

Maine Town & City

The magazine of the Maine Municipal Association

December 2020

LEGISLATIVE PREVIEW

Pandemic advocacy
presents new
challenges

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Maine Town & City

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Shake It Up



The COVID-19 emergency forces change upon us. Advocating during the next Legislative session will be no different.

This Was Our Bicentennial?

Really? The year 2020 was Maine's 200th birthday and, while many well-laid plans were postponed, tenacity won the day. Page 15

America on the Move

Seems the pandemic and growing acceptance of telecommuting caused many people to reassess where they live this year. Page 11

Election Roundup

No publication offers better recaps of municipal referenda and election results than Maine Town & City. Our reports start here. Page 23

MMA President Christine Landes reflects on her tenure leading our organization, one without precedent. Page 5

Even municipal bond holding requirements have been affected by COVID-19. Turn here to learn how. Page 21

ABOUT THE COVER: Ben Thomas, MMA's website and social media editor, captured this late-fall image in the Town of Bradley.

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A MESSAGE FROM MMA

BY CHRISTINE LANDES / PRESIDENT

My 2020 MMA Presidency, during a challenging year

As I contemplate how to summarize my year as President of the Maine Municipal Association, I realize the year has been a challenge for everyone. However, I am proud to say your association has continued to function successfully, effectively and productively throughout the year.

In the spring, the association was quick to respond to the pandemic with decisions that offered safety and comfort to all team members. MMA Executive Director Steve Gove quickly implemented a plan that allowed a majority of the employees to work from home. This is still ongoing and may continue for quite a while.

The Maine Municipal Association's relationships with the Washington, D.C. delegation and our state Governor continue to be beneficial and productive. In March, Steve Gove and I, along with other municipal leaders from around the state, had an opportunity to travel to D.C. to meet with Sen. Angus King, Sen. Susan Collins, Rep. Jared Golden and Rep. Chellie Pingree.

The group in attendance briefed the Maine delegation on emerging issues highlighted in MMA's 2019 Federal Issues Paper and other pressing issues/concerns in individual municipalities. The Executive Committee also had an opportunity to speak with Gov. Janet Mills on a couple of occasions. The discussions with everyone were productive and beneficial. I believe these relationships will continue with respect, growth and success. These individuals deserve our thanks for all they do for the State of Maine, our municipalities and our residents.

The Executive Committee and the Strategic & Finance Committee worked hard over the past year drafting, proposing and implementing a work plan with realistic goals, objectives and focus areas that allowed continued success within the association and in

each of your municipalities.

Three goals approved were: To maintain and enhance MMA's direct member services and member relations; to advocate for a strong and effective municipal role in the intergovernmental system; and, to maintain a sound organizational and financial structure, technological and financial support services and to provide a facility that meets the current and future needs of MMA members.

A few of the 2020 areas of focus and long-term objectives included: The continued promotion of municipal jobs through the HoMEtown careers campaign; exploring new services for members; assisting members with programs and services to engage the public and promote civility; and, to continually monitor the MMA dues formula. I believe that these goals and objectives have been successfully achieved.

COVID-19 and in-person gathering limits altered educational offerings for MMA and the many municipal affiliate groups with which it works. A shift was made to offer trainings and meetings via a synchronous learning/meeting environment where, although we did not have a chance to personally interact, everyone was able to contribute ideas, comments and suggestions. This online format has proven to be successful and will most likely continue into the future.

I will end my brief summary of this year with a quote I gave in my first article: "**This is OUR year to shine!**" I am proud to say, despite what some perceive as a tough year all-around, your association continued to shine and be successful. This would not have happened without the MMA team, the Executive Committee and most importantly each of you!

Thanks for allowing me to serve as your president; it has been an honor and privilege. ■

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Municipal advocacy during a pandemic: A new unknown

Access to state legislative hearings and leaders will be limited by the COVID-19 pandemic. MMA will ask municipal leaders to contact local legislators this session.

By Kate Dufour, Director, MMA State & Federal Relations

By the time this article is printed, the newly elected members of the 130th Maine State Legislature will be sworn in. Although normally legislators take the oath of office in the chambers of the House and Senate surrounded by family and friends, due to COVID-19 related gathering limits the Augusta Civic Center is slated to host the Dec. 2 event.

Advocacy in 2021

The pandemic will also change the way in which the public – including MMA’s advocacy team – is able to weigh in on proposed legislation. Currently, members of the public are prohibited from entering the very buildings where public hearings and work sessions take place and the Legislature convenes to enact legislation.

While this lack of access does raise concerns, ensuring that all voices are heard is not an insurmountable task. As town and city leaders have illustrated, ingenuity, equitable rules of engagement, and the proper use of technology can ensure appropriate access to policymakers and the decision making process. Municipal officials trust that legislative leaders will implement a solution providing unfettered access to the process.

That being said, in this environment, regular communications between municipal leaders and elected state officials will be vital.

To support this effort, municipal officials can expect to receive messages from the State & Federal Relations (SFR) team urging outreach to legislators to discuss how proposed initiatives will impact their communities. Legislative Bulletin articles published each Friday during the session,

and emailed action alerts, will be used to inform local leaders of the issues of the day, ones that will need “back at home” support. If you are not already subscribed to the Bulletin, but wish to receive it, please contact Laura Ellis at either: lellis@memun.org or 1-800-452-8786.

