just something you could walk into after the police academy."

Before this class, Meaghan Kirby, a

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

junior who interviewed Dube, said she assumed local government was a pretty sleepy place if she thought about it at all.

“I didn’t realize how much they did,” she said – particularly, the Parks and Rec Department. “I didn’t realize how broad the jobs were.”

Christina Bogatses, a junior who

also interviewed Dube, said she was surprised at how much was going on.

Colin Buttarazzi, a senior from Arundel who interviewed Mayor Michaud, said he never realized what a mayor did until he met Michaud. “It was interesting to find out what he did. He’s a pretty busy man. Everything that goes on, he’s got to sign off on. It’s

a pretty big responsibility.”

None of the Thornton students plans a career in local government but they said it’s valuable to know a little of how it works. Bogatses said contact with local government officials is important to the success of a community event. “You can’t plan an event without background information. It’s



Thornton Academy students pose with Patrick Fox, deputy Public Works director for the City of Saco. Fox is in the back center.

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not going to go anywhere. You have to meet the requirements," she said.

The Thornton students also seemed impressed at the accessibility of city government. "I didn't think kids our age participated," said Bogatses. Cadorette said Chief Paul "treated us more like equals, not just like high school kids. He didn't talk down to us."

The Thornton students did more than learn about city government. The students designed "point of sale" posters to help publicize a change allowing taxpayers to make payments with credit cards.

"The kids are amazing, the things they're doing with computers," said Weaver, the Saco tax collector. The designs were generally, "very clever, much better than we could do, us old folks." Choosing the winning design was so difficult that Weaver developed criteria for judging the posters then had folks at city hall vote. "It was very fun," said Weaver. The poster was on display for three months this past winter and seemed to make a difference, said Weaver.

The poster project showed that even minor policy changes in city government need to be communicated to the public, said teacher Hall. "It made

us realize how much they have to market even the smallest changes if they want them to go smoothly. If it doesn't go smoothly, then it costs money and trust."

For Hall, the interaction with the city hall folks reinforced some lessons she's tried to emphasize. Public Works Director Fox told students how important writing is to his job as an engineer.

"An English teacher can say that until I'm blue in the face, but for him to say it was really exciting," she said.

HOULTON HIGH SCHOOL

Houlton High School students made a presentation to the Town Council about their philanthropic program called Jumpstart Our Youth (JOY), in which students distribute



Belfast City Councillor Marina Delune (far right) visits students at Belfast High School.

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\$1,000 – made available by the Unity Foundation – in smaller grants to local organizations. The students encouraged applications from city employees. The students developed their own application process and are researching each applicant.

In addition, teacher Dee Butler is making arrangements for City Manager Doug Hazlet to speak to the class and to be available for job shadowing. “It’s been really good for the kids,” said Butler. “Doug wants them to come to Planning Board meetings to see what town hall is truly like.”

BELFAST HIGH SCHOOL

City Councilor Marina Delune and City Manager Joe Slocum gave talks to Sarah Lawler’s JMG class. Lawler also led several problem-solving class discussions. One involved finding solutions to a dangerous intersection. Another invited students to weigh the costs and benefits of a Wal-Mart store on the site of a city park. And a third found solutions to perpetual “nothing to do” feeling among teen-agers.

“One of reasons I took this on is that I feel teens in general feel like can’t make a difference, have no say,” said Lawler. “This helps them realize

do have a say. It’s not just parents who decide.” Lawler said students still have to choose a project.

NOKOMIS HIGH SCHOOL

Newport City Manager Jim Ricker spoke about the range of municipal services to a Melissa Coppa’s JMG class. The talk was good exposure to a new network of potential contacts, which students can build on through job shadowing, said Coppa.

“As the year progresses, students

will get more involved with local town offices,” said Coppa. The program is “a wonderful addition.”

It did not take much effort to convince municipal folks to get involved with the Pilot Project, teachers say. In most cases, it took nothing more than a telephone call.

“It just takes a little initiative on both sides, the teacher to make a call, the town manager to be responsive. I know teens can be a little scary to some,” said Lipp. 



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The Municipal RISK MANAGER

APRIL 2011

A Publication of the Maine Municipal Association

Why You Matter – Membership is the Difference

On March 1, 1987, the Maine Municipal Association Risk Management Services Property & Casualty Pool was formed from 14 founding Municipalities as a solution to the sudden unwillingness of the commercial insurance market to provide coverage for local governments. True to its mission and twenty-four years later, the Property & Casualty Pool remains committed to ensuring rate stability, comprehensive coverage for Maine Communities, specialized loss prevention and providing the very best service to its Members.

Maine Municipal Association's staff of Risk Management professionals provides all underwriting, member services, claims and loss prevention services to its members. The Property & Casualty Pool is owned by the members and is entirely focused on Maine's public entities. The financial condition of the program is excellent due to its prudent and sound management. The Pool is overseen by its own board of elected and appointed Maine municipal officials from communities like yours.

We are leaders in advocating members' needs and in championing municipal risk management in the State of Maine. Our specialization in local governments located in Maine provides us with a unique understanding of the challenges facing our members today. We pride ourselves on listening to all members, and we strive to continually update our coverage and services to exceed our members expectations. We feel honored to have earned the confidence and trust of our membership, who relies on

Risk Management Services to be here when they are in need.

Today, 420 members participate in the Property & Casualty Pool and we would like to welcome our newest Member - the Town of Sidney. If you would like to learn more about the

advantages of membership in the MMA's Risk Management Services, please contact us at 1-800-590-5583, or visit our website, www.memun.org. We are proud to serve the people of Maine. Thank you for your continued loyalty and we look forward to working with you. 🏠

National Public Works Week May 15th-21, 2011

National Public Works Week (NPWW) acknowledges the extraordinary efforts put forth by the men and women who provide for and maintain our communities. NPWW brings to light the importance of the

work performed daily by our Public Works Departments. NPWW is observed each year during the third full week of May and seeks to raise the public's attention to and awareness of the accomplishments achieved

by Public Works Departments. Please join us by celebrating and thanking the hard working and dedicated Public Works Departments throughout the State of Maine.

The professionalism and expertise of Public Works Departments are put on display annually at the "Highway Congress". The Highway Congress is an annual trade show event sponsored by the Maine Chapter American Public Works Association. **Please join us June 2, 2011 for the 20th Annual Highway Congress** at the Skowhegan Fairgrounds located on Madison



Front: Mike Williams, Charles (Chuck) Haskell, Mike Bubbier. **Back:** Terry Greenleaf, Fred Richards, Keith Welch, John Johnson-Highway Foreman, Shawn Farmer, Jeremy Richards. **Absent:** Mechanics Eric Gilbert & Danny Latham

Story Continued on Page 22

Can't Find the Money?

Does your municipality need to purchase safety equipment but can't find the money? If the answer is "YES", then MMA Risk Management Services is here to help. Current members of the Maine Municipal Association's Workers Compensation Fund are eligible to participate in the Safety Enhancement Grant Program.

Safety Enhancement Grants provide members with financial support to purchase equipment or services that aid in the reduction and severity of workplace injuries. Members are eligible for award amounts up to \$2,000 per project. The matching grant rewards your investment on a 2:1 ratio basis. For every dollar you contribute, the program will pay two dollars more up to the \$2,000 maximum.

