

Maine Town & City

The magazine of the Maine Municipal Association

FEBRUARY 2024 | VOLUME 86 | ISSUE 2

Town Meetings

The quintessential annual
community gathering.



ALSO IN THIS ISSUE:

BENEFITS OF REGIONALIZATION

MEET JACOB GRAN,
PITTSFIELD MANAGER

DIANE HINES FOCUSES
ON RESOURCES





MAINE MUNICIPAL
EMPLOYEES HEALTH TRUST

*For 40 years...
the DIFFERENCE is
TRUST.*



Exceptional Service Innovative Programs Quality Benefits



1-800-852-8300

www.mmeht.org

EXECUTIVE COMMITTEE

PRESIDENT
DIANE HINES
Town Manager, Town of Ludlow

VICE PRESIDENT
MELISSA DOANE
Town Manager, Town of Bradley

IMMEDIATE PAST PRESIDENT
ELAINE ALOES
Chair Selectboard, Town of Solon

MEMBERS

ROBERT BUTLER
Selectperson, Town of Waldoboro

DAVID CYR
Town Manager, Town of Frenchville

PHIL CROWELL
City Manager, City of Auburn

TERRY HELMS
Selectperson, Town of Grand Isle

SHILOH LaFRENIERE
Town Manager, Town of Jay

DAVID NADEAU
Councilor, Town of Windham

JUSTIN POIRIER
Town Manager, Town of Monmouth

DINA WALKER
Selectperson, Town of Weld

ANTHONY WARD
Town Manager, Town of Casco

EXECUTIVE DIRECTOR
CATHERINE M. CONLOW

MAGAZINE STAFF

KATE DUFOUR / Magazine Editor
Director, Advocacy & Communications

LAURA ELLIS / Advocacy Associate

REBECCA LAMBERT / Municipal Issues Specialist

SUE BOURDON / Design & Advertising

CAROL WEIGELT / Web Publishing Technician

VALARIE POMERLEAU / Circulation

© 2024 MAINE MUNICIPAL ASSOCIATION.
ALL RIGHTS RESERVED.

MAINE TOWN & CITY (ISSN 2578-4374) is published monthly, except in November, by the Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330. (207) 623-8428. Periodicals postage paid at Augusta, Maine, and at additional mailing offices. All rights reserved. Postmaster send address changes to: Maine Town & City, 60 Community Drive, Augusta, Maine 04330. Information, policies and opinions do not necessarily reflect the views or policies of the Maine Municipal Association. Subscription price: \$25 per year.



In this issue

THE ANNUAL TOWN MEETING. While occasionally contentious, the annual town meeting provides an opportunity for residents to gather and make decisions that determine their futures. As described by Earle G. Shuttleworth, Jr., Maine State Historian, the town meeting is a “very pure form of democracy...” **PAGE 7**

FEDERAL “EARMARK” GRANTS. Although once referred to as earmarks, and now Congressionally Directed Spending in the U.S. Senate and Community Project Funding in the U.S. House, this federal grant program nonetheless continues to provide the financial boost municipalities need to get important community projects across the finish line. **PAGE 11**

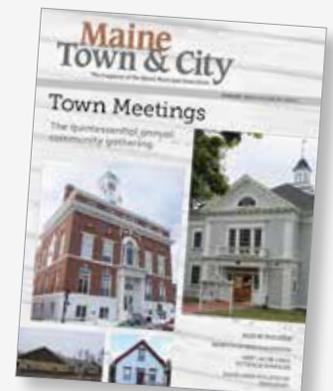
ELECTED OFFICIALS’ SURVIVAL GUIDE. In this series MMA staff provide the advice, tips and tools elected officials need to fulfill their roles. This month, Rebecca McMahon, Legal Services Director, touches on home rule authority; local legislative, executive, and judicial functions; and forms of municipal government. **PAGE 15**

Q&A WITH JACOB GRAN. Although he didn’t dream of becoming a municipal official, with a little encouragement, mentorship and a unique perspective on problem solving, Gran is now leading the Town of Pittsfield **PAGE 23**

PREPARING FOR THE UNEXPECTED. Adapted from an interview, Heather Hunter, Lewiston City Administrator, shares her experiences in the aftermath of the October mass shooting. **PAGE 29**

DEPARTMENTS

- People / 32
- News from Around the State / 34
- Legal Notes / 36
- Training Opportunities / 39



ABOUT THE COVER
A collage of quintessential town halls in Maine.
(Photos by Ben Thomas, MMA)

STREETS

BUILDINGS

SCHOOLS

AMERICAN BUILT



New England, in its best light

Your partner for
community-wide
lighting upgrades



affinityLED.com (978) 378-5338

- Comprehensive audits
- Built in New Hampshire
- Project management
- Efficiency Maine qualified partner
- Budget-neutral financing options through our partners
- Safe disposal & recycling

MMA As a Resource

By Diane Hines / Town Manager, Town of Ludlow



Sometimes I am questioned about what MMA stands for as in Maine Municipal Association, not the other one involving martial arts, and the next question asked is what does it do? Quickly I say that it serves all communities in Maine. Recently, I have thought more about MMA as a resource. Webster’s Dictionary defines resource as “something that lies ready for use or that can be drawn upon for aid or to take care of a need.”

The other question I field is what do I do on the Executive Committee (EC)? My answer compares the committee to a select board for a municipality. I explain that we hear from all the department heads, and we go over the financial statements. I can see those people in my mind’s eye now as I scan a typical meeting. I see Kate, Rebecca M. (we have several Rebeccas), Peter, Lisa, Sarah (now retired), Shelly, Michelle, Brian, Kelly, David, and Kristy, and of course, our esteemed leader Catherine Conlow. Each of these folks and their staff are ready to serve and meet the needs of the many towns and cities of Maine and our affiliate groups.

An important resource that MMA provides is excellent legal advice geared towards the issues that municipalities can face, from public participation at select board meetings to occasional lawsuits. And this is advice, not actions, since that requires an attorney hired by the municipality. The EC is kept up-to-date on legal issues that might be heard by the Supreme Court that can affect our own rulings, for example, in tax lien foreclosure actions.

Risk Management Services (RMS) is another important MMA department that supports municipalities. RMS has three unique self-insurance groups. The first is the Workers’ Compensation Fund which is designed to assist members in managing their workers’ compensation costs through effective claims management and loss prevention. The second is the Property & Casualty Pool which is uniquely designed to provide public entities with the protection of the Maine Tort Claims Act and support members facing rising property values. Lastly, the Unemployment Compensation Program serves as a liaison between members and the State in handling unemployment claims. Because these programs are not standard insurance company products, the exposures faced by municipalities, which are

unique to entities providing government services, are instead pooled to achieve the best rates possible for protecting each member’s assets as well as the burdens placed on the property taxpayers.

The Maine Municipal Employees Health Trust, which is administered by MMA, serves over 10,000 employees of towns and cities, as well as counties and quasi-municipal groups. The Health

Trust is a self-insured non-profit organization, dedicated to meeting the needs of these members and containing costs, while maintaining quality benefit programs.

Another resource comes in the shape of advocacy and communications as MMA staff keeps tabs on the activities of the Legislature that affect municipalities. MMA’s 70-member Legislative Policy Committee meets at MMA to debate and send a message to the Maine State Legislature either in support of, opposition to, or neither for nor against on initiatives that impact local government. This department also keeps municipal officials informed on issues of interest through the website, the Maine Town & City, Legislative Bulletin, and the monthly e-newsletter, MMA This Month.

Resources that are provided by MMA also involve education for newly hired or elected officials that include both in person and online training. A pilot event will happen this year, referred to as “Town Hall,” which will bring MMA to a selected town.

One of the largest resources in play is the annual Convention in Augusta or Bangor. Two days of vendors serving municipal government and workshop topics designed to help with issues facing municipalities as well as awards ceremonies and celebrations, are already in the planning stages at MMA.

I hope that I have not neglected any areas of resources provided by our great organization, and if I have, then I guess I have signed myself up for another article. Till the next time. 🏔️

Sincerely,
Diane T. Hines
President of the MMA Executive Committee

When you need a legal team that
feels like part of your team.



Lee
Bragg



Zachary
Brandwein



Mary
Costigan



Ann
Freeman



Steve
Gerlach



N. Joel
Moser



Dan
Murphy



Philip
Saucier



Matt
Tarasevich



Pete
Van Hemel



Tara
Walker



Matt
White

Meet the Municipal & Governmental Services Team.

Our nationally recognized municipal law team provides seasoned, responsive counsel on land use, municipal litigation, public finance, labor and employment, tax increment financing, property tax and valuation, and new and cutting-edge issues facing municipalities, such as data security, broadband, complex construction contracting, and more.

**BERN
STEIN
SHUR**

bernsteinshur.com

The Annual Town Meeting

Love them or hate them, these annual meetings empower residents to determine their futures.

By Stephanie Bouchard

On an early spring day in 1959, 10-year-old Merton Brown was wandering along Main Street in his hometown of Bethel. He and his family lived near the heart of the village, and with a population of around 2,400, everyone knew everybody else. But as well as he knew the goings-on of the community, he found himself surprised as he watched people pour into town hall.

“I saw people going upstairs and I thought maybe there was a movie or something, so I went in,” remembers Brown. Several hours later, Brown left town hall, so jazzed he wasn’t worried about facing his mother. “When I got home, my mother was like, ‘Where have you been?’ And I go, ‘I went to this thing called a town meeting, and so-and-so was saying this, and so-and-so was saying that, and there were attorneys, and they were yelling at each other and they were having the best time!’”

Since colonial times in New England, the town meeting has held a unique place in community life. Some call the annual event, typically held in the spring, misery, but many others, like Brown, who is about to begin his 50th year as a town clerk, cherish the tradition.

Historians don’t know for certain what the origins of the annual town meeting are, says Michael Zuckerman, professor emeritus of history at the University of Pennsylvania, who has studied and written about the history of the annual town meeting. “The scholarship is all over the place,” he says, with some scholars suggesting town meeting’s roots go back to Germany, others to England.

But what scholars do agree on is that town meeting took hold in New England rather than in other regions on the East Coast because the English settlers arriving in the northeast had deeply shared religious convictions and they settled into towns.

“New England is the only part of the colonies in the 17th



and 18th century that has towns,” Zuckerman says. “The people who came to New England came with a religion that required them to be together . . . But most people who came to the colonies came to get rich, and the way to get rich was not to live on a little farm near lots of other people with little farms. The way to get rich was to get a big farm, with lots of acres and lots of animals, and they were willing to run risks to get rich because they’d already run the biggest risk of all, to come here.”

The reason settlers came to the “new world” is a big part of how local government was formed in the colonial period, agrees Libby Bischof, a history professor at the University of Southern Maine who teaches Maine history and is also the executive director of the Osher Map Library and Smith Center for Cartographic Education. “If you’ve got people fleeing religious persecution,” she says, you form a very different type of local government than “if you’re coming for resource exploitation, to grow rice, to grow cotton, to use enslaved labor.”

The earliest town meetings were organized by and held for the largest white, male, landowners in the town for the purpose of dividing their large land holdings, admit-

About the Author: Stephanie Bouchard is a freelance writer from Nobleboro and regular contributor to Maine Town & City, stephanie@stephaniebouchard.net.

ting new residents to the town, and conducting the basic business of the town, wrote historian Benjamin Woods Labaree in 1960 in a paper on the New England town meeting.

And while today, contentious town meetings where people are yelling at each other stand out in people's memories, that wasn't the norm in the colonial era, says Zuckerman. "The town meeting is really the instrument of order, but not order by the conflict," he says.