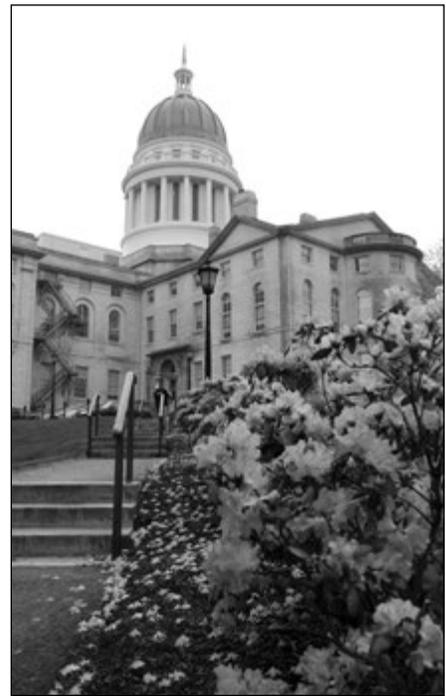
Protecting the core plus

Not surprisingly, the pandemic has had an impact on the process for establishing MMA’s 2021-22 legislative platform, which is adopted by the Association’s 70-member Legislative Policy Committee (LPC). A list of LPC members is included as a sidebar to this article.

While the platform usually includes a dozen bills advancing proposals to improve the delivery of municipal services, this year the LPC opted to advance a “protect the core plus” platform.

Under the “protect the core” approach, the Association’s advocacy efforts will focus primarily on protecting the legislative gains made in 2019. These gains included increased funding for the Municipal Revenue Sharing Program to 3.75% of state sales and income tax revenue, and reimbursement for 70% of the lost property revenue under the state’s \$25,000 homestead exemption program.

The “plus” element of the platform directs MMA’s advocacy team to: Provide testimony on all municipally-relevant legislation, subject to policy committee input; support efforts to increase reliable broadband access throughout the state; and, advocate for permanently extending remote meeting authority to municipalities, schools and counties.



Revenues & budget

It is expected that a fair amount of the Legislature’s attention will focus on the adoption of the FY 2022-23 General Fund budget.

As outlined in the Revenue Forecasting Committee’s August 2020 report, FY 21 general fund revenue collections were estimated to fall \$528 million short of budgeted numbers. The report also projected General Fund revenue shortfalls for FY 22 and FY 23 of \$434 million and \$449 million, respectively.

At its Nov. 23 meeting, the committee discussed and accepted the preliminary December revenue projections, which showed that in the first six months of FY 21 several revenue lines out-performed adjusted revenue

projections. While the state's revenue outlook is improving – or was, at the time of this magazine's printing – shortfalls still exist. When comparing pre-pandemic general fund budgeted numbers (March 2020) with December data, the FY 21, FY 22 and FY 23 general fund shortfalls are projected at \$255 million, \$202 million and \$194 million, respectively. The committee's final report will be posted on the Office of Fiscal and Program Review's website on Dec. 1.

The impacts at the municipal level are equally concerning.

In June of this year, MMA's advocacy department collaborated with the state Department of Administrative and Financial Services and the Mayors' Coalition to collect COVID-19 related expense and lost revenue data from municipalities. Based on the data provided, MMA estimates that by the year's end municipalities statewide will have spent \$24 million on pandemic related expenses and lost \$146 million in local source revenue.

To account for these costs and revenue losses, 75% of the municipalities

participating in the survey will turn to program cuts, undesignated fund balances or rely on a combination of cuts and the use of undesignated funds.

While these approaches address short-term funding gaps, none are sustainable.

Additional federal funding needs to be part of the solution. A COVID-related federal stimulus package, similar to the CARES Act, providing financial assistance for both state and local governments and authorizing the revenue to be used for pandemic related expenditures and revenue losses is necessary. This type of federal aid will enable state and local government to continue to provide needed services.

As noted above, without additional federal and ongoing state assistance municipalities will turn to increased taxes, reduced services or the implementation of strategies to both increase taxes and reduce services to address funding shortfalls.

Cuts to municipal budgets are likely to have a trickledown effect on Maine's economy and the business

community. More often than not, reductions are made to infrastructure investment and improvement projects, which are contracted out to private businesses, or to "nonessential" services, such as libraries and recreational programs, which supplement after-school care services.

As legislators begin to negotiate the terms of the biennial general fund budget, it is important they keep in mind the needs and challenges, as well as the contributions, of local government partners. Since the inception of the public health emergency, local law enforcement, code enforcement and public health officers have played an important on the ground role in the state's battle to keep residents and guests safe and healthy. Although offices may have been, or currently are, closed to the public or open by appointment only, vital local level services continued to be delivered.

Other issues on radar

It is likely that incoming state lawmakers will revisit many of the issues



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Jonathan A. Pottle

Jon provides legal services to both public and private sector clients in the areas of environmental law, land use law, municipal law, utilities law, economic development, project development and finance, renewable energy, real estate, timberlands, and natural resources law. Jon's practice in these areas helps clients with their strategic and tactical planning, day-to-day operations and troubleshooting, project development and financing, real estate and business transactions, municipal and utility district governance, and resolution of related legal disputes, including representation before Maine and Federal Courts as well as Local and State administrative boards and agencies.