Grants are awarded in May and October of each year. To be eligible for the May awards, the simple one page

application must be received between October 1 and April 30. Applications for the October awards must be received between May 1 and September 30. Each entity can submit up to 2 applications for each review period.

Awards are made on a competitive basis contingent on available funds, and each member is eligible to receive up to \$5,000.00 annually in this program. Applications requesting items that directly enhance the safety of employees from severe or frequent workplace exposures, demonstrate need, and provide or replace non-existent or substandard older equipment are given priority.

A few examples of equipment or services that do qualify for consideration are:

- Emergency Eyewash/Shower Station
- Ergonomic Equipment

- Lockout / Tagout Equipment
- Gas Detectors
- Confined Space Safety Equipment
- Flammable Liquid Safety Cabinet
- Hydraulic Tailgate Lifts or other Lifting Devices
- Chainsaw Safety Personal Protective Equipment
- Dump Loks
- SCBA Equipment
- Trench Protective Systems
- Fire Department Turnout Gear

For more information about Safety Enhancement Grants eligibility and applications, or any of the Maine Municipal Association Risk Management Service programs, please visit our website. The Safety Enhancement Grant program is found at <http://www.memun.org/RMS/LC/grant.htm> Please call us at 1-800-590-5583 if you have any questions. 🏠

Burned, Bitten or Bugged? Training for You, Your Equipment and Your Safety

MMA Risk Management Services is committed to providing participants in our Worker's Compensation Fund and/or Property Casualty Pool the highest quality training and educational experiences. Training is provided as a value added service at no cost to members. We offer on-site training by our highly skilled professional loss control consultants and through our website which features online safety and health and human relations courses specifically crafted to municipal operations.

Spring training options available include:

Groundskeeping Safety

- Safe Use of Groundskeeping Equipment
- Personal Protective Equipment - Use & Maintenance
- Chemicals in Groundskeeping Operations
- Sun Exposure
- Mowing Scenarios and Personal Protective Equipment

Environmental Hazards- Identification & Prevention of Exposure To:

- Ticks
- Mosquitoes
- Bees
- Brown-Tail Moth
- Poisonous Plants

Hearing Conservation

- Explanation of a Noise Evaluation Study
- Types of Hearing Protection - Use & Maintenance
- What is an Audiogram?
- What is Required in a Written Program?
- Affects of Noise on the Person

For more information about any of the Maine Municipal Association Risk Management Service programs, including Training, please visit our website at www.memun.org and click on the Risk Management Services link, or call us at 1-800-590-5583.

Office Safety

An office may appear to be a safe work environment. Compared to police, fire, or public works it is, but an office has many potential hazards. Most of these hazards are controllable or can be eliminated. Many office accidents happen when people set the stage for injury by rushing, not keeping things in their proper place and simply put - by doing things that are just plain dumb!

Here are ways to prevent office accidents and injuries:

Slip, Trips, and Falls

- Eliminate tripping hazards. Use handrails on stairs and never place

or store items on stairs. Use caution when walking on wet floors or uneven surfaces.

- Practice "wire management". Loosely coil excess wires and cords, tie and place away from the travel path. Do not leave wires under a desk where they can become tangled in the chair or become a trip hazard.
- Never stand on a table, counter, boxes, or a chair on wheels when reaching for items. Purchase a sturdy stool or stepladder for this purpose.
- Wear footwear appropriate for the weather conditions. Use travel paths that are clear of snow and sanded.

Office Ergonomics

- Place the heaviest items stored on shelves between knee and chest height. This reduces strain on the back and upper extremities when lifting.
- Use carts or get help when lifting and carrying heavy loads. Use proper lifting techniques using your legs. Keep items close to your body when lifting. Avoid overextension.
- At your computer use wrist rests,

foot stools, document holders and similar aids when necessary.

- Adjust position and height of your computer monitor, chair, keyboard, and mouse to avoid strain and fatigue. All desk materials should be easy to reach. Avoid sustained postures and take frequent stretch breaks.

General Safety

- Do not place file cabinets where people are liable to walk into open drawers. Never work in a lower drawer with a drawer open above. Close drawers when unattended.
- Do not overload top drawers of a file cabinet. Place heavier items in lower drawers. This, along with opening only one drawer at a time, will prevent the cabinet from tipping over.
- Repair or replace file cabinets with damaged slides or tracks. Keep files loosely packed to prevent hand and wrists injuries.
- Anchor shelving, cabinets or other

Story Continued on Page 22

Welcome New Members!

Unemployment Compensation Fund:
Marshfield School Department

Property & Casualty Pool:
Town of Sidney



The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you of developments in municipal risk management which may be of interest to you in your daily business activities. The information in these articles is general in nature and should not be considered advice for any specific risk management or legal question; you should consult with legal counsel or other qualified professional of your own choice.

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NPWW (cont'd)

Avenue (Route 201) in Skowhegan, Maine. It is typically a gathering of 110+ exhibitors who trade with municipalities and public agencies. The Highway Congress began in 1991. It has continued to thrive and expand and is now known as the premiere opportunity for public officials in Maine to gather and see the latest in equipment, supplies and services for the municipal sector. For additional details please visit www.mcapwa.org. ■

Office Safety (cont'd)

potentially top heavy equipment to the wall to prevent tipping.

- Use caution when sitting in a chair with casters. It can roll out from under you, or if you lean back too far, flip over. Don't rest your feet on the desk. Replace old four-point pedestal (4 legs) chairs with five-point pedestal platforms.

Housekeeping

- Practice good housekeeping. Put items away after use. Remove trash, boxes, and discarded papers. Do not store items in aisles, stairways, or the knee-hole space of desks.
- Limit personal items in your workstation to a few favorites. Limit clutter and maintain the work area in an organized, efficient and safe manner.
- Clean up spills immediately. Employees mopping or waxing floors should place warning signs to alert others of the potential for slippery floors. Broken glass and other sharp objects should not be placed in wastepaper containers.
- Solvents or other toxic substances should be used only with adequate personal protection equipment and in well-ventilated areas. Material Safety Data Sheets (MSDS) should be accessible to all employees who are using these substances.

Fire Safety / Emergency Plan

- Never run electrical cords under

carpeting, through windows or doorways or fasten them to walls or other surfaces with staples or other unapproved fasteners.

- Do not overuse extension cords or multiple power strips. Never plug a power strip into another power strip or extension cord. Do not use three-prong to two-prong adaptors. Misuse of wiring presents both an electrocution hazard and fire hazard.
- When not in use, turn off electrical appliances such as coffee pots, computers, photocopiers, and heaters. Ensure heaters have tip over protection.
- Know where fire extinguishers are

located and how to use them. Extinguishers should be inspected monthly to insure availability and that they will work when needed.