"What overwhelmed me when I looked at the records was the extent to which they did everything by agreement, by unanimity, not by democracy, not by any of the rules that we would think of as democratic, not by the contest of ideas, not by the partisan battles with the majority prevailing," he says. "This is not a world where you vote and where the voting is over the clash of ideas and the clash of interests. Clash is exactly what they can't deal with and don't want to deal with."

As towns grew in population, and land holdings were not as concentrated in the hands of a few, who participated in town meeting began to broaden. While still primarily dominated by those with the most wealth and power, a more varied population of laborers, craftspeople, and artisans started participating in annual town meetings by the late 1700s.

Even with this more diverse group, who voted at town

meeting was limited to white males who were residents of the town, owned a certain amount of property, and were age 21 or older. In theory, when Massachusetts abolished slavery in 1783, black men would also have been able to vote at town meeting in all of the state, including the District of Maine, says Bischof. "We know that people of color were likely disenfranchised in various parts of Maine, but that wasn't wholly the case."

As voting laws changed, who could vote in town meetings also changed. After Maine became a state and adopted its constitution, men no longer had to be property owners in order to vote, but any man of the appropriate age who was a "pauper" or under guardianship for mental health reasons could not vote, notes Bischof. And in 1893, an amendment to Maine's constitution, largely in response to an influx of French-Canadian immigrants, required first-time voters to pass a literacy test.

"Town meetings do look different over time," she says. "Some people are gaining rights, some people are losing rights, some people's rights are changing."

"Despite its exclusionary principles," she adds, people still think of town meeting as a pure form of democracy, "because you show up and you do have as much of a say as the person next to you, and it's a direct result. You decide the dogs have to be on the leash after 5 p.m. and can't go on the beach. You leave (the meeting), and

OUR BUYERS HAVE GREAT EYE SITE



They know what we specialize in selling, that's why they come to us. That means your online auction items will not only get seen. But seen by the *right* audience. One that can deliver higher returns, with no hassle and no risk for you.



www.auctionsinternational.com

Sell your surplus online with a *visible* difference.

- Pickup Trucks
- Fleet Vehicles
- Heavy Equipment
- Real Estate
- Tractors
- and much more!

Contact us today.
800-536-1401

We have local sales reps ready to assist you!

(what you voted on) happens. That doesn't feel the same as when you are electing a representative."

Maine State Historian Earle G. Shettleworth Jr., agrees. In the past and today, even if someone can't vote at town meeting, they aren't wholly excluded from participation. "It's a very pure form of democracy in that anyone can circulate a petition to put an item on the warrant to then be discussed at the town meeting," he says.

Nowadays, while town meeting is still the predominant model in Maine's communities, fewer and fewer residents participate, which means some towns, like Kennebunk, where Merton Brown is the town clerk, have switched to secret ballot voting.

It also means that the decisions are often made by a handful of people who make the effort to attend. Case in point: the annual town meeting in 2022 in Croydon, New Hampshire got national attention when 20 of the 34 voters who attended town meeting voted to slash the school budget by 53% causing an uproar among those who didn't attend, and eventually resulting in a special meeting that restored the budget to its original proposal.

"That's always the risk with participatory democracy: you have to show up to make it work," reflects Shettleworth. "That's the risk, but I think overall the risk is more than worth taking in order to continue to assure that people have a voice at the local level." 🏡



**Over the last 30 years,
no other
waste management
solution has come close to**

RECYCLING

**for financial benefit to Maine's towns,
meeting the needs
of Mainers,
and diverting more than**

A BILLION POUNDS from landfills.

**Thank you for recycling,
Maine!**

ecomaine



Enhanced Incentives for Municipalities and Schools



Efficiency Maine offers limited-time, enhanced incentives to eligible municipalities and schools looking to upgrade HVAC systems to energy efficient technology.

Municipalities:

Scan QR code or visit:
efficiencymaine.com/at-work/municipal-retrofits/



Schools:

Scan QR code or visit:
efficiencymaine.com/at-work/school-retrofits/



Learn more at efficiencymaine.com/at-work/

Federal Earmarks

Reinvestment in this federal revenue program is taking many costly municipal infrastructure projects across the finish line.

Betty Adams

The road to obtaining the federal grants formerly known as “earmarks” has changed. Even the names are different. In the Senate, the program is known as “Congressionally Directed Spending;” in the U.S. House, it’s known as “Community Project Funding.”

The results, however, can be life-changing for a community.

Take Rumford, for instance, with a population of just under 6,000 people.

After 30 years and several attempts at the ballot box to get a new central fire station approved, the town’s economic development director, George O’Keefe Jr., says the \$1 million in federal funding provided the extra oomph to get the project moving.

The federal money came via 2nd Congressional District Rep. Jared Golden and U.S. Sen. Susan Collins.

“As the Vice Chairman of the Senate Appropriations Committee, I am committed to championing targeted investments that will benefit Maine communities,” Collins said in an email. “My office receives hundreds of requests annually for Congressionally Directed Spending from nonprofit organizations and state and local governments, which my staff and I vet very carefully to ensure that, if funded, they will be worthwhile to the surrounding communities and to the State of Maine. From expanding access to childcare, health care, and affordable housing, to improving water systems, infrastructure, and public safety, these impactful projects would not be possible without this federal support.”

By mid-January, Rumford’s new fire station – with a total estimated cost of about \$5.4 million – was half completed.

It will replace the Central Fire Station that was built in 1921.

“When it was first built it was not designed for motor vehicle fire apparatus; it was designed for horse-drawn,” O’Keefe said. “The town modified it through the years to utilize it for motor vehicle apparatus which worked for many decades, but the building reached the end of its life and was structurally challenged by continued changes to weight of equipment and general aging of concrete in the foundation.”

And as Golden noted in the joint announcement in March 2022, “I am proud to help deliver this funding for a long-overdue fire station for Rumford. For over a hundred years, Rumford’s firefighters have put their lives on the line to protect their community. Times have changed, but their fire station hasn’t. Construction of a new fire station in Rumford will help these first responders do their jobs and keep them and the Rumford community safe. Thank you to the Town of Rumford for being such a great partner and advocate in securing this funding.”

O’Keefe said the town learned about the opportunity to apply for the federal directed spending funds through a staff member from the congressional delegation.

“That caught our attention because it was going to enable us to qualify for funding that we might not otherwise be able to access,” he said. O’Keefe noted that there are usually different rules for the program in the House and Senate chambers. “House earmarks tend to be more competitive because of the limitations on the number of

Betty Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, adamsbetty00@gmail.com.

applications each member can forward.”

Golden’s website notes that the Appropriations Committee guidelines say that each representative can submit funding requests for up to 15 projects in the district. Golden has submitted 15 requests for fiscal year 2024. They include almost \$1.3 million for police equipment in Belfast, and almost \$4 million for a Front Street Resiliency Project in Augusta. Among the requests submitted for fiscal 2024 by Maine 1st Congressional District Rep. Chellie Pingree is \$2 million for Old Orchard Beach wastewater treatment facility and pump stations upgrades.

The Government Accountability Office also notes that members of Congress “must provide information, such as the purpose and recipient of the funding to ensure no conflicts of interest.” The office tracks the funds as well.

O’Keefe noted that the application process occurs early in the year as the appropriations bills are written in Congress. “Then they make their way through respective committees, and then they have to go through the Appropriations Committee,” O’Keefe said. “And then they have to get to the floor of the House or the Senate, and then you have the final budgeting process which occurs between the House and the Senate on a conference report, and so forth.”

In Bridgton, \$1.4 million from the congressional programs will help expand a new \$23.5 million wastewater system that began operating in January 2024. That expansion had been cut from the original plan since it was too expensive, said Town Manager Robert Peabody, Jr.

“You have your ideal plan and then you’re faced with reality. Even with the \$11.5 million rural development grant and a \$1 million loan forgiveness from Maine DEP, that still puts it higher than our ratepayers could do. So, we scaled it back.”

“When we heard about earmarks, we thought, ‘OK, here’s a way to pick up some of what we cut from the project without putting an additional burden on either our taxpayers or our ratepayers,’” Peabody said. He learned about the program after receiving a release about it from the offices of Collins and U.S. Sen. Angus King. Both senators supported the request.

The town formed a team to go after the grant. It consisted of the town manager, community development director, finance director, public services director, and Brent Bridges of Woodard & Curran, the town’s engineering firm. “That’s how we fought our way through the process,” Pea-



Robert Peabody, Jr.

body said, adding, “Both congressional offices were very, very helpful. They were good to work with, good folks.”

Now, the estimated \$2.2 million cost of the expansion will be funded with \$1.4 million from the congressional program, \$450,000 in American Rescue Plan Act funds from Cumberland County, and \$350,000 from the town’s wastewater unassigned fund balance.

“We’re picking up one whole neighborhood,” Peabody said. “The expansion on South High Street picks up a new development that’s going in as well as a current subsidized housing project with

20-25 units. The expansion on Route 302 picks up a multi-use development that includes commercial, single-family houses, duplexes, and multi-family.”

According to a U.S. Government Accountability Office “WatchBlog” post in late October 2023, the process for members of Congress to seek funds for specific projects and the requirements “to help ensure transparency and accountability” started with fiscal year 2022 appropriations.

That WatchBlog post tracked the funds for both fiscal years 2022 and 2023, and notes that “over \$350 million was designated for Maine in FY 2023.” (The federal fiscal year 2023 ran from Oct. 1, 2022, to Sept. 30, 2023.)

Also, many of the monetary awards extend over a three-year period. While much of the money was designated for university systems, hospitals, county, and multi-agency use, some of it went to municipalities.

The site lists five “broad purpose categories:”

- **Community and Regional Development:** Projects such as construction, restoration, or improvement of public libraries and performing arts centers, and expansion of domestic violence shelters.
- **Natural Resources and Environment:** Projects including efforts to conserve aquatic habitats, manage watersheds, and improve sewer systems.
- **Transportation:** Projects including efforts to extend airport runways, expand and improve bus rapid transit lines, and install traffic lights.
- **National Defense:** Projects including the planning and design of a munitions maintenance and inspection facility, constructing a child development center at an Air Force base, and researching and developing next generation explosives.
- **Health:** Projects including efforts to cover equip-



(Photo courtesy of Machiasport town office)



(Photo courtesy of Machiasport town office)

ment and operational costs for an oral health program, provide children’s mental health services, and upgrade tribal water distribution systems.

Getting the money itself, however, requires mountains of paperwork and a significant investment in time.

In Washington County’s Machiasport, Town Clerk Marcia Hayward is wading through the process to access \$1.25 million in funding obtained through Collins’ office to help replace the public works garage which sits on town-owned property just behind the Town Office. “Everyone in town knows it needs to be replaced,” Hayward said. “It’s a one-bay garage with an outdoor sandpile.”

The new building will be used to store and maintain public works equipment, including a \$175,000 plow truck the town obtained in 2019 after Hayward applied for money through the Volkswagen Diesel Emissions Settlement. The town obtained a new, \$90,000 school bus as well with the fund paying vendors directly and the town footing 15 to 20% of the cost.

“This is my first federal grant and so everything has been new and everything is learning,” she said. “It has not been easy or timely. There have been a lot of wrinkles.”

For next time, she added, “At least I’ll know what to expect.”

In mid-January, as snow was falling, Hayward said the current stumbling block was an environmental review. The select board too had asked her that morning when the Congressionally Directed Spending funds might be available. “That’s the \$6 million question,” she said.