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left on the table when the members of 129th Legislature abruptly adjourned in March. Some of those issues were of interest to municipalities, such as a proposal requiring the state to share with municipalities a portion of adult use marijuana sales and excise tax revenue. Other issues were of great concern to communities, including bills seeking to extend the right to strike to public employees and making disputes over public employee salaries, pensions and benefits subject to binding arbitration.

In addition, it highly likely the Legislature will be called on to address the state's affordable housing and homelessness crises and to act on the recommendations developed by Gov. Mills' Climate Council.

Affordable housing & homelessness

With greater attention being placed on the historic increases in the homeless populations afflicting the cities of Bangor, Lewiston and Portland, it's hard to believe that addressing related issues will not be on the Legislature's radar. While a vast majority of homeless individuals, for a variety of reasons, migrate to service center communities, municipal leaders recognize that it is unfair to place the burden of addressing related issues solely on the shoulders of property taxpayers in

those few communities. Homelessness and the lack of affordable housing begs a statewide solution.

Climate council recommendations

In the coming months, the Legislature will begin to discuss and debate the merits of the Climate Council's recommendations. Although the final report has not yet been printed, it is expected that several of the proposals will have impacts on towns and cities. Of particular note are initiatives seeking to: Expand municipal responsibility over the enforcement of statewide building codes; mandate training for municipal officials, planning boards, and code enforcement officers; improve regional planning supports; and, develop funding mechanisms necessary to protect or move out of harm's way vulnerable people and infrastructure.

While similar work is underway in other New England states, those efforts are supported with state funding. In Massachusetts for example, \$44 million in state revenue has been dedicated to help fund municipal planning, extreme weather vulnerability assessments and mitigation efforts. The Massachusetts Legislature has also funded clean energy projects in municipal buildings, and invested in the costly and specialized work

(e.g., reducing impervious cover, conducting localized carbon inventories, etc.) necessary to help municipalities achieve "green communities" designations. This "green" certification status allows cities and towns to access other funding streams to achieve climate goals.

Although Maine's council and related subcommittee reports identify potential funding sources, those funds have neither been secured nor reserved for any of the proposed recommendations.

Due to the breadth of the council's recommendations, the SFR Department is developing a guidance document to help municipal officials navigate the proposed short and long term recommendations. That document will be posted on MMA's website in mid-December.

A new recruit

Finally, the SFR Department is pleased to welcome its newest member, Neal Goldberg. Neal joined the team in late September as our legislative analyst and will be primarily responsible for conducting the research necessary to support our state and federal advocacy efforts.

On behalf of the entire SFR team – Rebecca Graham, Laura Ellis and Neal – I wish you a safe and healthy 2021. ■



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ABOUT THE LPC

Maine Municipal Association's 70-member Legislative Policy Committee (LPC) is comprised of two municipal officials elected from each of the state's 35 Senate districts by the municipal officials their respective districts to serve a two year term. The vice president of MMA's Executive Committee serves as chair.

In addition to developing the association's legislative agenda, LPC members take positions on legislative proposals affecting municipalities, establish ongoing communication with legislators in their districts and inform the legislators of the LPC's positions. Members also act as liaisons with municipal officials in their districts and keep MMA informed of issues of concern.

MMA's 2020 – 2022 Legislative Policy Committee

LPC/SENATE DISTRICT 1:

Gary Picard, Manager, Madawaska
Dennis Marker, Manager, Caribou

LPC/SENATE DISTRICT 2:

Sandra Fournier, Manager, Chapman
Dwayne Young, Admin. Assistant, Weston

LPC/SENATE DISTRICT 3:

Elaine Aloes, 1st Selectman, Solon
Tim Curtis, Manager, Madison

LPC/SENATE DISTRICT 4:

Jack Clukey, Manager, Dover-Foxcroft
Daniel Swain, Manager, Monson

LPC/SENATE DISTRICT 5:

Thomas Perry, Councilor, Orono
Charles Frazier, Manager, Enfield

LPC/SENATE DISTRICT 6:

Harry Fish, Jr., Selectman, Jonesport
Lewis Pinkham, Mgr./Police Chief, Milbridge

LPC/SENATE DISTRICT 7:

Kathleen Billings, Manager, Stonington
Kathleen Rybarz, Chair of Selectboard, Lamoine

LPC/SENATE DISTRICT 8:

Rick Bronson, Manager, Lincoln
(vacancy)

LPC/SENATE DISTRICT 9:

*Bangor appoints 1 member
Clare Davitt, Councilor, Bangor
Howard Kroll, Manager, Hermon

LPC/SENATE DISTRICT 10:

Kevin Howell, Manager, Carmel
Lois Jones, Manager, Corinna

LPC/SENATE DISTRICT 11:

Kathy Littlefield, Chair of Selectboard, Waldo
Galen Larrabee, Chair of Selectboard, Knox

LPC/SENATE DISTRICT 12:

William Post, Manager, Rockport
Jay Feyler, Manager, Union

LPC/SENATE DISTRICT 13:

Jonathan Duke, Manager, Newcastle
Terry Lowd, Budget Committee Chair, Bristol

LPC/SENATE DISTRICT 14:

Linda C. Cohen, Manager, Monmouth
Diana Scully, Councilor, Hallowell

LPC/SENATE DISTRICT 15:

*Augusta appoints 1 member
Marc Alexander, Councilor, Augusta
Irene Belanger, Selectperson, China

LPC/SENATE DISTRICT 16:

*Waterville appoints 1 member
(TBD), Waterville
Peter Lawrence, Councilor, Fairfield

LPC/SENATE DISTRICT 17:

Richard Davis, Manager, Farmington
Gary McGrane, Selectman, Jay

LPC/SENATE DISTRICT 18:

Raquel Welch, Manager, Mexico
Amy Bernard, Administrator, Newry

LPC/SENATE DISTRICT 19:

Dennise Whitley, Selectperson, Norway
Lenny Adler, Selectman, Otisfield

LPC/SENATE DISTRICT 20:

*Auburn appoints 1 member
Jason Levesque, Mayor, Auburn
Phil Crowell, Jr., Manager, Auburn

LPC/SENATE DISTRICT 21:

*Lewiston appoints both members
Alicia Rea, Councilor, Lewiston
Denis D'Auteuil, Administrator, Lewiston

LPC/SENATE DISTRICT 22:

Anthony Ward, Manager, Sabattus
Kurt Schaub, Manager, Turner

LPC/SENATE DISTRICT 23:

Peter Owen, Manager, Bath
Adam Garland, Manager, Richmond

LPC/SENATE DISTRICT 24:

*Brunswick appoints 1 member
Katherine Wilson, Councilor, Brunswick
(vacancy)

LPC/SENATE DISTRICT 25:

Amy Kuhn, Council Chair, Falmouth
April Humphrey, Councilor, Yarmouth

LPC/SENATE DISTRICT 26:

William Giroux, Manager, Standish
David Nadeau, Councilor, Windham

LPC/SENATE DISTRICT 27:

*Portland appoints both members
Jill Duson, Councilor, Portland
Kim Cook, Councilor, Portland

LPC/SENATE DISTRICT 28:

*Portland appoints 1 member
Kate Snyder, Mayor, Portland
Jon Jennings, Manager, Portland

LPC/SENATE DISTRICT 29:

*South Portland appoints 1 member
Scott Morelli, Manager, So. Portland
*Cape Elizabeth appoints 1 member
Penny Jordan, Councilor, Cape Elizabeth

LPC/SENATE DISTRICT 30:

Jean-Marie Caterina, Councilor, Scarborough
Ephrem Paraschak, Manager, Gorham

LPC/SENATE DISTRICT 31:

Jay Kelley, Councilor, Old Orchard Beach
Marshall Archer, Councilor, Saco

LPC/SENATE DISTRICT 32:

*Biddeford appoints 1 member
Amy Clearwater, Councilor, Biddeford
Laurie Smith, Manager, Kennebunkport

LPC/SENATE DISTRICT 33:

*Sanford appoints 1 member
Steven Buck, Manager, Sanford
Gary Lamb, Administrator, Waterboro

LPC/SENATE DISTRICT 34:

Larissa Crockett, Manager, Wells
William Ward, Jr., Selectman, Kennebunk

LPC/SENATE DISTRICT 35:

Perry Ellsworth, Manager, South Berwick
Dana Lee, Manager, Eliot

LPC CHAIR:

(2020)

James Gardner, Jr., Manager, Easton

(2021)

James Bennett, Manager, Biddeford

Virus-inspired or not, out of state migration officially happening

Property sales and values are rising fast, generally seen as a positive trend for Maine. Some local leaders wish they had more answers for small businesses.

By Glenn Adams

After wrapping up a business visit in Vermont, Thomas Hoskins got his two dogs into his car and wheeled east, hoping to slack his curiosity about the Maine coast. In “the first unplanned trip of my life,” he motored down the highway and ended up in Eastport. That was in July 2019.

By September he had found a salt-box seaside cottage, bought it and renovated it. Now, Hoskins is Eastport's city manager. He's also part of a wave of out-of-staters who have migrated in recent months to Maine towns and cities, to start new lives.

Just a few months ago, economists, real estate agents and elected officials were speculating on whether newcomers – perhaps seeking refuge from the COVID-19 pandemic – would migrate to Maine towns, but the data at that time did not confirm it had begun.

Now, it looks like it's happening.

From Aroostook County to York, and in between, municipal officials report hot sales of real estate as people from states to the south settle in their small towns, away from where COVID-19 rates are higher, and where summers are getting ever hotter. Maine's had one of the nation's lowest per capita infection and death rates from the disease, although there's been a surge of new cases recently.

The in-migration also comes at a time that interest rates are historically low.

“I know we're selling a lot of houses and they're going for \$10,000 to \$40,000 more than the list price,” said Leeann Pratt, tax collector in Buxton. “The minute a house goes on the mar-

ket, it's pretty much gone. They're having bidding wars.”

While there's no proof that the pandemic is driving people to the York County town of roughly 8,100 people, Pratt believes that's at least part of what attracts newcomers. Other factors are its proximity to business centers of Portland, Westbrook and Saco. “But Buxton is still rural and has a country atmosphere,” said Pratt.