- Never block access to fire extinguishers and emergency exits.
- Make sure that all secondary (emergency) exits are kept clear of snow and ice and that door hardware is maintained in working condition.
- Know of your office emergency procedures in the event of a fire, storm, workplace violence, medical problem, or other emergency. Be familiar with evacuation procedures, exit routes, and location of first aid supplies. ■

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event and any special requirements

For more information contact Marcus Ballou mballou@memun.org or Judy Doore jdoore@memun.org at Maine Municipal Association, 1 (800) 590-5583. Theresa Lee at HUB International New England, LLC is also available to help answer your questions at (800) 370-2106 or you may visit the Entertainment Brokers Web site at www.ebi-ins.com/tulip

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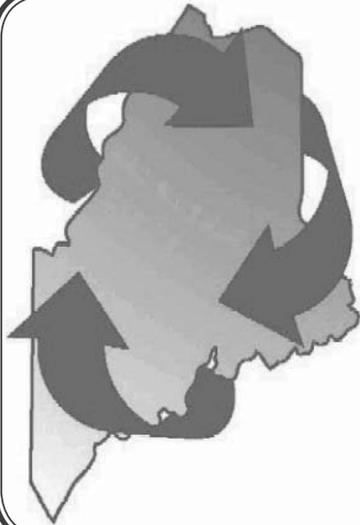
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How to Win the Battle For Public Trust

By Randy G. Pennington

“We don’t trust them.” Those were the words used by a group of concerned citizens to describe how they felt about their elected officials. Only months earlier, the same officials had used the phrase to describe their colleagues on the city council who did not share their views on a controversial subject.

On another front, the city staff wondered if the council could be trusted to support them as they stepped up enforcement of code violations. Several council members privately discussed their concerns that staff might not be giving them all the information they needed to make the best decisions.

The absence of trust is the friction that prevents individuals and groups from working together toward a common cause. It causes people to question everything and believe nothing. The result is everyone protecting their own self-interests to the detriment of the community’s greater needs.

Feelings of mistrust spring from questions about character, competency, consistency, communication and courage. Is this person withholding information? Is that person competent to make a good decision? Why is there inconsistency between word and deed? Did that person lie to me to gain an unfair benefit, or was it a simple mistake? Will this group have the political will to support publicly what they have acknowledged privately?

Is mistrust a problem in your town or city?

You decide. What would be differ-

ent if everyone involved in making, influencing and implementing decisions in your municipality could be trusted to do what they were supposed to do, when they were supposed to do it and the way it is supposed to be done? If the difference would be noticeable, you have a problem.

DIVISIVE ISSUES

Here’s the news: The issues facing communities today are more challenging and potentially divisive than at any time in recent memory. Logic dictates that not everyone will agree on every decision.

Responsibility demands that the citizens who municipal leaders serve and colleagues with whom you interact – both elected and appointed – have the right to trust us. Your community cannot afford the distraction that occurs when others doubt your integrity.

For many, the word integrity is synonymous with ethics. That is a critical piece of it, but integrity goes beyond personal or organizational character to include competence and consistency. Webster’s New World Dictionary defines integrity as: “The quality or state of being complete; wholeness; the quality or state of being unimpaired; and being of sound moral principle.”

Leaders and organizations adopting this broader definition deliver integrity through their services and relationships. They:

- Make every decision on the basis of what’s right rather than who’s right.
- Provide quality services and embrace continuous improvement in all performance areas because it is their obligation to those they serve.
- Maintain a culture where ethical behavior and doing what is right is expected and rewarded.

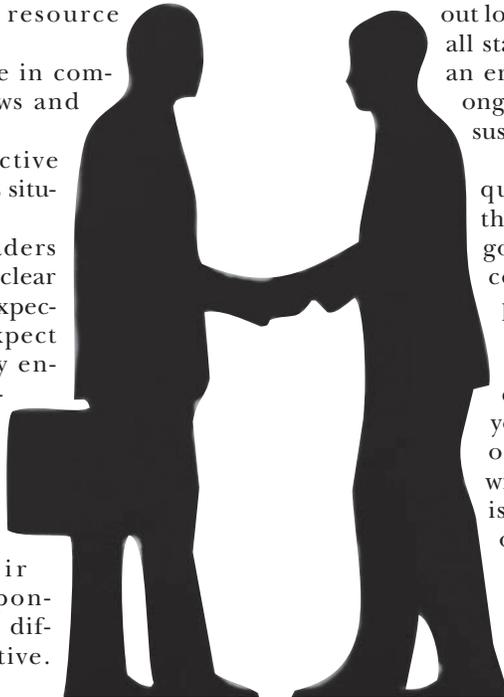


Randy Pennington helps leaders create cultures focused on results, relationships and accountability. For additional information contact Randy at: 972-980-9857, Randy@penningtongroup.com or www.penningtongroup-cities.com.

- Operate in an open, transparent manner with all constituencies.
- Deliver on promises (implied and explicit) to all constituent groups.
- Comply with the spirit of applicable regulations rather than the minimum requirements.
- Ensure accountability for integrity at every level of the organization. As a result, they experience:
 - Enhanced reputation.
 - The ability to openly discuss substantive issues without fear of reprisal.
 - Increased morale, commitment and productivity.
 - Improved resource utilization.
 - Confidence in compliance with laws and regulations.
 - More effective response to crisis situations.

All great leaders create focus with clear goals and high expectations. They expect results and they ensure effective execution of well-designed strategies.

Integrity-driven leaders approach their leadership responsibilities from a different perspective.



Their power comes from trust rather than fear. They pay attention to relationships as well as results and they stress credibility rather than control.

Stephen Carter asserts in his book, "Integrity," that we admire integrity in our leaders because of their forthrightness, steadfastness, consistency, compassion and the reliability of their commitments.

Leaders, organizations and communities operating with a heightened sense of integrity are no less focused on results. They simply understand that short-term results, without long-term trust from all stakeholders, create an environment where ongoing success is not sustainable.

That makes the quest for integrity the most important goal to which every community can aspire.

A decision to make integrity the cornerstone of your organization's operation begins with the leader and is driven throughout the organization by performance and execution.

SEVEN STRATEGIES

Here are seven strategies to help you start and continue your journey:

1) State your expectations clearly. Everyone must understand your expectations and their contribution to driving integrity through every aspect of your operation. Communicate in an open, honest manner so everyone knows their obligation to citizens and each other. Avoid hype. Admit that you are constantly working on your own performance and ask for everyone's commitment to becoming a municipality that demonstrates integrity in word and deed.

2) Pay attention to structure and processes. Structure and systems create habits that ensure consistency when human breakdowns occur. A seminar participant made the case for aligning structure and processes with these words: "How do they expect us to trust them when the policies say one thing but we are asked to do something different every day?"

Everything is connected. The integrity of the whole is called into question when we see inconsistencies among the various parts. Less than transparent governance on one issue influences attitudes and perceptions on every issue. Allowing disrespectful treatment of employees in one area eventually affects other areas. Each area of the operation should be evaluated by the following questions: Are we doing what we said we would do? Are we providing what we said we would provide? Are we operating in a manner that builds trust with those we serve?

3) Create accountability and rewards. Acting with integrity must mean something. Deal quickly with those who violate the organization's standards. And remember that fear of consequences can also create an environment where individuals work to avoid getting caught. Make honoring commitments and the ability to build trust among diverse groups a criterion for promotion. Recognize and reward those who demonstrate their integrity in a difficult situation, even when the result is not as you would have hoped. Behavior that is recognized is repeated.