Collins’ office sent out a press release about the Machiasport project’s award in March 2022. It was among the 105 projects for which she successfully requested funding.

Bridgton Finance Director Holly Heymann, who is serving as project manager and finance contact for that town’s funds, said that receiving the federal money is a multistep process: “You have to have a login.gov account, ASAP.gov (Automated Standard Application for Payments), and a grants.gov. Fortunately, the feds have now streamlined that process to make it a little easier, so in any federal website you can use your login.gov sign-in once you get it.” She added that one requirement is to “take video of yourself and take a live photo to prove you’re you.” That comes after submitting a copy of the front and back of your driver’s license as well as confirming personal information on file with the IRS, among other things.

“There is a multilevel process, and once you get through it, it’s easier to access all the federal portals,” Heymann said. The town was notified of the funding on June 30, 2022, and officially submitted the full application on July 24, 2023. The funding is available for the wastewater project through 2026, and the contact is directly through the Environmental Protection Agency.

“We haven’t started the project yet, so I haven’t yet experienced the reporting and draw-down request piece,” she said. “It is hopefully going to be easier.”

She added, “The federal system is more complicated to navigate, including accessing secure government portals; you’re dealing with their money. Once you’re in it’s relatively easy and user-friendly. But it’s been the bane of my existence for probably a month.”

Heymann previously was finance director for two non-profit organizations in state which received both federal and Rhode Island grants. “Fortunately I had the background in federal grant management,” she said.

To other municipal officials working to access the federal funds, she said, “Don’t be afraid to ask questions and ask for help.”

In Auburn, Assistant City Manager Brian Wood said the city is in the beginning stages of creating a new public safety building to house both the police and fire departments. A \$2.5 million spending request by Collins helped to propel that forward as did the results of a referendum in November where voters approved bonding up to \$45 million. The goal is to have the building open by the fall of 2026.

As far as the process to access the federal funding, Wood noted, “It’s definitely not something you’re going to do in one sitting overnight.”

He said the city’s grant manager is experienced with federal funding and grants and is scheduled to do training to work through this specific process.

“This funding allows this project to start immediately, which is something we’re very excited about,” Wood said. “It will free up a great deal of space throughout the city and have a positive impact. Moving forward it will allow us to upgrade our fire training facility, which regional communities are able to train on as well, and it will also benefit the students in the high school technical program.”

The Auburn/Lewiston Municipal Airport also received a \$1.6 million Community Project Funding grant through Golden’s office. The three-year grant supports a new aircraft hangar at the airport which is located in Auburn and owned jointly by the cities of Auburn and Lewiston.

The City of Saco’s Water Resource Recovery Projects have received support from King, Collins and Pingree.

And those three members of Congress all supported the \$3 million request for renovation and expansion of the Louis B. Goodall Memorial Library in Sanford. The building is owned by the city, and the library is managed by a board of trustees.

Rumford’s O’Keefe said the project awards have intrinsic value as well. “The Congressionally Directed Spending Grant changed the ability of the community to respond and see the opportunity that was in front of them to get this (fire station) project done. That was really important, and I think seen by the community as an affirmation by the federal government of the value of the community, the value of protecting our current infrastructure and services and also just an affirmation of Rumford’s own sense of self and the fact that we were worthy of this support. It was very positive for the community to get that boost on that funding.” 🏔️



PUBLIC FINANCE, SOLVED

As resident bond counsel, Preti Flaherty attorney Cameron Ferrante offers Maine municipalities public finance strategy and compliance. From the smallest towns to the largest cities, he is proud to provide our clients with the services they need to realize their community’s goals.

To learn more, contact Cameron Ferrante at cferrante@preti.com or 207.623.5300.

PretiFlaherty

45 MEMORIAL CIRCLE
AUGUSTA, ME 04330

Preti.com

Fundamentals of Municipal Government in Maine

By Rebecca McMahon, Director, MMA Legal Services

Newly elected municipal officers may be daunted by the long list of responsibilities they are expected to tackle – financing; assessing; general assistance; personnel; roads; public property management; contracting; intergovernmental cooperation – just to name a few. This list doesn't even mention perhaps the most important (and time-consuming) aspect of the job: addressing the interests, needs, and grievances of constituents.

Further complicating matters, this list of municipal officer responsibilities varies depending on the form of local government each municipality has established. To help municipal officers navigate this varying landscape, this article provides a brief framework for the forms of municipal government in Maine and broadly discusses the division of government functions within each.

Municipal “Home Rule” Authority

Before 1969, Maine's municipalities had only those powers expressly delegated to them by Maine statute through so-called “enabling” laws. In 1969, Maine voters approved an amendment to Maine's constitution providing

municipalities with “home rule” power, through which Maine's municipalities have authority to legislate over all matters of a “local or municipal character” unless denied expressly or by clear implication (“preempted”) by the state Legislature. Me. Const., Art. VIII, Pt. 2, § 1.

Home rule powers include the power to adopt or amend municipal charters without the involvement of the legislature, and the power to enact ordinances on most subjects without the necessity of state enabling laws. It is also the driving force for the variation in local government forms found throughout Maine's municipalities. With home rule authority, citizens are empowered to build their local government structures from the ground up, depending on the needs and interests of their community.

Charters: The term “charter” generally means a single document setting forth a plan of municipal government comparable to the state and federal constitutions. Prior to home rule, the term “charter” was also commonly used to identify the private and special laws by which municipalities in Maine were incorporated, or “chartered,” by the state legislature. For purposes of this article, the term “charter” means a document adopted pursuant to a municipality's home rule powers.

Municipalities are not required to have a home rule charter, nor do many need one. However, the transfer of legislative authority from town voters (town meeting) to an elected body of representatives (council/select board)

EO101

“An Elected Official's Survival Guide.” In this series MMA staff will provide the advice, tips and tools elected officials need to fulfill their roles and to be prepared for the challenges that await.

may only be accomplished by charter.

Ordinances: “Ordinance” is the term used to describe a specific legislative action taken by the municipality’s legislative body. Municipalities (except plantations) have home rule authority to adopt any ordinance not preempted by state law.

As a legislative function, home rule ordinance authority must be exercised by the municipality’s legislative body. Unlike charters, ordinances cannot change the governmental structure of the municipality by delegating legislative powers from the legislative body.

Powers of Municipal Government

Municipal government, like its federal and state counterparts, must be structured to accomplish some basic legislative, executive and judicial functions.

Legislative functions: A municipal government expresses the will of the people through the legislative process. Legislative functions include electing officers, adopting budgets, and enacting legislation (ordinances). Legislative functions are primarily performed by the legislative body. (Note, however, some Maine statutes place exclusive authority over certain legislative actions with the municipal officers – examples include adopting ordinances regulating vehicles, public ways, and the general assistance program).

Executive functions: Municipal government must “execute” the will of the people as expressed legislatively. Executive functions primarily rest with the municipal officers (although some functions may be delegated in towns with a manager). Executive functions can be broadly grouped into the following categories:

1. **Finance** – budgeting, payroll, purchasing, investments, assessment, and commitment of property taxes.

2. **Public health/safety/welfare** – administering general assistance, public safety systems (police, fire, solid waste), and certain licensing or permitting procedures.
3. **Public property/personnel** – managing roads, town buildings, parks, equipment, property, and personnel.
4. **Contracts, interlocal/public relations** – interacting with contractors, other municipal/state/federal government entities, businesses, media, litigation, and the public.

Judicial function: Municipal government must also develop a process to settle disputes arising as laws are enforced. There is no municipal court system in Maine, so the municipal judicial function involves “quasi-judicial” proceedings commonly arising for municipal officers in personnel matters (evaluating/disciplining/firing employees), licensing and permitting processes prescribed by statute (junkyard permits, concealed weapon permits), and appeals if they act as an appeals board. Quasi-judicial functions are also performed by officials, boards, and committees with licensing and permitting authority (planning boards, boards of appeals, code enforcement officers).

Forms of Municipal Government

To carry out these powers, municipal governments in Maine generally take one of five basic forms:

Town Meeting/Select Board: Often considered the “purest” form of democracy, the town meeting/select board form of government has served towns throughout New England for over 300 years. Even now, town meeting/select board remains the form of government in nearly half of Maine’s municipalities.

The key to this form of local government is the annual town meeting where residents gather in

one place to decide important local issues, elect officials, and adopt a budget. The issues subject to vote at town meeting are limited to those listed as articles on the posted town meeting warrant, which also specifies the date and time of the meeting. Some towns have incorporated referendum-style voting (secret ballot), which is also considered a town meeting although voting occurs at the polls.

The town meeting performs the legislative function of local government; it enacts ordinances, approves a budget, decides the amount of property taxes to be raised, and elects town officials. The select board performs the municipality's executive functions by carrying out decisions made by the town meeting. Particularly in small towns, the select board responsibilities often include acting as a board of road commissioners, assessors, and overseers.

Town Meeting /Select Board/Town Manager: As towns grow, it may become necessary to hire a full-time manager to help adminis-

ter daily operations. Maine statute contains a standardized "manager plan" for this purpose, which any municipality may adopt through a simple town meeting warrant article.

Under the statutory manager plan (30-A M.R.S. §§ 2631-2639), many of the town's administrative operations are transferred to the town manager. The manager appoints most municipal employees; prepares a draft budget for the select board's review and submission to town meeting; and administers the budget, with select board oversight, following town meeting approval.

Towns transitioning to a town manager form of government are not limited to the statutory town manager plan – they also have home rule authority to adopt any form of government by charter, including one employing a manager. Thus, a town has the option of setting forth its own list of duties and responsibilities for the manager in a charter.

In a town meeting/select board/manager



MAINE
START

offered through



MainePERS
PUBLIC EMPLOYEES RETIREMENT SYSTEM

a long-trusted partner for public employee pension plans

MaineSTART provides a high-quality tax-advantaged retirement savings program:

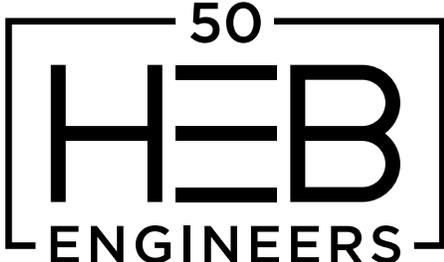
- ✓ With defined contribution plan options for public employers looking to expand or update their employee benefit packages to **increase retention and improve recruitment**
- ✓ With **easy low-cost investment options** for employees
- ✓ Open to most public entities, including **school districts, municipalities, and counties**

To find out more about offering this benefit to your employees contact:

Gary Emery at gary.emery@mainepers.org or 207-512-3116.

WE CHECK ALL YOUR BOXES

- ✓ Grant Administration Assistance
- ✓ Land Surveying
- ✓ Transportation Engineering
- ✓ Structural Engineering
- ✓ Environmental Compliance
- ✓ Construction Administration



50

HEB

ENGINEERS

form of government the town meeting continues as the legislative body. The select board is the executive body, but the manager acts as chief administrator by supervising daily operations. There are many variations of this form of government within Maine communities. Towns have considerable flexibility in determining which offices will be supervised or headed by the town manager, and which offices will be elected at town meeting.

Town Meeting/Council/Manager: In this form of government, some legislative functions are exercised by the town meeting and some by a council (or select board). A charter is necessary to transfer legislative powers wholly or partially to a council/select board.

Typically, in this form of government, legislative functions regarding the budget are reserved to town meeting, with the council and manager performing executive and administrative functions. The council usually also exercises legislative functions regarding ordinances, property conveyance, and contracting.