Social distancing is natural

James P. Gardner Jr., the Easton town manager who takes over as president of Maine Municipal Association's executive committee in 2021, said the same is true in his Aroostook County town of nearly 1,300, where hot sales have melted the inventory of houses.

“We have no homes for sale in Easton!” said Gardner. “All our homes have been bought by out-of-state individuals from Alabama, New Jersey, New York, etc.”

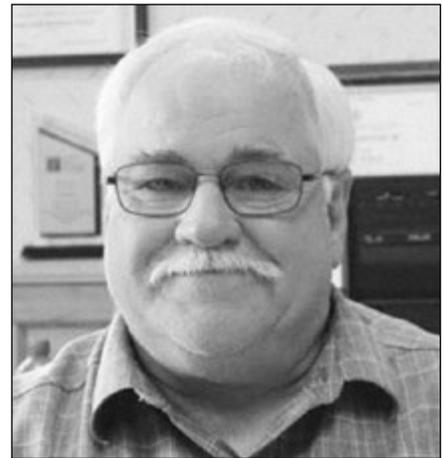
Gardner believes the local market is hot because Easton has its own school system with a small K-12 school and the millage rate is low.

Everyone town officials have spoken to has said they were “coming north because we are very rural and we social distance just by existing,” Gardner said.

The town administrator in Minot knows first-hand about the demand for properties. And some of the influx is from more crowded Maine communities.

“As someone who was interested in purchasing a home in the area, I found the market to be competitive and fast-paced,” said Danielle Loring, administrator in the Androscoggin County town of about 2,600 as of the 2018 U.S. Census update.

“Properties are going under con-



James Gardner Jr.

tract within days of being listed, and we have seen an uptick in new construction permits. Staff is still processing the recent real estate transactions and many look to be from people who are moving from other areas of the state, such as Lewiston, Rumford and southern parts,” Loring added.

In western Maine, Rangeley is riding a pandemic-prompted boomlet as newcomers snap up properties and set down stakes there to ride out the COVID storm.

Liz Walker-Feeney of Keller Williams Realty sells both year-round and vacation homes in the Rangeley-to-Sugarloaf area. Normally she makes about 10 sales in a month, one or two of them from out-of-staters. Now, it's five sales a month to buyers from outside of Maine, she said.

Some who call agree to purchase homes they see in multiple listings without having visited, Walker-Feeney said. One buyer from Utah just showed up in town and moved in. Some properties get snapped up the day after they are advertised. “I cannot get enough list-

Glenn Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, adamsgjr1@gmail.com.



Thomas Hoskins

ings now,” she said. “It’s just crazy.”

Callers from other states say they want a “safe haven” in Maine, meaning they want to get away from the coronavirus.

Back in Eastport, Hoskins says the Down East oceanside city is turning into a magnet for professionals like himself. Hoskins bought a 190-year-old saltbox cape, renovated it and moved in last year.

Technology makes it possible

“It seems like people from every state live in Eastport,” said Hoskins, a former senior hospital administrator in New York City. He sees fix-ups and renovations everywhere he looks in the city of about 1,300, many if not most by newly minted Mainers.

“People are just buying up whatever they can get their hands on,” said Hoskins. With online communications and air service available, distance from company headquarters is becoming a non-issue for millennials eyeing Eastport.

A sign of the new connection to the outside world is construction of a new runway at Eastport Municipal Airport, which began in October. More improvements, such as a passenger terminal and commercial hangars, are in the airport’s master plan.

For many, the pandemic has made work at home a way of life, freeing up people to live where they wish.

In addition to the sales of Eastport’s standing housing stock, developers from New Jersey have bought 1,000 acres where they want to build new homes in the \$600,000-\$800,000 range

for CEOs and other professionals who are lured by Eastport’s breathtaking views and remoteness.

“This is unheard of in Washington County,” said Hoskins, “We’re through the roof.”

The same is true in other Downeast towns, says Heidi Holley, whose real estate firm sells throughout that region as well as other parts of Maine. There’s a lot of interest especially in waterfront and water-view homes as prices remain generally within reach, Holley said.

Families, couples, and other buyers “across the board” are coming from New England states, but also as far as Florida, the Carolinas and California. The reason most relocate, Holley said, is “to get away from what people perceive as unsafe” – meaning the coronavirus.

Maine’s capital city is such a hot draw that house prices and sales have shot up markedly in the past year, said Mayor David Rollins. Going back 12 months from September, a median price in Augusta was \$136,500. But in the last six months it jumped to \$164,000. “And then (in) the last three months it was at \$176,000,” said Rollins.

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“Buyers, especially those from away, are looking for a different way of life... away from the rat race (with) a different pace of living, a safer place away from the congestion,” said the Augusta mayor, who works as an appraiser.

The demand for housing is also evidencing itself in new construction in Augusta, where a proposed 250-unit apartment complex got a boost when city council approved a tax increment financing agreement that the builders needed to move forward. The complex is intended to fill the needs of people who work in the growing medical-services industry.

Numbers don't lie

Municipal officials' observations are supported by organizations that watch the numbers across Maine.

Live and Work in Maine, a private-sector network that promotes career opportunities in Maine, says the pandemic has accelerated the trend of millennials moving to Maine. An in-migration that may have taken five, 10 or 15 years has been compressed into the less-than-a-year's time frame of the coronavirus pandemic, the group says.