4) Provide the skills and tools to put principles into practice. Even the best system can malfunction or be improved. People create systems,

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

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

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

Testing — Entry level police and fire testing.

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

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



60 Community Dr., Augusta, ME 04330

and good intentions can go awry when either skills or tools are absent. Start with the select board/council and municipal leadership. Then move through the organization.

5) Talk about integrity often. How often do you speak about your organization's key performance results and budget? How often do you speak about the importance of integrity in your long-term success? Hanging a values statement on the wall is not enough. Very few take the time to read a values statement in the hallway when they face a difficult choice. Don't start a new program. Create stories and legends about those who achieved superior results while modeling in-

tegrity. Talk about the challenges of earning and maintaining the trust of others. The more attention leaders give to the importance of integrity, the more important it will become in the organization.

6) Welcome bad news. The test of a healthy organization is not the absence of problems. It is the ability to address them in a positive manner. The permission to share bad news without fear of retribution promotes an honest, open environment that continually strives to improve. As good as your organization is today, there is a strong chance that someone is withholding information that can make it even better.

7) Don't forget personal leadership. Leadership is about the ability to influence. Nothing more and nothing less. Leadership has very little to do with position and everything to do with your ability to influence others. Everyone is watching. They judge the sincerity of your actions quickly and

will take their support elsewhere unless they see integrity in your performance.

All leadership begins with personal leadership. Ralph Waldo Emerson once said of a guest, "The louder he spoke of his honor, the faster we counted our spoons." That statement is as relevant today as it was when it was made in 1860.

Who we are at our core matters just as much as the ability to communicate, make good decisions or implement sound practices.

The great American statesman Henry Clay said, "Government is a trust, and the officers of government are trustees and both the trust and the trustees are created for the benefit of the people."

The continued success and survival of our municipal organizations and communities as a whole depend on creating relationships. There can be no transformation without trust and no trust without integrity. 

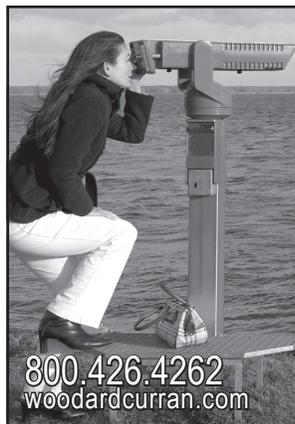
The Maine Municipal Association (MMA) is a voluntary membership organization offering an array of professional services to municipalities and other local governmental entities in Maine.

MMA's services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs.

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



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Voters Still Worried About Economy, Taxes

By Liz Chapman Mockler

Maine town meeting voters last month drained savings accounts, declined some spending requests and cut budgets around the edges in their own versions of March madness.

In some towns, the more things changed, the more they remained unchanged: Hard decisions were made on budget questions and regular worries were expressed about declining state and federal aid during a stubbornly sluggish economy.

Those were among the 2011 town meeting themes across the state.

Proposed bans on industrial wind power development appeared on many warrants again this year as Maine emerges as a leader in trying to find feasible alternatives to fossil fuels.

Voters in some towns embraced the potential development, which promises good-paying jobs and potentially cheaper, cleaner energy. Yet, other residents endorsed moratoriums, pending the development of local ordinances to set limits on the potentially controversial new industry.

Some voters moved swiftly through their warrants while others settled into folding chairs for hours. For example, **Carrabassett Valley** residents spent 31 minutes deliberating a \$2 million budget proposal, while **Sidney** voters invested eight hours on a Saturday to question every item in its \$1.3 million budget plan.

BUMPY ROADS

Voters debated road projects in large and small towns alike. In most cases, residents were willing to continue investing in the local infrastructure, even in the face of lower state

transportation aid. But in some communities, proposals were unceremoniously cut from the budget to keep property taxes stable.

In **Hebron**, residents agreed to spend \$110,000 to repave numerous roads, but were cautioned by selectmen that the town must develop a capital improvement plan for future work. Major repairs are needed on five roads that will be passed over this year, but the cost was pegged at \$800,000 and residents and officials must now decide on how to pay for that work.

New Portland voters, meanwhile, denied a request by selectmen to spend \$25,000 to remedy road and bridge safety concerns. They also rejected a \$25,000 request to start a reserve account for road maintenance equipment.

Residents said they were concerned they would not be able to pay their taxes if town costs continued to rise. In the end, an estimated 100 voters in the town of about 800 reduced the budget by 12 percent to \$417,000. Selectmen had recommended a budget of \$469,000, which would have increased spending by 0.2 percent.

Voters in **Liberty** took a different tack, increasing funding by \$20,000 for road maintenance. Selectmen had asked for \$61,000.

Chesterville voters agreed to spend \$84,000 to repair one road, plus \$10,000 more toward the cost of repairing washout damage from last May to another road. The town is seeking a \$325,000 federal grant to pay for most of the needed repairs on the washed out road. If the grant is approved, the town would need to raise \$75,000 as its share of the work.

In **Swanville**, town meeting voters were in a mood to cut, including \$232,000 proposed to resurface part of one road. Voters passed a \$20,000 article for general road maintenance.

Somerville voters approved a \$77,000 road funding article and directed town officials to develop a long-term road improvement plan.

WINDY WEATHER

March came in like a lion and left the same way. In between, voters from several Maine towns were faced with decisions on wind development. In many cases, voters were trying to



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

get ahead of the wind-power trend by passing ordinances or moratoriums before a developer showed up at the town office asking for a building permit.

Frankfort residents rejected an article that would have allowed selectmen to sign a resolution in support of a wind farm with four to six turbines. The Mount Waldo project developers needed the resolution as part of their effort to get state funding for the development.

Smithfield voters didn't like the proposed windmill ordinance they voted on in mid-March, apparently wanting stricter limits on noise from turbines and more control over the height of towers. The ordinance was overwhelmingly defeated by a hand vote.

Residents in **New Vineyard** took little time in endorsing a wind ordinance that will set limits on future wind farm projects. Selectman Chairman Richard Hargreaves said supporting the ordinance didn't necessarily reflect voters' support for wind projects, but rather provided townspeople some influence on future projects.

"Without an ordinance, we have nothing to say about wind power," Hargreaves told the meeting, according to a published report.

In **Moscow**, voters overwhelmingly rejected a moratorium on wind power development that likely would have adversely affected a proposed project being explored by two developers. Residents voted 59-9 against the temporary building ban after hearing from one developer, Peter Vigue, that he would not erect turbines in places where residents opposed them.

"It's either going to be a win-win ... or I'm out of here," said Vigue, president of the Pittsfield-based Cianbro Corp., which has partnered with another wind developer to study a possible project on 1,200 acres that previously was home to a federal radar site.

"I only want to participate in opportunities or projects whereby the community accepts it," the Morning Sentinel newspaper quoted Vigue as saying, during the March 21 meeting.

The town already has established rules for wind turbines, but the moratorium would have given residents time to consider whether to strengthen the existing rules.