Council/Manager: Under this variation, the town meeting is eliminated entirely. A home rule charter is required to adopt a “pure” council/manager form of government.

In this form of government, the council is an elected body that serves as both the legislative and executive branches of the municipality. The council sets policies that govern the community and hires a manager to implement those policies. The councilors are answerable to the people who elect them; the appointed manager is answerable to the council.

Council/Mayor/Manager: In several of Maine’s council/manager communities, a mayor is elected directly by the voters to be the council’s presiding officer. Mayors can simply serve a ceremonial role representing

the council in certain situations, or they can be delegated more administrative powers (referred to as a “strong mayor”). Although this “strong mayor” form of government is common outside of Maine, only a few Maine cities have a “strong mayor.”

Variety within Local Government Forms

Identifying the form of local government is only the first step in understanding specific municipal officer responsibilities. It is important to keep in mind that there is significant variation within these five basic government forms. Each of the approximately 80 municipal charters adopted by Maine municipalities are unique, as are the array of local ordinances each of Maine’s almost 500 municipalities have chosen to enact. Therefore, another crucial task newly elected municipal officers must tackle is learning and understanding the local authorities specific to the community they were elected to serve.

Reading your local charter, if your municipality has one, and your locally enacted ordinances, is key to fully understanding your role as a municipal officer in your community. And if municipal officers from member municipalities seek assistance with charter or ordinance interpretation, MMA Legal Services is always happy to help. 🏡

Did You Know MMA Offers Elected Officials Training?

Taught by MMA Legal Services attorneys and Advocacy staff, the “Elected Officials Workshop” is a great resource for newly elected officials wishing to learn more about their roles and responsibilities, as well as for seasoned officials looking for a refresher course. It also qualifies as a Freedom of Access Act certified training, which is required by law for many municipal officials. The training is offered in person and via Zoom several times annually. A recording of the latest training is also available for purchase in the MMA video training library. For more information, see the “Training” tab on the MMA website (www.memun.org).

LOCAL GOVERNMENT TERMINOLOGY



What is a “Municipality?”

Municipalities are local government entities created by “private and special laws” (or acts of incorporation) of the Maine State Legislature. Through such laws, municipalities (i.e., cities and towns) become separate legal entities and political subdivisions of the state. As creations of the state, municipalities have no inherent authority or responsibility, but instead derive their powers from the state, which is the “sovereign” power.

What is a “Municipal Officer?”

The term “municipal officer” refers specifically to a select board or council member of a town or city, or a plantation assessor. They are the chief executive officers of the local government entity. It should not be confused with the term “municipal official,” which refers to any elected or appointed member of the municipal government (i.e., town clerk, tax collector, treasurer, road commissioner, animal control officer, code enforcement officer, etc.). “Municipal officers” are a subset of a larger group of “municipal officials.” For more on this topic, see “Municipal Officer v. Official,” “Legal Notes,” *Maine Townsman*, September/October 2014.

What is a “Plantation?”

Plantations are another type of organized local government in Maine, usually created under the general law provisions of 30-A M.R.S. §§ 7001-7010 rather than by private and special legislation enacted by the Maine State Legislature. Historically, the plantation form of government organization was intended to be temporary to help communities transition from an unincorporated township to an incorporated town. However, this form of government persists in a number of Maine’s communities today. Plantations are not “municipalities” as defined in 30-A

M.R.S. § 2001, and therefore do not possess home rule authority; they may not establish a charter and may not adopt an ordinance unless the ordinance is specifically authorized by a state statute. For more on this topic, see the “Plantation Terminology,” Legal Note at the end of this issue of *Maine Town & City*.

Is a “Town Administrator” the same as a “Town Manager?”

There is no state statute providing for a town administrator or an administrative assistant (“AA”); rather, these positions are established and defined under the municipality’s home rule authority. Some town AAs simply act as support staff for the select board. However, AAs in some municipalities that have established the position through charter or ordinance function like a traditional town manager. In practice, this means that the responsibilities and duties of AAs vary from town to town, depending on the unique authority provided them by the select board or town meeting through a job description or ordinance. For more on the difference between town AAs and managers, see “‘Town Administrator:’ What’s in a Title?” Legal Note, *Maine Town & City*, January 2024; “‘Town Manager’ – Not Just a Title,” Legal Note, *Maine Town & City*, December 2023.

MMA Legal Services Resources

This article only scratches the surface of the intricacies of municipal government and municipal officer responsibilities. A wealth of additional information about numerous municipal government topics is available to our members through MMA Legal Services resources, which have been highlighted in certain sections of this article and are available online in the “Legal” tab of the MMA website (www.memun.org).



LEADING THE WAY



Paving Solutions



Snow Removal



Equipment Rentals



Waste Handling



Generator Rentals



Backup Power

THE ONE SOURCE FOR PROVIDING CONSTRUCTION AND POWER EQUIPMENT TO MAINE'S CITIES, TOWNS, AND COUNTIES

Brewer, ME
79 Robertson Boulevard
(207) 989-1890

Scarborough, ME
16 Pleasant Hill Road
(207) 883-9586

Milton



miltoncat.com

As a sampling, here are some suggestions for further reading:

Manuals – MMA Legal Services has 16 manuals, available in printed form for purchase, or for free online for members. The following are some Manual titles that provide in depth discussion of topics relevant to municipal officer duties and responsibilities.

- Municipal Officers Manual
- Town Meeting & Elections Manual
- Municipal Assessment Manual
- Municipal Roads Manual
- General Assistance Manual

Information Packets - Information Packets provide legal overview and analysis of many topics that impact municipalities. In addition to a comprehensive overview of the topic, each Information Packet includes links to relevant statutes and state and federal resources, and many also include relevant sample forms and ordinances. Here are a few Information Packet topics that may be of particular interest to municipal officers:

- Charters, Municipal
- Dangerous Buildings
- Ethics & Conflicts of Interest
- Junkyards, Automobile Graveyards, Automobile Recycling Businesses
- Local Liquor Option
- Municipal Services, Required
- Ordinance Enactment
- Poverty Abatements
- Right to Know Law
- Road Weight Limits
- Tax Acquired Property
- Town Manager Plan

Legal Notes - MMA Legal Services publishes a "Legal Notes" column each month in MMA's *Maine Town & City* magazine. Legal Notes provide concise legal analysis and updates on hundreds of common issues facing municipal officials, new laws, court decisions and frequently asked questions. The Legal Note online archive dates back to 1990 and is term searchable. Here are a few examples of Legal Notes relevant to the topics in this article:

- "Are Charters Required?" May 2014
- "Why a Charter?" November 2022.
- "Municipal Officer v. Official" September/October 2014
- "Plantation Terminology," February 2024
- "'Town Administrator:' What's in a Title," January 2024
- "'Town Manager' – Not Just a Title," December 2023
- "Municipal Home Rule Power: Statutory Preemptions (1 of 2)," April 2021
- "Municipal Home Rule Power: Statutory Preemptions (2 of 2)," May 2021
- "Referendum-style Town Meetings: Is it a Fad or a Trend?" May 2005
- "All-Referendum Voting," January 2006
- "Ethics for Elected Officials," *Maine Townsman*, May 2007
- "Ethics for Quasi-Judicial Boards," *Maine Townsman*, May 2007

Direct services – Our municipal members are also welcome to call or email MMA Legal Services attorneys at any time with questions. For more guidance on MMA Legal Services Opinions, please see the article on the subject in the "Legal Notes" section at the end of this issue of *Maine Town & City*.

MAINE MUNICIPAL BOND BANK

2024 SPRING BOND ISSUE SCHEDULE

Capital financing through the Bond Bank's General Bond Resolution Program allows borrowers to take advantage of the Bond Bank's high investment grade rating, low interest rates and reduced issuance and post issuance costs. Traditionally twice a year, in the spring and fall, the Bond Bank will consolidate eligible applicants and engage in a bond sale. From application to receipt of funds the bond issuance process usually lasts four months. Below is the schedule for the Bond Bank's Spring Issue.

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

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

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

May						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	19	30	31	

Wednesday, February 7th - Application Deadline

Wednesday, March 13th - Application Approval (MMBB Board Meeting)

Monday, April 8th - Preliminary opinions and loan agreements due from bond counsel of each borrower

Wednesday, April 10th - Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of April 22nd - Maine Municipal Bond Bank Pricing

Monday, May 13th - Final documents due from bond counsel

Wednesday, May 22nd - Pre-closing

Thursday, May 23rd - Closing - Bond proceeds available

If you would like to participate in or have any questions regarding the 2024 Spring Bond Issue, please contact Toni Reed at treed@mmbb.com or (207)622-9386 ext. 213.



Gran: From the golf course to the town office

By Liz Mockler

Jacob Gran was on the first tee when lightning struck. Not from the sky, but from his golfing partner, former Winterport Town Manager Phil Pitula, who had a job opening he urged Gran to apply for. Seven years later, he was chosen as town manager of the Town of Pittsfield – at the age of 26.

Gran, now 27, grew up in Winterport and graduated from Hampden Academy. He was working as a server at Applebee’s when Pitula urged him to apply for the deputy town clerk’s job. He held that job for four years before taking the town clerk’s job in Bucksport. He began his new job as Pittsfield manager in late September.

From the start, Gran knew he wanted to earn his way to a manager’s job. In Bucksport, Town Manager Susan Lessard helped make that happen. Gran credits her mentorship and support as pivotal to building his career.

“She asked me where I saw myself in five years and I said my end goal was municipal management,” Gran said. “... she did whatever she could to support my career goals. Without that support, I don’t think I would be in this position today.”

Gran, who did not attend college (“not a second of it”) said he brings a different outlook to the Pittsfield job as one of the youngest managers in Maine.

“I think that being young definitely brings a different perspective,” he said. “I see things from a different lens.”

Gran talks about his goals as manager, how he plans to handle budgeting and his intention to keep his door open to residents and town staff alike.

Q What inspired you to pursue a career in local government?

When I graduated from high school, I certainly wasn’t planning on spending my career working in local government. I don’t think there are too many young adults

who dream of being a code enforcement officer, a town clerk, an assessor, or a town manager when they “grow up.” However, when I was 19, I was standing on the first tee of our local golf course with Winterport’s town manager. He explained that he had an opening for a deputy town clerk in the town office and felt that I would be a good fit. Several days later he offered me the job – and the rest is history!

Q What are some things you learned as a town clerk that will help you in your new position?

Being a town clerk taught me about the day-to-day operations of a town office. A manager must have the desire and ability to step out on the front lines to assist staff in times of need – especially in smaller communities. They must know the nuts and

bolts of municipal office administration to ensure that the organization is operating productively and efficiently. Furthermore, it taught me how to foster positive working relationships with staff, residents, and elected officials. The town clerk is generally the “pillar” of their community – the one people turn to when they need information or assistance. I found great joy in working closely with Bucksport’s staff and Town Council and made it a priority to gain the trust of the community after the retirement of their long-time town clerk.

Q What’s the first thing you did as Pittsfield’s new manager?

One of my priorities early on has been working to improve our operations. Incorporating technology, improving record management, and cross-training staff have all been areas that we have addressed.

Q What are your early goals for the town?

Pittsfield’s Main Street is in need of revitalization. We have a Planning Partnership Initiative project in the works that I hope will gain some momentum in



Jacob Gran

About the Author: Liz Mockler is a freelance writer from Newport and regular contributor to Maine Town & City, lizmockler@hotmail.com.

2024. Another goal is evaluating our wages, benefits, and other personnel areas to make sure that we are competitive with our neighboring communities.