Melissa Doane

Maine Listings, a subsidiary of the Maine Association of Realtors, says in its latest report that sales of single-family existing homes increased by nearly 27%, comparing October 2019 to October 2020. Between the same periods, the median sales price for homes rose by nearly 25% to \$280,000.

“Maine’s lower incidence of COVID compared to the rest of the country, plus the increase in tele-working, has resulted in out-of-state buyers adding

to the demand for Maine homes,” said Tom Cole, president of the Maine Association of Realtors. “Historically, about 25% of monthly home purchases in Maine are by out-of-state buyers. During October, that number was 36 percent,” Cole said in a press release.

With more buyers than sellers in most markets, Realtors have been seeing strong competition, faster sales, and increasing pricing, Cole said.

Some towns, like Bradley, haven't seen an influx. But in the case of the Penobscot County town of 1,480, it's because there isn't a lot of available real estate and most residents are relatively long-term, said Town Manager Melissa Doane, a member of MMA's executive committee. But the idea of new home buyers headed for Maine towns isn't new to her.

“I've heard that from a lot of other managers,” Doane said.

Bradley has seen some impact by the pandemic on local businesses, which include a couple of auto-repair shops, hair salons, an oil-delivery service and an ice cream shop, to name a few. But the questions that Doane gets are not so much about financial



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impacts from the pandemic, but rather about the ever-changing regulations and guidelines emanating from the state Capitol.

Questions are along the lines of, “Have you heard from Augusta?” and “When is this going to be through?” said Doane.

COVID rules change

Minot Administrator Loring agrees that it's been a challenge to stay compliant with executive orders on COVID because businesses relied on events that typically drew crowds.

“I think that many adapted but still were not able to generate the same revenue that they would have in the past, despite the push for people to buy local,” said Loring. “However, there are other industries, such as those related to home improvement, that have more work than they can handle and it has allowed for them to expand if they can find employees.”

Elsewhere, business closings and restrictions brought on by the pandemic have been painful to Maine cities and towns, sending owners scurrying for loans and grants to keep them going

– and to town halls for help unscrambling the restrictions.

Easton's Jim Gardner said he hears that. He said MMA has the tools in place to respond.

For example, the MMA executive committee which Gardner serves on looks forward to its regular meetings with Gov. Janet T. Mills, saying they “have been so advantageous” in getting out information on COVID and other issues that towns need.

MMA's also seeks to answer members' questions related to the pandemic and another pressing matter – legalized marijuana – two defining issues for towns and cities, said Gardner. So far, the response has been good, thanks at least in part to COVID correspondence.

“The pandemic actually brought about what the MMA is all about,” said Gardner. “We got to be a cog on the wheel that gets the information out on all the spokes.”

There's a new normal in town and city halls since the pandemic began. Citizens have gotten used to Plexiglas barriers and sanitizer bottles on municipal office counters, along with the

mask-wearing and distancing requirements that go along with them.

Residents for a while shied away from registering their vehicles but have since picked up the pace, and citizens who miss public meetings have grown more comfortable with going virtual.

Programs from youth recreation to transfer station operations have been disrupted. The impact on local business remains a concern in many towns, such as Gardiner, where much of the downtown was essentially shut as the pandemic took hold. By October, the Kennebec County city lost 11 businesses. Some long-time restaurants in cities across the state were closed for good.

Early on as the virus spread across the country, Main Street America spotted the potential impact on small businesses. The organization said in April that nearly 36 million people employed by small businesses were at risk of losing their jobs as a result of COVID-19 closings. Even by mid-May, more than 100,000 U.S. businesses were closed for good, due to COVID. Job losses in small businesses totaled 2.7 million as of August.

Gov. Mills has recognized the pandemic's impact on Maine businesses, saying she had received letters of “heartbreak and hope” from owners who cited supply chain breakdowns and other disruptions. Eligible businesses could apply for Maine Economic Recovery Grants, which were awarded to more than 2,000 businesses and 257 nonprofits in October. ■



All of the upcoming workshops can be found on the MMA website. Use the following link: <http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>
Visit the MMA website for more information: www.memun.org



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STATE, FEDERAL BUSINESS RESOURCES

The Maine Department of Labor, and the U.S. and Maine Centers for Disease Control & Prevention offer programs and guidelines to help businesses during the coronavirus public health emergency. Use these keywords to find links to these resources:

- [COVID-19Resources.pdf](#) (maine.gov)
- [Workplaces and Businesses | COVID-19 | U.S. CDC](#)
- [Retail Businesses | Department of Economic and Community Development \(maine.gov\)](#)

Ingenuity prevailed during 2020, in recognizing Maine statehood

While many events were pushed to 2021 – and new ones are brewing – some communities still carried out carefully orchestrated bicentennial plans.

By Janine Pineo

“What a strange year.”

Those words from David Cheever, vice chair of the Maine Bicentennial Commission, sum up how things went for a bicentennial amid a global pandemic, which in Maine began with a state shutdown on the eve of its first signature celebratory event.

It was a sentiment echoed by numerous municipal leaders across the state as the months passed and event after event in 2020 was postponed. “Disappointed” was the word often used when describing how committees bowed to the inevitable and canceled not only their local events, but meetings as well to protect their communities and committee members.