Temple voters did not even discuss

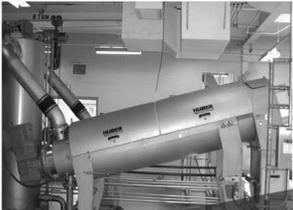
a proposed moratorium before they quickly passed it. The town's Wind Power Committee now has 180 days to develop an ordinance regulating wind projects; selectmen can seek an extension from the state if necessary.

The lack of discussion or debate

was credited to a significant effort by wind committee members to educate voters through a newsletter and public meetings. The proposed moratorium language was included with the newsletter and mailed to every household in town.

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GUARDING THE CHECKBOOK

Voters were careful in deciding on major purchases such as fire trucks as well as whether to support social service agencies.

Social service groups such as the American Red Cross and agencies for the aging, among many others, seek money each year from municipalities where they provide services to residents.

Swanville, **Canaan** and **Byron** were among the towns that eliminated or cut funding to "outside agencies." Voters in **Exeter** rejected requests from several groups that did not send representatives to make their pitches to voters.

Canaan voters, frustrated that no one showed up from any of the social service agencies, wrangled over how much – or whether – to appropriate any funds for the agencies. Ultimately, they decided each could have \$500. Ten agencies had sought \$22,000 in funding.

Swanville voters had passed deep spending cuts last year but added some funding this March, including \$15,000 for administration and \$40,000 for solid waste removal. Residents were called to a special town meeting last fall after the spending cuts caused the town to drain its financial accounts and the town was unable to pay bills and make payroll.

However, **Swanville** voters still denied all social service requests for 2011, which totaled \$26,000 in 2009 – the last year they approved the funding.

Meanwhile, after much discussion and explaining, **Freedom** officials won approval to buy a new fire truck for \$250,000. **Owls Head** residents agreed to borrow \$260,000 for a new salt/sand shed. **Thorndike** residents approved spending \$250,000 for a new town office, of which \$200,000 will be borrowed.

Belgrade voters narrowly OK'd spending \$315,000 to build a new salt/sand facility. Voters also approved \$460,000 for two new fire trucks, but not without a long debate. Voters eventually agreed to borrow \$460,000 toward the cost of the trucks and salt shed; the town has some reserve money already set aside for major projects and purchases.

Many town meeting voters in recent years used one-time money to

patch holes in local budgets, hoping the economy would pick up enough to generate more revenue for the next year's budget. That hasn't happened in many towns, which can result in revenue shortfalls year after year.

USING SURPLUSES

In many cases last month, surpluses were used to keep property taxes stable. In some towns, voters used large amounts of surplus monies that historically have been saved for emergencies and one-time capital projects or unexpected expenses.

Milo, for example, plans to use \$150,000 in undesignated funds to hold down taxes. **Clifton** will use \$190,000; **Pittston** will take \$187,000 from savings; and, **Sangerville** intends to use about \$300,000.

Sangerville selectmen had recommended using just under \$400,000 in surplus to balance the budget, but

voters cut about \$100,000 from the proposed spending plan and therefore reduced the need to take the full amount of surplus requested by selectmen.

One town that learned the hard way about using one-time money is **Sidney**, where voters sliced \$200,000 from the 2011 municipal budget but still face a tax increase thanks in part to using a \$200,000 one-time payment last year during the town's transition to a new school district.

Another town is **Swanville**, where voters have both cut spending and used up the town's surplus.

"Last year (voters) really cut the budget, severely cut the budget," **Swanville** Selectman Brian Thompson told voters, according to a published report of the meeting. "Now, they've got it down so far we have no surplus. It's nail-biting time in July and August to pay bills." [ME]

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Maine Municipal Association

Seeking Nominations for MMA Executive Committee

Nominations

Nominations are being accepted for three seats on the MMA Executive Committee. The Vice President position is also open to municipal officials who have served at least 12 consecutive months on the MMA Executive Committee during the past five years. The Nominating Committee will interview Vice President candidates during their May meeting.

What Is Involved?

The Executive Committee is the Maine Municipal Association's corporate board, consisting of twelve elected and appointed municipal officials representing the interest of member municipalities throughout the state. The Committee has overall governance and fiduciary responsibility for the Association, its annual operating budget, and the development of policy and priority initiatives.

The Executive Committee meets 10-12 times per year and has a required attendance policy in place. The Association reimburses the municipal official or municipality for any travel related expenses incurred for attending meetings or authorized activities to represent the Association's interests.

Who Should Apply?

- Town and/or city managers or chief appointed administrative officials in an active member municipality; or
- "Municipal officers" (*mayor and aldermen or councilors of a city, the selectmen or councilors of a town, and the assessors of a plantation*)

What are the Qualifications?

- The ability to serve a three year-term;
- Basic knowledge and/or interest in the corporate operations of the Maine Municipal Association;
- Although not necessary, it would be helpful to have prior experience on other governing boards and/or involvement in the Maine Municipal Association.

Timetable

February 2011	Appointment of MMA Nominating Committee (2 MMA Past Presidents; 2 Elected Municipal Officials & 1 President of Affiliate Group or Town/City Manager or Chief Appointed Administrative Official)
March 23, 2011	1st Meeting of Nominating Committee
April 2011	Notice in MMA Townsman and MMA Today
April 6, 2011	1st Mailing to Key Municipal Officials – Seeking Interested Candidates
May 2, 2011	Deadline for Receipt of Statement of Interest Forms
May 9, 2011	2nd Meeting of Nominating Committee – Interviews for Vice President Position and putting forth Proposed Slate of Nominees
May 13, 2011	2nd Mailing to Key Municipal Officials - Proposed Slate of Nominees
July 1, 2011 – 4:30 p.m.	Deadline for Receipt of Nominees by Petition
July 13, 2011	3rd Mailing to Key Municipal Officials - Voting Ballots
August 13, 2011 – 12:00 noon	Deadline for Receipt of Official Voting Ballots
August 13, 2011	MMA Election Day – Counting of Voting Ballots by Municipal Clerk

For Further Information:

Please visit the MMA Website at www.memun.org for additional information on the MMA Nominating Committee process, timetable, and access to the Statement of Interest Forms for the MMA Executive Committee and Vice President positions. Please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or by e-mail at tchavarie@memun.org if you have any questions.
(Please see Statement of Interest Form for the MMA Executive Committee on back side of this Notice)

Maine Municipal Association
STATEMENT OF INTEREST FORM
SERVICE ON THE MMA EXECUTIVE COMMITTEE

Deadline for Receipt – 4:30 p.m. on Monday, May 2, 2011

Please answer each question completely. Attach additional sheets if necessary.

Name of Candidate: _____

Municipal Position: _____ Years in Position: _____

Municipality: _____ County: _____

Preferred Mailing Address: _____

Work or Office Phone _____ Home Phone: _____

Mobile/Cell Phone _____ E-Mail: _____

Professional And Municipal Experience – Please include work experience, appointments to municipal/agency/organizational boards, and volunteerism (provide position title and year(s) of service):

Previous Involvement With the Maine Municipal Association – Please provide info on your past involvement on MMA Legislative Policy Committee, Governance Boards, Ad Hoc Committees, Municipal Leadership Program, Convention Planning, etc., (provide dates of service, if available):

Other Information – Occupation, education, other activities of interest, awards, etc.