Q What is your philosophy on town management?

I believe that the elected officials should determine the “big picture.” In other words, they set the vision for the community. My job is to take that vision – regardless of whether I agree with it or not – and make it work.

Q Have you encountered anything you didn't expect as you get settled in?

I underestimated how much of this job is people management. Whether it's working with department heads to address staff related matters, helping to resolve code enforcement issues with property owners, or listening to concerns from residents, I sometimes feel that “peacekeeper” might be a more appropriate job title!

Q What is your communication style?

I make an effort to be approachable and feel that it's important that staff feel comfortable coming to me when they make a mistake, have a problem, etc. I am not afraid to share my thoughts and opinions but

strive to always do so respectfully and politely. I find great value in hearing a number of different perspectives in an effort to gain a better understanding of the topic at hand.

Q How do you plan to interact with town residents?

I manage with an open door. Residents have been pleasantly surprised to learn that they can come into the office, sit down, and have a face-to-face conversation with the manager. I look forward to interacting with residents further at some of the community events that our police department holds throughout the year.

Q How do you approach budgeting and municipal finances?

My approach is to distribute the information in an as easy-to-understand way as possible. The council is very involved in the budget process here, and understanding the impact to the bottom line is a high priority to them. Knowing this, I created a spreadsheet that adjusted the municipal portion of the mil rate each time a change was made to a line item in the budget. Having a greater awareness of the impact that those changes made sparked good discussion and made for a smooth budget process. 🏡



Maine lawyers working with Maine municipalities.

With over 65 years experience, it's no wonder that municipalities, counties and school districts across Maine depend on the knowledge of Jensen Baird.

We are your trusted source in providing solutions to a broad range of issues.

With prompt, practical and cost-effective guidance, our lawyers are regularly recognized as among *The Best Lawyers in America*.

At Jensen Baird, our commitment is to you.



Portland • 207-775-7271 • jensenbaird.com

The Benefits of Regionalization

Local governments are pooling resources to ensure key municipal services are provided.

By Janine Pineo

Local, county, and regional officials are finding ways to regionalize various municipal roles as municipalities seek solutions to staffing issues.

Long before the 2020 COVID-19 pandemic started, Maine already had the oldest median age in the nation. Coupling the inevitable retirements with today's tight job market means it can be difficult to find people to fill municipal positions.

Other hurdles are that municipalities often cannot afford to compete with wages or benefits that private businesses can offer, and that the role might be only a few hours per week but is state-mandated to be filled. It also may be a job that requires formal training and licensing.

Regionalization has long been a way for municipalities to share costs; regional transfer stations, for example, are a staple across the state. *Maine Town & City* looks at three new regionalization efforts—from police chief to animal control officer to code enforcement officers—and how they came about.

Two Towns, One Police Chief

Monmouth and Winthrop both fund police departments, and as of July 1 of last year, the two towns share a police chief, longtime law enforcement officer, Paul Ferland.

"The key to all this was having the right person step into this role," said Anthony Wilson, Winthrop town manager. "There's no doubt he was the right person at the right time."

Ferland has been in law enforcement since the early 1980s, starting his career in Winslow before moving to the Kennebec County Sheriff's Office and "kind of worked my way up through the ranks," Ferland said. He left for a private industry job for six years, but in 2007 he joined the Winthrop police force, leaving as sergeant in 2021 to



Justin Poirier



Paul Ferland

become Monmouth's police chief.

"When Winthrop's chief retired, Chief Ferland served as the interim chief in Winthrop and then the conversation naturally occurred that we might share a chief," said Justin Poirier, Monmouth town manager.

The groundwork for the collaboration was laid over years, particularly between Ferland and Winthrop's former police chief, Ryan Frost, who did a lot of the leg work, according to Wilson.

In the first few months of his employment in Monmouth, Ferland tackled changing the radio and records management systems, which were entirely different from Winthrop's and "one of my pet peeves," Ferland said.

Having neighboring towns on different systems made it difficult for dispatchers who had to be trained on two systems, Ferland said, calling it "problematic and cumbersome to say the least."

The switch of the records system was no easy task, Ferland said, but worth it. "It makes the dispatch system so much easier," he said.

Poirier said Monmouth still would have considered the collaboration but having the software, systems and equipment compatible helped. Ferland, he said, "has been a steadfast advocate for upgrading equipment and standardizing the town's cruisers and police equipment to ensure officer safety."

About the Author: Janine Pineo is a freelance writer from Hudson and regular contributor to *Maine Town & City*, jepineo@gmail.com.

The negotiations for the formal arrangement last summer were “very straightforward,” Poirier said.

The municipalities settled on a 60-40 split: Winthrop has a population of just over 6,000 while Monmouth’s population is just over 4,000. Ferland’s time and salary were split accordingly.

Poirier said a salary of \$100,000 was decided, which actually saved both communities money. Monmouth and Winthrop had been paying their individual police chiefs’ salaries of more than \$70,000 a year.

Other details include that Ferland is officially an employee of Monmouth and his services are contracted out to Winthrop. He oversees 10 full-time officers in Winthrop and five full-time in Monmouth with a couple of reserves. He has a vehicle in Winthrop, and Monmouth pays on that.

Ferland said he can do the work from one office most of the time and got approval to promote a lieutenant in Monmouth to help with administrative work, something already in place in Winthrop.

“It’s playing out very well,” Ferland said. “I’ve got real good support from my town managers.”

Both Wilson and Poirier agree the plan has worked well.

“Monmouth is very happy with the arrangement,” Poirier said. “We are actively looking for additional ways our two communities can work together.”

“It opens eyes to new possibilities,” Wilson said.

A County Animal Control Officer

Ten Hancock County towns now contract with the county for their animal control officer (ACO), a position

that many municipalities struggle to fill because of its nature and part-time hours.

One of the towns, Lamoine, had its ACO resign, said Stu Marckoon, administrative assistant to the Lamoine Select Board, with “nobody waiting in the wings to take it.”

It fell to him to fill the role.

“There was incentive to do this,” he said with a laugh.

Marckoon then reached out to other municipalities and held Zoom meetings to discuss how to tackle what is a common problem, particularly for smaller communities.

Michael Crooker, Hancock County administrator, said the commissioners had been hearing from selectpersons, town councilors and municipal managers about the difficulties in not only hiring but retaining an ACO. The county’s Unorganized Territory manager, Millard Billings, did the initial leg work on what it would take for the county to develop a regional ACO program, contacting other counties that had developed one, including Penobscot County which had recently started its own program.

After getting the go-ahead from the commissioners, Crooker said he and Billings then reached out to municipalities to gauge the interest, with 13 signaling their interest in a possible contract.

“We collected all call data and reports from them to try to estimate what the yearly call volume might be for a regional ACO,” he said. “We also asked for input on the type of services that each community would like the ACO to offer.”

That work was used to develop the job description.



Michael A. Hodgins
Land Use and Zoning Attorney

Mike represents towns in contract disputes and other general litigation, land use enforcement actions, Rule 80B appeals to Superior Court and he has participated in several appeals to the Law Court. Mike was recently recognized as a Lawyer of the Year by The Best Lawyers in America® for land use and zoning law. Mike has been recognized for his general litigation practice by New England Super Lawyers.

Eaton Peabody
Attorneys at Law

1-800-564-0111 | eatonpeabody.com
Augusta | Bangor | Ellsworth | Portland

Crooker said municipalities were given an opportunity to review the proposed agreements to verify that they reflected the legal basis for the work to be performed.

“We also met as a group to develop a memorandum of understanding that outlined the type of services the ACO would provide, the price for those services and who would be the contact for each municipality,” he said.

Everything came together last spring and the county hired Daniel McKay for the part-time position.

“It happened!” Marckoon said. “It’s going exceedingly well.”

Each of the municipalities pays a base fee of \$2,500. Marckoon likened the amount to a retainer fee, adding that if McKay responds to a call in a town, the town is then billed for time and mileage.

Crooker said the county doesn’t have a limit at the moment for how many municipalities can contract for the regional ACO’s services. Activity is monitored on a monthly basis, with a comprehensive review built in at the end of the year. “This allows us to make changes in the agreements and account for any change in activity,” he said. “He (McKay) could work full time if the activity warranted it. That is a great benefit.”

“I really am thrilled at how this worked out,” Marckoon said.

A Code Enforcement Plan

Six of the state’s nine regional councils have banded together to pursue a grant that would fund a regional code enforcement officer in each of the regions.

“What we really need is some seed money,” said Joel Greenwood, planning director for the Kennebec Valley Council of Governments, which was a driving force in pursuing a FEMA Building Resilient Infrastructure and Communities (BRIC) grant that would allow each regional council to hire a full-time code enforcement officer with funds to be distributed over a three-year period.

Greenwood said helping with code enforcement has been the top answer when communities were queried as to what the regional council could do for them. “We’ve

been aware of it for years,” he said.

The sticking point was always the finances, he said, and getting towns to commit to that. “We couldn’t hire someone ... without getting the financials organized.”

If the seed money is there, Greenwood said, it would create a base. Municipalities would still need to pay for the service even though it is technically funded because that would ensure the continuing service and potentially expand it in the future.

Jay Kamm, senior planner at Northern Maine Development Commission (NMDC), said that the commission is aware of the situation in its region, with a number of retirements and pending retirements driving the need for a solution to a longtime issue.

NMDC covers a huge area of the state – more than 10,000 square miles and more than 90 municipalities – that will present a challenge for a single officer. Kamm said Washington County would be problematic for coverage and said a possible solution would be to have a person for each county.

“My fear is that it gets too big too quick,” he said. “Our goal isn’t to take a job away from someone.”

Kamm said that means guidelines will need to be set, including using a regional officer in towns needing an interim code enforcement officer as they pursue candidates.

The regional councils won’t know until July if they will receive the BRIC grant, which would be awarded to the grantee, the Maine Emergency Management Agency (MEMA), the official applicant on the grant. MEMA would then distribute the funds, which would be available Aug. 1. “We’ve had nothing but positive feedback from MEMA,” Greenwood said.

Greenwood and Kamm both have ideas for regionalization. Greenwood sees a need for collaboration on assessing, engineering, and IT. Kamm would like to see regional code enforcement offices that employ multiple people.

“Money makes things happen,” Greenwood said. 🏔️

PROFESSIONAL DIRECTORY



AndroscogginBank.com



**A. E. HODSDON
ENGINEERS**
10 Common Street
Waterville, ME 04901

www.aehodsdon.com
207-873-5164

**Advertising in the
Professional Directory**
BW: \$550/year 4C: \$825/year
Contact Sue Bourdon:
sbourdon@memun.org

PHOTO CONTEST!

Do you have a creative itch to scratch? Want the quintessential photo of your community enshrined for eternity? More importantly, do you want to prove to “Tom” that your town has the best scenery around?

Well, do I have a deal for you!

MMA is on the hunt for pictures of idyllic Maine spring, summer, fall and winter scenes, photos taken at community events, and snapshots of the unique and quirky features or locations in your towns and cities. The winning photos, 52 in all, will be printed on a deck of playing cards and distributed to attendees at the 2024 MMA Annual Convention.

All communities contributing photos will be entered into a drawing for a two-day pass to the MMA Annual Convention, but more importantly, winners will be bestowed with bragging rights. Take that, Tom!

Since a panel of judges will convene in May to select the winning photos, time is of the essence. Get out there and snap photos. Place a communitywide call for contributions in a local newsletter or nonchalantly mention the opportunity at town meeting. Paw through your phones, photo boxes and files. We know you have a winning photo somewhere.