This time last year, 2020 looked entirely different. Statehood weekend in March was to kick off a yearlong commemoration, followed by a bicentennial parade in May, tall ships traversing along the coast in the heart of summer, and a host of events in towns and cities up and down the state all year long. The first round of the bicentennial grants had been awarded in September, including those for major events in Caribou and Hallowell a year away. Pine groves were to be planted, time capsules buried and community dinners served.

There were plans aplenty, some big, some small. Nearly all had to be postponed.

But here’s the thing: Not all was lost.

Mainers are used to snow days, when plans have to change due to un-



The auditorium of the historic Union Hall in Danforth. (Submitted photo)

foreseen forces throwing everything off. The folks managing the events were undeterred, shifting plans to 2021 and even expanding ideas because of the extra time afforded by the wait. Some figured out how to incorporate their unique locations and still fulfill a few ideas, with masks, social distancing and fresh air in the outdoors.

As the Maine200 website says now: “Delay builds excitement for events when ‘The 2-0-7 Turns 2-0-1.’ ”

Quality proposals

The state has a series of signature events expected to be held in 2021, and there are scores of projects to be offered in communities around the state, with dozens of them the recipients of the Community Grant Program, a central piece of the Bicentennial Commission’s agenda.

The breadth and depth of the ideas presented across three rounds of applications and awards led the commission to increase funding on the fly.

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



Lamoine's painted stage curtain shows a view of the Marlboro section of the town. (Submitted photo)

“The Bicentennial Commission was genuinely impressed with the quality of the proposals, so much so that we went well beyond our initial goal of \$500,000 to be distributed and awarded more than \$640,000 for projects in every county,” Cheever said. “The Community Grant Program is in our view the legacy piece of the bicentennial because the impetus behind the projects and programs arose from the public.”

The community grants were open to: nonprofits, such as historical societies and libraries; local Maine government institutions, including state, local and city governments; and, Maine schools. The program began with \$375,000 in funds “to support the interests, needs and creativity of citizens and communities throughout Maine as they plan local commemorations of the Bicentennial,” according

to the Maine200 website.

The committee left the creativity for projects up to the communities, but there were several “core outcomes” sought as part of the application review process, among them to:

- “Have long-term value for imparting historical information, and creating conversations that strengthen individuals, communities and their connections.”
- “Spotlight artwork and products of our past, while showcasing and providing market access for the emerging next generation of artists, makers and innovators.”

Grant recipients came through in big ways. “A little money in Maine can go a long way, and the inspiration behind a number of projects reflects how ingenious Maine people can be,” Cheever said.

Just for municipalities alone,

grants were awarded for tree planting, dinners, festivals and parades, and for uniquely local projects including hiking trails, history books, geology walks, a card game and art projects.

A decision was made early in the year about the grant funds, which initially were required to be used within 2020.

“We have not asked for any of the grant money to be returned because of the pandemic,” Cheever said. “Rather, we have encouraged those grant recipients who were forced to postpone their 2020 plans to roll them over into 2021 and proceed accordingly – even if it means altering some of the original project activities.”

Cheever has high hopes for what will come next year. “We know that the awardees were sparked to follow through, and we are as excited as they are to see what happens,” he said.

Maine ingenuity

Looking at the municipalities profiled throughout the yearlong bicentennial series in MMA’s Maine Town & City magazine, three readily intersecting words arise: preservation, celebration and creation.

Many of the grant recipients sought to preserve town history and celebrate it, too. For some, it was a piece of art. Falmouth documented the mystery of a mural on Masonite that has long been on display in the town hall (*Maine Town & City*, Janu-

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ary 2020). The resulting book tells the story of the quest to discover the origins of the art, which showcased 30 vignettes from across the town that covered four centuries of Falmouth's history.

In Lamoine, that art is a painted stage curtain that is nearly 100 years old and features a sweeping view of the Marlboro section of town that one can still see today (*Town & City, June 2020*). Lamoine's single panel curtain was purchased by the local Grange and hangs in the Grange building, which is now the leased home of Lamoine Community Arts. The grant for the town included funds to help pay to restore the curtain and preserve that fragile piece of history.

Danforth pursued a grant to help purchase display cases to hold local historic memorabilia, including the fire siren used through the 1900s (*Town & City, May 2020*). The cases are part of a bigger plan to open to the public Union Hall, which is on the



The Penobscot River, seen from the Penobscot Narrows Observatory, will be home to 4-Port Loop events next summer. (Submitted photo)

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The Falmouth mural, painted in 1940 and featuring 30 vignettes of places of interest. (Submitted photo)

National Register of Historic Places. Built around 1890, the two-story structure with its three-story clock tower houses the Masons upstairs while downstairs is used for municipal meetings, theater productions, the food pantry and visits from Santa Claus.

Surry intends to hold a postponed art show that combines a roster of 15 artists painting historic buildings on the same day the Surry Community Improvement Society sends out work

crews to clean up the town (*Town & City, August 2020*). When it is done, an art show and gallery reception will be held later that day. (Surry also may resurrect the card game “83;” training sessions already had been held the first of the year, teaching those interested about this game that has no record outside of Maine.)