What Attributes Do You Believe You (or Your Candidate) Will Bring To The Maine Municipal Association?

Please provide a Municipal Reference that we may contact:

Name _____ Municipal Position _____ Telephone # _____

For an understanding of the attendance policy please see the MMA Executive Committee job description which is located on the MMA website. Based on this, do you believe that the time commitment meets your availability?

Yes No

If you are making this recommendation on behalf of someone other than yourself, please complete the following information so that we may contact you if more information is needed.

Name: _____ Daytime Tel #: _____ Email: _____

Municipal Position: _____ Municipality: _____

Address: _____

MMA Nominating Committee c/o Executive Office
Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330

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Maine recently lost four long-serving police officers, beginning on Feb. 7, when former Caribou and Presque Isle officer **Dale Collins** died at the age of 73. Collins served in the military from 1955-62. He worked as a Caribou patrolman for seven years before moving to the Presque Isle force for the next 23 years. He was promoted to detective in 1976 and to sergeant in 1982. He was deputy police chief when he retired in 1992.

On March 7, retired Cape Elizabeth officer **Allen Westberry** died at the age of 70. He had served the town for 31 years, retiring in 2006.

James Miniuti, who worked for the South Berwick Police Department for 16 years, died at the age of 67 on March 14. He served in the U.S. Marine Corps, including service in the Vietnam War. He joined the South Berwick police force in the early 1980s as a patrolman and retired as a sergeant in 2000.

Former Ellsworth Police Chief **Reginald McDevitt** died on March 17 at the age of 87. After serving as chief for 15 years, McDevitt worked as a Hancock County sheriff's deputy for 22 years.

Hampden Town Council Chairman **Matt Arnett** announced his resignation in early March to move out of state. Arnett started his council service by filling a three-year vacancy. He was re-elected to a three-year term three years later.

Wilton Police Chief **Dennis Brown** resigned in January to take the job of public safety director for the town of Folly Beach, S.C. Brown, who worked for Wilton for four years, will supervise several municipal departments, including police and fire. Former Wilton Lt. **E. Page Reynolds** will serve as interim police chief. He was hired by selectmen in March.

Belgrade selectmen have hired **Gregory Gill** as their new town manager, effective in late February. Gill, 61, replaces **Dennis Keschl**, who resigned last December after four years.

Auburn Lt. **Kevin Mulherin**, 45, has been named the new Monmouth police chief, effective April 18. He replaces Kevin Conger, who resigned in January to take the chief public safety job with the University of Southern Maine. Mulherin lived briefly in Monmouth and has lived most of his adult life in nearby Leeds. He will continue working for Auburn on a part-time basis until his retirement in August after 25 years. He will begin working full-time for Monmouth at that time.

James Nimon, a former adviser to Gov. John Baldacci, has been named executive director of the new Sanford Regional Growth Council. Nimon has advised the last three administrations on economic development issues, including the redevelopment of Brunswick Naval Air Station.

The City of Bangor has hired Brewer economic development specialist **Tanya Pereira** as its new business development specialist. Pereira has worked for Brewer for five years after a five-year stint with the Eastern Maine Development Corp. She prevailed over 41 other candidates for the job.

Gary Saunders, a 16-year firefighter for the City of Ellsworth, was named Firefighter of the Year in mid-February. His wife, Karen, received the city's first top firefighter award in 2004.

Long-time Brunswick Commander **Kevin Scholfield** retired in March and became the Bridgton police chief effective March 31. Scholfield, 44, has served in law enforcement for 25 years, the last 21 in Brunswick. He was praised for his work ethic and dedication upon his Brunswick retirement. Scholfield replaces David Lyons in Bridgton.

Hallowell City Manager **Todd Shea**, 36, will resign by July 1, once the budget process is finished, he announced recently. Shea, of Lyman, said he wants to "refocus" his priorities, including finding a job closer to home. Shea, the father of two young daughters, started working for the city in 2007 as code enforcement officer and took over as manager after David Giroux suffered a stroke in the fall of 2008. He was named permanent manager a year later.

Richmond Selectman **Michelle Snowden** has resigned a year before her term expires, saying the job has taken too much time from her family, which includes two young children, as well as her full-time job. Her term will be filled during June elections.

Cambridge Town Clerk **Clara Watson** did not seek re-election after 26 years and was honored during the 2011 town meeting last month. Watson's mother, the late Helen Burdin, also served as the town's clerk. Carol Laplant, the town's administrative assistant, was elected clerk.

Winthrop councilors have chosen a career Air Force officer as town manager, effective May 2, when he retires as a colonel after 30 years in the military. **Jeffrey Woolston**, a Winthrop native, most recently worked as a command center deputy director, overseeing a budget of more than \$100 million. During his most recent assignment in Ohio, Woolston supervised and coordinated public works, water, security forces and fire department operations for base operations. He bested 52 other candidates to succeed manager **Cornell Knight**, who was hired earlier this year at Topsham. [mt](#)

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: A new report concludes that nearly half of the state's economic output comes from three Maine cities – Portland, South Portland and Biddeford. The three municipalities also offer 43 percent of all jobs in Maine, as well as being home to 60 percent of the state's pool of high-skilled workers. The report was issued by the Brookings Institute to underscore how important metro areas across the country are to rebuilding the national economy.

Statewide: Maine Municipal Association encourages members to submit "Then" and "Now" photos from their communities for a photo contest. Winners will be recognized at the 2011 MMA Convention and will be featured in a calendar to be made available later this year. The calendar is part of MMA's 75th Anniversary Year, during which municipal officials and service throughout the state will be celebrated. For details and an entry form, visit the MMA website at www.memun.org and click on the 75th Anniversary logo at the upper left.

Bucksport: Municipal and school leaders have enlisted a group of volunteers to start a new meals program for senior residents where the food is cooked freshly on-site rather than having them frozen food delivered. Town Manager Roger Raymond said he hopes the collaborative program with the school district, which recently launched a six-month trial, succeeds and will become a model for other communities.

Chelsea: Voters authorized the town to spend up to \$50,000 for a professional audit of the town records and to defend allegations of misconduct at the town office. Selectman Chairman Carole Swan, arrested in February for allegedly taking money from a plow contractor, attended the March special town meeting after the court ruled she could have limited access to the town office. The town's auditor and the FBI are investigating the town's finances.

Frenchville: The state's first medical marijuana dispensary has opened

in this St. John Valley community that sits near the Canadian border. In 2009, voters statewide approved a referendum to allow marijuana cultivation and distribution for medicinal purposes only. The town hopes to pass an ordinance that would put stricter restrictions on the dispensary than required under state law.

Harpswell: A group of residents is trying to raise \$730,000 in private funding to buy an easement to provide public access to Cedar Beach, a popular but private beach on the peninsula town just east of Brunswick. Town meeting voters in March refused to raise the landowners' price of \$950,000 to buy the easement, but instead agreed to pay \$220,000. The couple who owns the land then announced they would block access to the water from their land, although they said they would take the \$220,000 passed by town meeting as a refundable down payment pending the private fundraising effort.