As is the case with any contest, here is the fine print:

- Photos must be submitted to Sue Bourdon at sbourdon@memun.org no later than noon, on Monday, April 1, 2024. No joke!
- Despite the encouragement to sort through boxes and files, photos must be submitted in an electronic format, jpg preferred.
- Photos do not have to be taken by a municipal employee, however, once submitted, MMA will retain the right to reprint the photo. Remuneration will not be provided to the submitting community or the photographer.
- Finally, the submission must include a description of the photo and an explanation of its significance to your community, region, or State.

If you have any questions about the contest, please do not hesitate to contact Kate Dufour at kdufour@memun.org or 1-800-452-8786.

**YOUR
LEGAL
ANCHORS**
in **MAINE'S
MUNICIPAL
WATERS**

RUDMAN • WINCHELL

COUNSELORS AT LAW

Discover the intersection of Maine's charm
and legal excellence with us.

We serve as your compass in navigating municipal affairs.



84 Harlow Street, Bangor • 140 High Street, Ellsworth • (207) 947-4501 • rudmanwinchell.com

Preparing for the Unexpected

Lessons learned in the aftermath of a mass shooting. Adapted from an interview with Heather Hunter, Lewiston City Administrator.

By Colleen Hennessy

In her thirty-four years with the City of Lewiston, Heather Hunter had dealt with most crises in the municipal handbook before October 25, 2023. But as news of the mass shooting broke, it became clear her city, and so her job, were now going to be irrevocably different. Hunter recounts, “I was at MMA for a Health Trust meeting, then back at the office. I had just gotten home and started making dinner when the calls and texts started coming in and like most, I was in shock that it was happening - our community, our home.” But unlike most of us in Maine, Hunter had to begin official communications and responses and so initiated a communication chain between elected officials, the school superintendent, Bates College, and the City’s marketing and communications director.

Communication and community networks would be key to her response and role over the next few days as law enforcement investigated the crime and tried to ensure public safety, despite the chaos and trauma created by the still-at-large shooter.

Wearing her administrator’s hat, Hunter, and her team, kept communications frequent throughout the crisis, especially with employees. Staff reactions were as expected under the circumstances. Many either knew someone directly impacted or were close to someone impacted by the violence since it can seem like everyone is related in Maine’s towns and cities, or even the state at times. Hunter remembers that “the first management team meeting was tough, but to see the support for each other was also amazing.” As soon as city buildings reopened, Hunter scheduled several sessions with counselors and therapy animals throughout municipal buildings and has had repeated sessions for staff. The frequent communication, including with union leadership, helped employees feel informed and cared for in the traumatic aftermath of the shooting. The Humane Society offered a kitty and puppy



Heather Hunter

hug event right before the holidays and Hunter said this was a welcome event for her staff, and indeed for the Humane Society because some animals were adopted.

One of the unique challenges was ensuring communications with the deaf community impacted by the shooting was timely and so Hunter used her connections in the city to secure interpreters for press conferences through one of her city councilors. Because she had served on a committee with the CEO of Tri-county Mental Health, she also knew to ask her

for early assistance with sourcing counselors to provide services to those convening at the community center which included therapy animals. Shanna Cox, CEO of the Lewiston Auburn Chamber of Commerce, jumped in with both feet and helped Heather with communications and donations, the foundation, and the vigil planning.

The flood of emails was unbelievable and could have easily become overwhelming since Hunter reports averaging about 400-500 per day (just related to this event) from the outside. Being a natural organizer, and experienced with public administration, especially financial, she knew these messages would need to be revisited and accessible in the coming days, weeks, and months and so she created separate email folders to track information like offers of support, information on business needs and responses, the Community Resiliency Center details, donations and events being planned, mass shooting reports and white papers, and services available to the city; and of course, the press.

It became clear that the city needed a community response center independent of the victims and families’ reunification center and that managing press was going to be a challenge. Hunter’s advice for municipalities facing crises attracting national and international attention is to figuratively and literally draw a line in the sand - first by setting ground rules for media interaction and second, using an actual line or stanchion to make a visible boundary between the press and staff. These communication plans can and should be created now in Hunter’s

Colleen Hennessy is a freelance writer and a former employee of the City of Portland from 2016-2017. She is a regular contributor to *Maine Town & City*, info@colleenhennessy.com

opinion “so you are ready if, heaven forbid, it happens in your community.”

While offers of assistance did come in from Maine towns and cities, and indeed nationally, the story the City Administrator shares most is about Illinois. During their July 4th Parade in 2022, a sniper opened fire in Highland Park. The City Manager, Ghida Neukirch, emailed Hunter just before 11p.m. on the night of the Lewiston shooting. She sent her cell number and asked how she was doing. Since Hunter wasn't sleeping that night, she began replying to people and thanked Neukirch around 3 a.m. Neukirch wrote back and offered to talk since she was also awake. The two women, now part of a growing group of municipalities impacted by mass shootings, discussed the first steps Lewiston would need to take. Being a relatively new city administrator, Hunter appreciated the reassurance that they were covering the items Neukirch suggested, and the opportunity to speak to someone who understood her current situation. “I would offer that same support to the next community that has to go through something like this,” she says now.

Many of Hunter's insights for municipalities are practical. Plan for a community service center so you can continue (or start) to provide basic services like food, shelter, medicine, or general assistance funds in the event of a shelter-in-place order, but with trademark Maine humor, which in the words of Tim Sample generally conveys “irony

in the face of adversity.” Hunter also wishes she'd done a little cleaning in the administration suite before dignitaries descended on her office. Because most visiting officials wanted to exit out the backdoor to avoid the press, she offered up an exit through her closet out onto an alley but didn't have time to clean around the door and closet before and now warns, “Yes, that smell could be a dead mouse in your office.”

The shooting took a short and long-term financial toll on the city and community and wearing her finance director hat next, Hunter immediately requested a separate fund be created to track regular pay, overtime, and out of pocket expenses, and she contacted Androscoggin Bank early on October 26 to create an account for family and victim donations independent of the city. The overtime incurred to respond, investigate, and search for the individual is something that no one funding source is willing to assist with and the \$400,000 figure is enormous when already dealing with a tight budget given Lewiston's current general assistance spending. Being self-insured for workers' compensation is another worry as employees are still processing the tragedy.

The city used local grant funds to offer immediate relief to businesses, particularly in the hospitality industry, as shelter-in-place orders and understandable safety concerns kept consumers at home. Additional State funding and donations funneled through the Chamber provided a

Save The Date!!!



29th Annual



Maine Recycling and Solid Waste Conference & Trade Show

Brought to you by MRRA at

Samoset Resort  *Rockport, ME*
April 29 - 30, 2024



Specializing In The
UNIQUE NEEDS
OF MAINE MUNICIPALITIES

- ✓ 100% financing for Maine municipalities
- ✓ Fixed-rate leasing programs for new or used equipment
- ✓ A streamlined application process—you'll be up and running in no time
- ✓ Plus, a full suite of cash management products catered to municipalities

That's the power of local banking. That's banking you can believe in.

(207) 222-1498 | rproctor@gorhamsavings.bank



Gorham Leasing Group

Gorham Savings Bank Leasing Group, LLC is an affiliate of Gorham Savings Bank

Member FDIC  Equal Housing Lender

small round of immediate funding relief to members, followed by a larger more regulated allocation.

There are a variety of initiatives supporting the victims and families, including donations, events to honor their loved ones, and support services at the Maine Resiliency Center, managed by Community Concepts. Most of the funding paths are managed and monitored closely by Victims First, a network of survivors and supporters of mass casualty events aimed at preventing revictimization associated with the lack of coordinated response and recovery efforts. As a result, to help protect the privacy of grieving families Hunter and her staff had to learn how to navigate the language and process of serving victims.

Moving Forward

Lewiston is still in the process of moving forward and turning the corner. Within a week, the city hosted President and First Lady Biden. Their empathy, not only for the victims and families, but to the community, hospital staff, and first responders was so genuine and heartfelt that Heather Hunter paid that empathy forward with the creation of the Act of Kindness and Gratitude Day.

The Maine Resiliency Center, which opened in November, offers a variety of support services, including remote communication to assist people where they are. It took one couple three weeks and a series of remote conversations before they attended one of the in-person group sessions. The City of Lewiston hosted their annual holiday event the first weekend in December with some trepidation but were happily surprised that attendance far exceeded the previous year's event. Comments included, "We were so afraid you were going to cancel this, and we need this, the community needed this." Everyone is and will continue to process this in their own way and the outpouring of national and international support has come in the form of emails, events, visits, and even 1,000 origami cranes, poems, music, silver and copper pins, and an abundance of food.

Looking ahead, the City is working with an educational think-tank to collect data on the long-term financial need for services. They are continuing to assist city businesses by leveraging funds to target marketing and collecting capital funding for a remembrance park to memorialize the lives lost and Hunter hopes to receive state funding for an impactful community-project or even a facility. The City of Buffalo received state funds, and then \$5 million in federal funds, targeted at preventing gun violence, in the aftermath of the 2022 shooting there. Although Hunter wishes she was not part of a group of city officials experienced in navigating the effects of mass shootings, she and her staff are grateful for the teamwork, collaboration, and caring that have guided them in the months since October 25th and glad to share their experience with the municipal leaders. 🏡

FOLLOW US!



www.memun.org



www.facebook.com/MaineMunicipal



@Maine_Municipal



@memun_advocacy

**Unexpectedly
Loyal. Friendly.
Flexible.
Passionate.
Human.**

Bank how you want to—online,
in the TD Bank app or in person.
Connect your way today.
Visit tdbank.com



America's Most Convenient Bank®

Member FDIC, TD Bank, N.A.

**SOLUTIONS
SOLUTIONS
SOLUTIONS
SOLUTIONS**



civil & environmental engineering
www.underwoodengineers.com

Cory Alley, Islesford lobsterman and chair of the Cranberry Isles Select Board, died after collapsing in his outboard while heading to his lobster boat on January 5. Aside from chairing the Cranberry Isles selectboard, he also plowed roads for the town and operated a lot of the town's equipment. Islesford's first responders tried to resuscitate him as another boat captain took him to the Coast Guard Station in Southwest Harbor, but efforts were unsuccessful. He was 50. Alley leaves behind his wife, Cari, the town's health officer and a member of the school committee, as well as four children. Alley was in the third year of his second three-year term on the select board. His seat will be filled by voters at the March 16 town meeting.



Kevin Howell

Carmel Town Manager **Kevin Howell** died January 26 after falling through ice near his home. He was 51. Howell and his 4-year-old son were walking at about 6:30 a.m. when they crossed a section of Etna Pond and fell through the ice. Howell lifted his son back up onto the ice and sent him to get his mother, about a third of mile away. When Howell's wife tried to save him, she also fell through the ice. A nearby sheriff's deputy, **Jordan Norton**, heard the 911 call and rushed to the site. He rescued Mrs. Howell but could not find Mr. Howell. Divers recovered his body at about 2 p.m. Howell was a member of the Maine Municipal Association's Legislative Policy Committee and served as MMA's Representative to the Blue Ribbon Commission to Study Emergency Medical Services in Maine.



Brian Longstaff

Scarborough Zoning Administrator **Brian Longstaff** has been named Code Officer of the Year by the Maine Building Officials and Inspectors Association. Longstaff has 20 years of experience in the field, the last 10 with Scarborough. Longstaff is also one of the town's code enforcement officers, licensed plumbing inspector and holds the credentials of Certified Financial Manager.