Lewiston: A group hoping to develop a casino at the former Bates Mill complex has taken another step toward its goal by making a second \$10,000 payment to the city as part of an option agreement to buy the

so-called No. 5 mill. Led by former state Rep. Stavros Mendros, the group has collected enough signatures to get the Lewiston casino proposal on the November ballot. Lewiston voters last June agreed to let the group buy the mill building for \$150,000, but the final deal would not be sealed until after either the Legislature or Maine voters approve the casino. If endorsed, a casino in Lewiston would be located within 20 miles of the Oxford casino that already has been approved by voters statewide.

Monmouth: Selectmen in March rejected a proposed local ordinance that would have allowed small farmers who only sell their produce locally to avoid complying with state food safety rules. The proposal also would have needed the approval of the Legislature. Selectmen thought it was too broad and unenforceable.

Rockland: The city has filed suit against a recycling company based in New York for \$164,000 in unpaid landfill bills. The firm, Plan-It Recycle, used the landfill to dispose of construction debris. It paid its bill for a half-year but then stopped. Its original bill was in excess of \$228,000. 

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*.

- **Revenue Sharing.** The Fiscal Year 2012 revenue-sharing estimates are available at the state Treasurer's website and can be accessed through the MMA home page. Please note that the data posted by the Treasurer includes two different projections. The figures in dark gray are to be used when developing municipal budgets.
- **Land Conservation.** Vernal pools, trail building and land conservation will be among the topics explored at the Maine Land Conservation Conference, which will be held in Brunswick and Topsham, April 29-30.
- **MMA Nominations.** The Nominating Committee seeks recommendations for people to serve on the MMA Executive Committee. Candidates can be self-referred or recommended by another municipal official. Details are available through the website and on pages 31-32 of this month's *Maine Townsman*.
- **Comprehensive Plans.** The state Planning Office has offered proposed changes to the criteria used to review and certify municipal comprehensive plans. The purpose is to ensure that the plans are consistent with the goals and guidelines of Maine's Growth Management Act.



Municipal Bulletin Board

LEADERSHIP IN PUBLIC WORKS

Maine Chapter of the American Public Works Association will hold a six-day training program on Supervisory Leadership from April 19-21 and from May 10-12. The program is designed for Public Works supervisors and focuses on leadership and supervisory skills, setting performance expectations and other issues. The cost is \$395 for all six days of training, including food and handouts. Michael Schulde, principal of Quality Leadership Network, will lead the program. Registration is available through the MMA website, www.memun.org.

GOVERNMENTAL ACCOUNTING

Heather Hunter, Finance Director for the City of Lewiston, will lead a Governmental Accounting I workshop on April 21-22 at the Maine Municipal Association Conference Center in Augusta. The workshop, sponsored by the Maine Municipal Tax Collectors' & Treasurers' Association begins with registration at 8:30 a.m. on April 21 and runs from 9 a.m. to 4 p.m. both days. The workshop will address topics including: accounting cycle; cash receipts and disbursements; journal entries; and, internal controls. The cost is \$85 for MMTCTA members and \$100 for non-members.

MWWCA SPRING CONFERENCE: PORTLAND

The Maine WasteWater Control Association will hold its spring conference at Seasons Grille in Portland on April 26. Registration begins at 8 a.m. and the conference will adjourn at 3:30 p.m. Many presenters are on the agenda, discussing topics such as: composting; process control troubleshooting; confined space entry and rescue; and, innovative treatment technologies. The cost structure includes discounted rates for MWWCA members and non-members who sign up early. Registration is available through the MMA website.

MAAO SPRING TRAINING: PRESQUE ISLE

The Maine Association of Assessing Officers' annual Northern Maine training program will happen on April 29 at

Northern Maine Community College in Presque Isle, from 8 a.m. to 4:30 p.m. The program starts at 8 a.m. and will include a legislative update, tips on completing the Municipal Valuation Return and grading residential buildings. The cost is \$55 for MAAO members who attended all day and \$30 for the morning session only.

BASIC MUNICIPAL BUDGETING

James Bennett, manager for the City of Presque Isle, and John Eldridge, Finance Director for the Town of Brunswick, will present a workshop on Municipal Budgeting on April 29 at the MMA Conference Center in Augusta. The course, designed for municipal officials with primary responsibility for budget preparation and management, begins with registration at 8:30 a.m. and adjourns at 3:30 p.m. The fee is \$60 for MMA members, affiliate members and patrons and \$90 for attendees from non-member municipalities. The workshop does count toward MTCMA certification.

SPRING CODE CONFERENCE: LEWISTON

The Ramada Conference Center in Lewiston will be the site of Maine Building Officials and Inspectors Association's Spring Maine Code Conference. The two-day event will take place on May 2-3 and features many concurrent sessions both days. Among the highlighted topics: the energy code; legal issues; plumbing 101; IBC plan review; and, a building inspectors' checklist. The full-conference cost is \$150 for MBOIA members and \$190 for non-members. One-day registrations are available as well. SPO credits are accrued for people who attend full workshops and sessions.

GOVERNMENTAL ACCOUNTING II

Heather Hunter, Finance Director in the City of Lewiston, also will present a Governmental Accounting II workshop on May 6 at the MMA Conference Center. This program, sponsored by the Maine Municipal Tax Collectors' and Treasurers' Association, is designed to build upon training in Governmental

Accounting I. Registration starts at 8:30 a.m. and the workshop will end at 4 p.m. The cost is \$50 for MMTCTA members and \$60 for non-members. Information and details are available through the MMA website, www.memun.org.

TITLE 21-A: WATERVILLE

The Maine Town & City Clerks' Association will hold a day-long workshop on Title 21-A Elections for New Clerks at the Waterville Elks Banquet & Conference Center, starting at 8:30 a.m. on May 10. The workshop will be led by Kim McLaughlin, Old Orchard Beach town clerk, and Julie Flynn, deputy secretary of the Maine Secretary of State's Office. This class covers all aspects of administering state and federal elections at the municipal level. It costs \$50 for MTCCA members and \$60 for non-members, and that fee includes refreshments, lunch and packet materials.

MMTCTA ANNUAL CONFERENCE

The Maine Municipal Tax Collectors' & Treasurers' Association will hold its annual conference on May 19 at Jeff's Catering in Brewer. The all-day event will include: workshops addressing bankruptcy and bank foreclosures; a presentation from MMA on legislative issues; and, appearances by officials from the state Inland Fisheries & Wildlife Department and Bureau of Motor Vehicles.

The conference also includes election of MMTCTA directors and officers. Registration will begin at 8 a.m. and the conference is scheduled to end at 4 p.m. Cost is \$60 for MMTCTA members and \$75 for non-members.

On May 18, also at Jeff's Catering, MMTCTA will hold a workshop on Cash Management, presented by John Eldridge, Finance Director for the Town of Brunswick. Registration for that event starts at 8:30 a.m. The workshop will end at 3:30 p.m. Cost for this training is \$50 for members and \$60 for non-members. www.memun.org

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>

WRITE-IN VOTING

Question: I'm a new town clerk, and I know almost nothing about write-in voting. Can you help me?

Answer: Sure. Here's practically everything you'll need to know about write-in voting.

Write-in blanks and boxes required. On a secret ballot, at the end of the list of named candidates for each office, there must be as many write-in blanks as there are vacancies to be filled (see 30-A M.R.S.A. § 2528(6)(B)). At the left of each blank, there must be a box or square so a voter may designate the voter's choice by a cross mark or check mark (see 30-A M.R.S.A. § 2528(6)(D)).

Write-in candidates need not declare. A write-in candidate for municipal office is not required to declare or register his or her candidacy with the municipality prior to the election. The requirement in 21-A M.R.S.A. § 722-A that write-in candidates file a declaration of their candidacy at least three business days before the election applies only to State elections.

Stickers not permitted except in primaries. Pre-printed, adhesive-backed stickers or labels may not be used to vote for a write-in candidate in any municipal election other than a primary (see 30-A M.R.S.A. § 2528(6)(B)). (Only a few municipalities in Maine conduct primaries – most municipal elections are nonpartisan.) A vote by sticker cannot be counted except in a primary.

Candidate's residence may be required. If residency in the municipality is not required for the office in question, a voter must write in the candidate's municipality of residence (see 30-A M.R.S.A. § 2528(6)(B)). In other words, the candidate's municipality of residence need not be included in votes for municipal officer (selectman or councilor), school board member or any other office for which a municipal charter requires residency.

Write-in vote counts if voter's intent is clear. Whether the candidate's name is written with first or last name first, with a nickname and last name, or is misspelled, the vote should be counted if the voter's intent is clear (see 21-A M.R.S.A. § 696(4)). The same applies even if a candidate's residency is re-

quired but not included (see above).

Box must be marked; no exceptions. For a write-in vote to be counted, the voter must mark the box or square to the left of the blank (see 21-A M.R.S.A. § 696(2)(D)). No write-in vote – even one with the name of the candidate clearly and correctly written – may be counted unless the box is marked. A write-in vote where the box is not marked is invalid, period. The voter's intent is irrelevant in this case.

For more on conducting secret ballot elections, see MMA's *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

DOG LISTS – PUBLIC RECORD?

We've received a number of inquiries recently from municipal clerks asking if the names and contact information of licensed dog owners – so-called “dog lists” – are a public record. The answer is yes, dog lists and all information collected in the clerk's record of dog licenses issued are a public record subject to public inspection and copying under Maine's Freedom of Access Act (FOAA) or “Right to Know” law.

The FOAA defines a public record as “any written, printed or graphic matter or any mechanical or electronic data... in the possession or custody of an agency or public official... and... received or prepared for use in connection with the transaction of public or governmental business” unless specifically excepted by statute (1 M.R.S.A. § 402(3)). We have no doubt that municipal dog lists come within this definition; there are no applicable exceptions.

Thus, whether the request for a dog list comes from a purveyor of pet supplies, a kennel operator, or just an interested person, and regardless of the requester's motive (commercial or otherwise), a request for access to a municipal dog list should be acknowledged and allowed within a reasonable period of time (see 1 M.R.S.A. § 408(1)). If the request is for a copy of the list, either paper or electronic, the custodian may prepare and send one but may also charge a reasonable fee to cover the cost, if any, of copying (see 1 M.R.S.A. § 408(3)). If there is no “list” as such, the clerk needn't prepare one but must nevertheless make available whatever records exist, such as the monthly State report of licenses issued.

Most of the inquiries we've received on this subject were prompted by concern that dog owners might resent their names and contact information being released to marketers. This may well be true in some cases, but it is, of course, beyond the control of municipal officials, whose obligation is to comply with public records requests. It might be wise to warn dog owners when they license their pets that this information is subject to public disclosure.

For more on public records requests, see our “Information Packet” on Right to Know, available free to members at www.memun.org. (By R.P.F.)

FACSIMILE SIGNATURES

Question: When can a municipal official use a facsimile signature?

Answer: For official documents, our conservative advice is that a facsimile

 MMA Municipal Calendar

MAY — Municipal officers shall meet as the “licensing board” to license innkeepers and tavernkeepers during the month of May (30-A MRSA §3812)

MAY 1 — Licenses for bowling alleys, pool rooms, shooting galleries, etc., issued during the previous 12 months expire (8 MRSA §2).

ON OR BEFORE MAY 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 (22 MRSA §4311).

MAY 30 — (Last Monday in May) Memorial Day observed. A legal holiday (4 MRSA §1051); a school holiday (20-A MRSA §4802). Municipal officers shall direct the decoration of veterans' graves. (30-A MRSA §2901).



signature or reproduction of an original signature (typically a rubber stamp) should be used only if expressly authorized by statute. There are a number of statutes that do, including, most notably, for tax lien notices and certificates (but not discharges, see 36 M.R.S.A. §§ 942, 943), for sewer lien notices (but not certificates or discharges, see 38 M.R.S.A. § 1208), and for election ballots (see 30-A M.R.S.A. § 2528(6)(F)). Most statutes that authorize a facsimile signature do so because of the sheer number of documents requiring a signature (e.g., ballots, lien notices, etc.)

The fact that the Legislature has authorized facsimile signatures in some cases tells us, by implication, that it did not intend to authorize them in any other case where an official document must be signed but where the statute is silent on a facsimile signature. Examples of this include town meeting warrants (see 30-A M.R.S.A. § 2521), treasurer's disbursement warrants (see 30-A M.R.S.A. § 5603(2)(A)), and subdivision plats (see 30-A M.R.S.A. § 4406(1)(A)). Since none of these statutes expressly authorize facsimile signatures, only original signatures will suffice.

We also recommend original signatures for documents that may not require a signature but which are intended to have legal effect, such as official policies, notices, orders or decisions by a board or official. An original signature in such cases assures the reader that the document is genuine.

Of course, what we say here about the advisability of original signatures does not apply to *unofficial* documents, such as correspondence, notes, memos and the like. Here, whether to use a facsimile signature (or whether to sign the document at all) is within the discretion of the author. (By R.P.F.)

BEDBUGS?!

Question: We've had several reports of bedbug infestations in our community recently. Do we have any municipal code enforcement responsibilities in such cases?

Answer: No, not unless you have a local ordinance, such as an ordinance specifically regulating habitability and

household pests, in rental housing for example.

And as loathsome as they may be, bedbugs are generally not considered a public health threat since they are not carriers or "vectors" of disease as are mosquitoes, ticks, fleas, etc. So there is probably no role for a local health officer to play either.

Landlords and tenants, however, should be aware of their rights and duties under 14 M.R.S.A. § 6021-A. This statute requires a tenant to notify a landlord of a bedbug infestation and to grant the landlord or the landlord's agent access to the dwelling unit for inspection and control of the infestation. It also requires a landlord to take

reasonable measures to identify and treat bedbug infestations and prohibits a landlord from renting a dwelling unit that is known or suspected as having an infestation. Both landlords and tenants have legal remedies under this statute, but they are private and civil in nature and do not involve municipal authorities.

For a good website (one of many) on identifying and treating bedbug infestations, go to www.epa.gov/bedbugs/.

Most experts now advise professional pest management as the best way to eradicate a bedbug problem. For local providers, look under "pest control services" in the Yellow Pages. (By R.P.F.) 

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