Former Manchester Selectperson **Doug Ide** died on December 20 at the age of 56. Ide was active in the Manchester community for decades, serving on the

select board, a founding member of the conservation commission and organizer of the Reggae Fest and Apple Festival. He spent much of his spare time either building or maintaining a popular forest trail system. Ide also worked as Hallowell's code enforcement officer.



Peter McHugh

The Town of Falmouth finance department has been awarded a Certificate of Achievement for Excellence in Financial Reporting, the highest award bestowed by the national Government Finance Officers Association (GFOA). The department, and Director **Peter McHugh**, were recognized for the financial report for fiscal year 2023. The GFOA, founded in 1945, helps state and municipal government exceed the minimum standards in finance and accounting. McHugh came from the private sector 10 years ago to take the Falmouth finance job. Falmouth has earned the award for 30 straight years.



Walt McKee

Attorney **Walt McKee** has been appointed to the Hallowell City Council until the June election, replacing Peter Spiegel, who resigned in November. McKee has served on many city committees but has never run for elected office. He said he plans to seek the at-large seat for a full term in June. McKee has served five years as chairman of the Hallowell Ethics Commission and presently serves on the Board of Appeals and on the Tree Board. He recently finished a stint on the Augusta Historic District Review Board. McKee also serves on the boards of the Maine Association of Criminal Defense Attorneys and the Maine Trial Lawyers Association.

Dawn Noyes resigned as Paris town manager in late December. She worked first as a bookkeeper for the town starting in 2017. She served for seven months as interim manager before being named to the position permanently on July 1, 2019. Town Clerk Elizabeth Knox is serving as interim manager.

Erica Pelletier became Aroostook County's first female chief deputy sheriff in January, working her way up to the second-in-command after joining the department in 2014 as a patrol deputy. Pelletier earned a bachelor's

degree in criminal justice from the University of Maine at Fort Kent, where she earned the criminal justice award for her grade point average and interest in the field. Pelletier worked as a summer reserve officer for the town of Kennebunkport and a patrol officer for the Houlton Police Department before joining the sheriff's department.

Todd Pineo has been named Norridgewock fire chief and **Daryl Wyman** is the new deputy chief who will fill the newly-created job of administrator. Both positions are part-time. Pineo has been a town firefighter for nearly 30 years, while Wyman has served on the call force for more than 20 years and is a full-time firefighter for the Skowhegan Fire Department. The two men will replace **David Jones**, who retired in November. The fire department covers Norridgewock and Mercer.

Lewiston Mayor **Carl Sheline** won reelection to a three-year term after ranked choice voting totals gave him the win over challenger and former state legislator Jon Connor by 122 votes. Sheline had received 45% of the vote in the November election,



Divine Selengbe

short 5% and one vote to secure a first-round win. Meanwhile, **Divine Selengbe** has been named the city's diversity, equity, and inclusion specialist, replacing **Melissa Hue**. A native of the Democratic Republic of Congo, Selengbe grew up in Lewiston, living in the city for 17 years.

She is a graduate of Thomas College in Waterville, graduating in 2020. Previously, Selengbe worked as a project administrator for an environmental engineering firm, and served with ProsperityME, a Portland nonprofit focused on teaching immigrants financial literacy.

The Clinton Select Board has hired **Daniel Swain** as town manager. He has spent the last 10 years working as Dresden town administrator, while also working part-time in finance for Clinton. He earned a bachelor's degree in history and public administration from the University of Maine at Machias. 🏡

OLVER ASSOCIATES INC.

ENVIRONMENTAL ENGINEERS

- Wastewater Process Engineering
- Stormwater Management
- Treatment Facility Upgrades
- Operations Assistance & Training
- Sewer Infrastructure Design
- Municipal & Civil Engineering

P.O. Box 679

290 Main Street

Winterport, Maine 04496

Telephone: (207) 223-2232 Fax: (207) 223-5448

Communities that **work together**
thrive together.

Providing Maine municipalities the ease of banking and security with personal service and locally made decisions.

To find one of our 16 banking locations, visit [KatahdinTrust.com](https://www.katahdintrust.com)



Community Banking at its Best! Since 1918.

MEMBER FDIC EQUAL HOUSING LENDER

STATEWIDE

Less than a month after a debilitating winter storm, back-to-back rainstorms in mid-January ravaged the Maine coast from Kittery to Eastport. The January 10 and January 13 storms sent inland streams and rivers back to flooding levels in many areas. After getting four inches of rain a month earlier, several more inches fell on already saturated ground, flooding homes and businesses. The rain and wind caused heavy damage to working waterfronts and harbors up and down the coast. Wharfs tumbled into the ocean in many coastal communities. Working waterfronts and beach towns felt the storms' wrath. Historic property and residential homes also took a beating in the coastal storms. Seawalls failed and dunes disappeared. Some coastal homes were completely ruined. The seas were angry as the wind blew up to 70 miles an hour at times during both storms. In Owls Head, for example, a buoy recorded a storm surge of 21.85 feet just after high tide on January 10. In Islesboro, the storm surge was the highest in recent memory, the harbor master reported. The third highest tide ever was recorded in Portland. By the time the second storm thundered through, several landmarks had been damaged as the wind tore up the coast, including Pemaquid Point Lighthouse and Reid State Park. In Acadia National Park, the waves pulled away enough sand to unearth the wreckage of a schooner that lay hidden in the beach for more than 100 years. In South Portland, historic fishing shacks, beloved by visitors and residents, were destroyed, some washing away with the waves. Power was interrupted for customers in many areas, but far short of the number lost in the December storm. As she did in December, Gov. Janet Mills declared a civil emergency, unlocking federal funds for cleanup and repairs. Mills said there would not be enough disaster relief funds to pay for all of the damage.

GREENVILLE

Two nonprofits have purchased 3,000 acres of prime forestland on the east shore of Moosehead Lake, stopping developers in their tracks from chunking up part of the land for eight 40-acre house lots. The Forest Society of Maine and the Friends of Wilson Pond bought the land out from under the developers, per-

manently conserving it as public land. The residents of Greenville raised \$200,000 toward the fundraising goal of \$2.3 million. The land has long been a favorite place for residents and visitors to hike and hunt. A pond where children liked to fish is also part of the property. Fragile habitats for birds and fish, moose, bear, and deer are located throughout the area. The purchase also stops plans to develop housing lots at the edge of the North Woods.

HOULTON

The Aroostook County town of 5,300 will install 50 surveillance cameras at municipal buildings and property, as well as parks and cemeteries, to be monitored by local police. The move is meant to improve protection for the community and puts Houlton among the few Maine municipalities to have community-wide monitoring. Communities as large as Bangor and Portland don't have surveillance cameras for use by police. The town-wide coverage will include all municipal properties, including recreation areas, the airport, and civic center. The \$130,000 investment was funded through the American Rescue Plan Act and approved by the town council.

SOUTH PORTLAND

The public library has launched a new program aimed at helping citizens who are isolated and alone. The first event was called a Conversation with a Cop with city police chief Dan Ahern in early January. The Monday Matinee and More program will feature workshops, presentations, speakers and movies that will connect residents with the city and offer a chance for participants to make new friends and to socialize. Loneliness has been identified by the surgeon general as a crisis that affects people's health, welfare, and quality of life. The South Portland program will be held the first Monday of each month in the afternoons, which allows a greater number of people to participate. The library's effort is being supported by multiple nonprofits, including the South Portland-Cape Elizabeth Rotary Club's Community Grant Program, that have helped set up the program and pay for equipment. A growing number of Maine libraries are sponsoring similar programs for socially isolated residents.



DME Scholarship

The Maine Municipal Association (MMA) is currently accepting applications for the Douglas M. Eugley Memorial Scholarship for Public Service.

The scholarship's namesake dedicated 15 years to MMA as a member of the finance department before quickly succumbing to a cancer diagnosis in 2020. In life, Doug gave back to his community by serving on the Sidney select board for nearly 14 years. After his time on the board, he filled the role of town moderator and served on the appeals board and budget committee, in addition to various other roles. Doug was also very involved in his children's lives, which included coaching youth sports.

In honor of Doug and in recognition of the Association's commitment to supporting the next generation of municipal leaders, the scholarship is designed for Maine high school seniors planning to enter post-secondary education to pursue a career in municipal government or public service.

The 2024 application deadline for five \$1,500 scholarships is April 30.

Any Maine resident, who is a high school senior, and plans to further their education at a community college, trade school or university located in Maine, with the intent of pursuing a career in municipal government or public service is eligible. To apply, a student must complete an application form and submit it along with an essay, video, or a creative presentation about "What Public Service Means to Me," and one letter of reference from a person not related to the applicant. Creativity with presentations is strongly encouraged and can be in any form the candidate chooses, such as a video, PowerPoint presentation, or a story map.

Winners will be selected and notified in May and featured in an article published in a future edition of this magazine. For more information about the scholarship please visit MMA's website at:

<https://www.memun.org/About/Awards> or contact Rebecca Lambert at rlambert@memun.org.

VERONA ISLAND

The state will spend \$2 million to install metal fencing on both sides of the Penobscot Narrows Bridge, which connects the towns of Verona Island and Prospect. Work is expected to begin this spring. A dozen people have leaped to their deaths from the bridge and for years parents of some victims have pushed the state and beseeched the Legislature to approve and fund the project. Some parents believe their children would be alive had a fence been part of the bridge construction, which ended in 2006. In 2015, the state installed suicide hotline phones on both ends of the bridge, but they don't always work. The fencing is modeled after a design used at the Golden Gate Bridge in San Francisco, a project completed over five years given the length of the bridge. Bids will be solicited in March, according to the state. Meanwhile in Augusta, no one has jumped from the Memorial Bridge over the Kennebec River, where fencing was installed when the bridge was built in 1983. 🏔️

SAVE THE DATE!

Municipal Technology Conference

May 22, 2024

Municipal Human Resources & Management Conference

June 12, 2024

MMA's Annual Convention

October 2 & 3, 2024

UPCOMING ARPA DEADLINES

Two notable deadlines are fast approaching for grantees under the American Rescue Plan Act State & Local Fiscal Recovery Fund program (“ARPA” program).

Obligation deadline. ARPA grant funds must be “obligated” by **December 31, 2024**, and most must be expended by December 31, 2026.

Under U.S. Department of Treasury ARPA regulations, “obligated” means “an order placed for property and services and entering into contracts, subawards, and similar transactions that require payment.” 31 C.F.R. § 35.3. Treasury has issued an interim regulation that proposes to add the following sentence to that definition: “An obligation also means a requirement under federal law or regulation or provision of the award terms and conditions to which a recipient becomes subject as a result of receiving or expending funds.” See Obligation Interim Final Rule, 88 F.R.80584 (Nov. 20, 2023) for more details.

In most cases, “obligating” ARPA funds requires more than a mere budget appropriation; instead, a binding obligation such as a contract, purchase order or award letter is needed.

Funds not obligated by December 31, 2024, must be returned to U.S. Treasury.

Annual Reporting. The next annual report for most municipal recipients is due **April 30, 2024**. Non-Entitlement municipalities (all Maine municipalities except Auburn, Bangor, Biddeford, Lewiston, Portland, and South Portland) and Maine Metropolitan Cities that received less than \$10 million in ARPA funds, must file an annual Project & Expenditure Report summarizing their ARPA expenditures through March 31, 2024.

Reports must be filed electronically through U.S. Treasury’s online portal. Visit Treasury’s reporting webpage for extensive information including updated reporting and compliance guides, videos, FAQs, and self-service resources.

Contact Treasury’s helpline at (844) 529-9527 or by email at SLFRF@treasury.gov.

See our ARPA Information Packet available in the “Legal” section of MMA’s website (www.memun.org) for links to all the resources mentioned above as well as the ARPA reporting portal. (By S.F.P.)

“INAPPROPRIATE” PUBLIC COMMENTS

Question: Some members of the public make statements during the public comment segment of our select board meetings that the board feels are inappropriate. Can the board prohibit such comments?

Answer: Generally, no. We strongly advise against a public comment policy that prohibits “offensive,” “inappropriate,” “rude,” “intolerant,” “disrespectful,” “disparaging,” “embarrassing” or similar comments, as these limits likely do not comply with state and federal constitutional requirements. Impermissibly restricting public speech could result in liability for the municipality.

We recommend that public participation guidelines for select board or council meetings be adopted in a written policy clearly stating the purpose of the comment period and delineating any desired subject-matter limits (e.g., limiting comments to agenda items).

Where clear and reasonable limits have been established, courts tend to view the public comment portion of a municipal board meeting as a “limited public forum” for purposes of the constitution’s First Amendment. (In contrast, if no subject-matter limits have been established, a public comment period is more likely to be deemed a “designated public forum” which allows a board very little ability to limit speech or topics.)

In a limited public forum, a board may prohibit public comments that are outside permitted subject-matter, and obscene, truly threatening, disruptive or overly repetitive comments. However, a policy may not limit public comment based on the viewpoint or ideology of the speaker; even if that viewpoint is offensive or upsetting. For example, comments that are germane to the topic under discussion may not be prohibited merely because they are rude, critical, intolerant, extreme, or offensive.

MMA Legal Services has detailed guidance on this topic, available in the legal “Current Issues” section of MMA’s website (www.memun.org/members/current-issues). (By S.F.P.)

LEGAL SERVICES OPINIONS: NOT TRANSFERABLE

One of the core services MMA Legal Services provides to MMA’s municipal members is our legal advisory service through which we provide oral and written legal opinions on specific questions. Our six attorneys are licensed in Maine and are available to discuss and advise

on a wide range of municipal issues.

Recently we've encountered questions about Legal Services opinions, so here are a few important reminders:

Our opinions are not standardized. "MMA Legal Services" does not issue standard opinions; rather, members receive an opinion from the individual attorney responding to the municipality on a particular matter. Although our attorneys strive for internal consensus and consistency, each attorney issues and is responsible for his or her own legal opinions.

Our opinions are not generic or "transferable" from one member to another. An attorney issues advice to a municipality in response to that municipality's unique circumstances. Consistent with the ethical standards governing all attorneys, advice is geared to protect that client's best interests. Two municipalities with similar questions may receive differing advice because of differences in each member's form of government, its ordinances, charters, or policies, differing facts or history, and whether the advice is sought before or after the fact. Many considerations go into providing the best advice to a member; as a result, each opinion is tailored to a particular situation.

MMA Legal Services does issue generalized guidance through our manuals, information packets, legal updates, and legal notes. We do so with the hope that members will contact us with questions about how the general guidance applies to them.

Our opinions are sometimes shared between members or on listservs. As discussed above, each opinion we issue is written specifically for a particular member and should never be relied on by any other municipality. We strongly encourage members to contact us directly to discuss their own individual situation and receive their own legal advice.

Our client is the municipality. From a legal perspective, the municipality itself is MMA's "member" and our client. Advice we provide to individual officials is given to assist the *municipality* in fulfilling its legal responsibilities, and our loyalty must be to the municipality, not to any individual official (or even to MMA). This fact, and the ethical standards governing Maine attorneys, mean that we are not able to provide personal legal advice to municipal officials; nor may we provide legal advice to private citizens. Similarly, when advising boards, we advise the relevant *board* (which acts via majority), and we

MUNICIPAL CALENDAR

BY MARCH 15 — Monthly/quarterly/semi-annual expenditure statement/claim for General Assistance reimbursement to be filed via online portal, faxed to (207) 287-3455, emailed to GeneralAssistance.DHHS@maine.gov, or sent to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

APRIL 1 — Status and value of property for property tax assessment purposes is fixed on this date (36 M.R.S. § 502)

BY APRIL 15 — Monthly/quarterly/semi-annual expenditure statement/claim for General Assistance reimbursement to be filed via online portal, faxed to (207) 287-3455, emailed to GeneralAssistance.DHHS@maine.gov, or sent to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

may need to decline to advise minority members challenging the majority's position.

Resources. Access to MMA Legal Services is one of the benefits municipal members receive with their annual membership. There is no limit on the number of inquiries and no additional fee for accessing our services. For more tips on using Legal Services effectively see a program overview in the "Legal" section of MMA's website (www.memun.org/legal).

Please also contact us with questions at (800) 452-8786 or at legal@memun.org, and access our numerous guidance materials through the link above. (By S.F.P)

PLANTATION TERMINOLOGY

"Plantations" are a type of organized local government, governed by Title 30-A of the Maine statutes, sections 7001 to 7104. Maine plantations originated with the Massachusetts Bay Colony and were at first intended to be a temporary government to help a community transition from an unincorporated township to an incorporated town.

Plantations differ from towns and cities in several respects. For example, towns and cities are established by legislation enacted by the Maine Legislature (or the Massachusetts Legislature before 1820). In contrast, plantations are organized through statutory procedures

involving a meeting called by county commissioners and a vote of the residents. See 30-A M.R.S. § 7001. Plantations also have a “board of assessors” instead of a select board or council.

Like towns and cities, plantations hold an annual meeting, adopt a budget, assess property taxes, and designate a clerk, tax collector and treasurer. Yet, plantations are not “municipalities” as that term is defined in Title 30-A, (the volume of laws containing most municipal rules). As a result, plantations do not possess “home rule” powers and may not adopt a municipal charter or exercise home rule ordinance authority. Also, plantation land use matters are usually administered by the state Land Use Planning Commission rather than by local officials.

This can all be very confusing as state law does expressly provide plantation assessors with powers like those of select boards in towns, and plantations follow many of the laws governing town meetings and basic town functions. Moreover, although not “municipali-

ties” under Title 30-A, plantations are often considered to be “municipalities” in other Titles of the Maine statutes.

Still, the distinction between a plantation and a town or city (and the differing terminology for each) is legally significant and should not be disregarded. We sometimes hear plantation assessors referred to as “select persons” or as the “select board” of the plantation and other plantation officials incorrectly titled as the “town” clerk, collector, treasurer, etc. Sometimes the plantation itself is described as the “Town of _____ Plantation.” None of this terminology is correct.

Plantations are not towns and should simply be described as the “Plantation of _____.” Likewise, plantation assessors are known only as a “board of assessors” (see 30-A M.R.S. § 7004) and other officials are more properly designated as “plantation” clerk, treasurer, collector, and so on.

For more on Maine governments, see MMA’s “*Local Government in Maine*,” (2016 ed.) available on MMA’s website. (By S.F.P.) 🏡



POTHOLES & POLITICS

Local Maine Issues

“**Potholes & Politics: Local Maine Issues from A to Z**” is a podcast about municipalities in Maine and the people and policies that bring local government to your doorstep. Through stories, experiences, current events, and interviews with municipal officials, this podcast spotlights the everyday challenges and successes of local governments in our home state and all the issues being explored in Augusta at the Maine Legislature.

Check out our latest episode for an update on the issues of municipal impact being debated by the Maine State Legislature. Listen back through the previous 25 episodes covering a variety of municipal issues, tasks and pressures by subscribing, and rating us on your favorite podcast platform or through the MMA website.

MMA: <https://www.memun.org/Media-Publications/MMA-Podcast>

Spotify: <https://open.spotify.com/show/1LR5eRGG1gS2gu5NRoCUS1>

Apple Podcasts: <https://podcasts.apple.com/us/podcast/potholes-politics-local-maine-issues-from-a-to-z/id1634403397>

TRAINING CALENDAR

Maine Municipal Association & Affiliates

FEBRUARY

2/6 & 7	Tues.-Wed.	MTCCA Title 30A– Town Meeting & Local Election Law	Zoom Webinar	MTCCA
2/13	Tues.	Planning Board/Boards of Appeal	Zoom Webinar	MMA
2/13	Tues.	MWDA GA Basics	Zoom Webinar	MWDA
2/15	Thurs.	MFCA Legislative Breakfast	Augusta – The Senator Inn	MFCA
2/28	Wed.	Moderating Town Meetings	Zoom Webinar	MMA
2/28 & 29	Wed. - Thurs.	MTCCA Athenian Dialogue	Zoom Meeting	MTCCA
2/29	Thurs.	MEGFOA Winter Training	Zoom Webinar	MEGFOA

MARCH

3/7	Thurs.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
3/7	Thurs.	MBOIA March Membership Meeting & Training	Portland - Clarion Hotel	MBOIA
3/12	Tues.	Mental Health First Aid	Augusta - MMA	MMA
3/12	Tues.	MWDA Advanced GA	Zoom Webinar	MWDA
3/13-14	Wed. - Thurs.	MTCCA Vital Records	Augusta - MMA - Zoom Webinar	MTCCA
3/14	Thurs.	MMTCTA Preparing for an Audit	Augusta - MMA	MMTCTA
3/20	Wed.	Basic Municipal Budgeting	Augusta - MMA + HYBRID	MMA
3/27-3/29	Wed. - Fri.	MFCA Professional Development Conference	Newry - Sunday River	MFCA
3/29	Fri.	MTCMA 44th Annual Statewide Manager Interchange	Bangor - Hilton Garden Inn	MTCMA

APRIL

4/2	Tues.	MLGHRA Spring Training	Augusta - MMA + HYBRID	MLGHRA
4/2	Tues.	Elected Officials Workshop	Lewiston - The Green Ladle	MMA
4/3 - 4	Wed. - Thurs.	MTCCA New Clerks Workshop	Bangor - Hilton Garden Inn & Zoom Webinar	MTCCA
4/11	Thurs.	MMTCTA Basic Excise Workshop	Augusta - MMA	MMTCTA
4/18	Thurs.	MMTCTA Accounting 101 Course	Augusta – Civic Center	MMTCTA
4/19	Fri.	MAAO Northern Maine Spring Workshop	Caribou - Northern Maine Development Commission + HYBRID	MAAO
4/19	Fri.	Understanding Diversity, Equity, and Inclusion Immersion Workshop	Augusta - MMA	MMA
4/22-4/23	Mon - Tues.	MWDA Spring Training Seminar	Bangor - Hilton Garden Inn	MWDA
4/23	Tues.	MTCCA Records Management	Augusta - MMA + HYBRID	MTCCA
4/24-4/25	Wed - Thurs.	MCAPWA Supervisory Leadership in Public Works Program - Part I	Augusta - MaineDOT	MCAPWA



MAINE MUNICIPAL
ASSOCIATION **SINCE 1936**

60 Community Drive, Augusta, ME 04330

Experienced Lawyers *for* Established Communities

Drummond Woodsum attorneys Amy Tchao, Leah Rachin, David Kallin, Richard Spencer, Bill Stockmeyer, Aga Dixon and Lisa Whitt guide towns, cities and local governments through a variety of complex issues including:

- Land use planning, zoning and enforcement
- Ordinance drafting
- Coastal and shore-front access
- Bond issues and financing options
- Municipal employment and labor matters
- Litigation and appeals

Learn what the **Drummond Woodsum Municipal Practice Group** can do for you at:

dwmlaw.com | 800.727.1941

DrummondWoodsum

ATTORNEYS AT LAW