The art of storytelling will be celebrated in Caribou (*Town & City, October 2020*). The rich local culture will

be the focus of the second day of the festival, bringing together speakers from the Micmacs and the Acadian, Lebanese and Amish communities. The first day of the festival will be

about history, that of the city itself and former Loring Air Force Base. It also will focus on the region's agriculture, a driving factor that drew immigrants to the crown of Maine during the 1800s and spawned Caribou's growth during that time.

Preservation and creation coalesce in the Hallowell Granite Symposium, a 10-day event where the public will be invited to watch sculptors create six unique pieces of art out of Hallowell granite (*Town & City, November 2020*). The art made out of Maine's literal bedrock will celebrate the artistry and help to preserve the history of what was once one of the state's crucial industries.

Greenwood also was celebrating its rocks with the small grant the town requested to sponsor a program that took visitors on a tour of the mineral-rich region (*Town & City, July 2020*). Known for its granite-pegmatite field and expansive variety of minerals – one mine alone has 151 known minerals in its granite – Greenwood has unearthed tourmaline, quartz, beryl, mica and feldspar, to name a few.

Transportation of raw materials



Emmons Quarry in Greenwood is known to have 151 minerals embedded in its granite-pegmatite. (Submitted photo)

from granite to lumber relied on ships for decades. Sailing vessels always have been an integral part of the state's settlement and history, and the

4-Port Loop will commemorate that along the Penobscot River basin next summer (*Town & City, April 2020*). It will coincide with other sailing events

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Union Hall in Danforth in 1920. (Submitted photo)

along Maine's storied coast, bringing ships of all sizes into coastal waters for viewing and possibly tours.

Looking forward

Uncertainty shrouds 2021, with the pandemic still thriving as 2020 ends.

"The consensus thus far is that we will have bicentennial events in 2021, but they will be COVID-influenced on the calendar," Vice Chair Cheever said of the state's signature bicentennial events.

Right now, the maritime events in Rockland, Boothbay, Portland and the 4-Port Loop still target July, he said.

"The statehood commemoration event is unlikely to take place in March unless we do something virtual, which is also on the unlikely side," Cheever said. "We want to have a live event, even if it means postponing to the second half of 2021. Likewise with the parade. We intend to have it and we have the sponsors for it, but we need to be cautious on the date. May could happen, and that decision needs to be made soon."

Slated for November is the Innovation Expo in Portland with "planning well under way," he said.

An August event in Brunswick is on the "to-do list, but the details remain to be fleshed out," Cheever said.

There also are a couple of concerts that are likely to happen.

Municipalities are encouraged to plant Tricentennial Pine Grove trees, too, in 2021.

Last but not least is a time capsule, which Cheever said will be an active

event for much of next year with a date for the event yet to be decided. Little could be more appropriate than finishing off this delayed celebration than with something that captures for all time the state of Maine in these strange days. ■

BICENTENNIAL SERIES

This article marks the last installment of Maine Town & City's year-long series looking at plans and efforts to celebrate Maine's Bicentennial. Let's take a moment to recognize the Yankee ingenuity that came through all year long, as planners for these events had to re-envision, change and reschedule work that they had so carefully laid out prior to the coronavirus pandemic. I also want to point out that freelance writer Janine Pineo also had to shift gears from April 2020 on to keep this series going each month. Rather than simply looking at a statewide calendar and deciding which events to feature, Janine did much more interviewing and reporting, as our members explained what they could – and could no longer – accomplish in 2020. Well done, all.

Eric Conrad, Editor

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Managing municipal debt obligations during COVID-19

The Municipal Securities Rulemaking Board created a dedicated web page to help towns and cities inform bondholders about the coronavirus' financial impact.

By Leah Szarek

Plunging tax revenues, strained health-care systems, painful budget cuts – Maine municipalities are not alone in facing these challenges brought on by the COVID-19 pandemic. While states and communities across the country primarily look to Washington, D.C. for legislative and monetary policy solutions, there is another DC-based organization to know. The Municipal Securities Rulemaking Board (MSRB) serves as a resource for municipalities in disclosing current information about their financial and operating status to investors and the public.

Turn to the MSRB for help seeing how other municipalities are describing the financial impact of the pandemic in their public filings. The MSRB also provides resources to help municipal officials appropriately categorize their filings to make them easier for investors and the public to find. When thinking about bringing new municipal bonds to market in these uncertain times, the MSRB's freely available market data can be an important resource for municipalities and their financial professionals to see how the market is trending.

How are municipalities disclosing the known – and unknown – effects of the pandemic?

Municipal officials responsible for budgeting, debt management and financial disclosures may know the MSRB best as the operator of the Electronic Municipal Market Access (EMMA®) website. The EMMA website is the centralized, national reposi-

tory where states and municipalities file information about their financial and operating condition and events that may affect bondholders. Investors rely on these disclosures to make informed decisions about the bonds in their portfolios and bonds they may be considering buying. For municipalities, disclosures from other states and communities can provide a helpful model for disclosure, especially when it comes to a novel situation like a global pandemic.

To help both investors and issuers more quickly and easily get to this information, the MSRB's data team leverages the power of cloud computing to comb through more than 150,000 – and counting – disclosure documents submitted to the EMMA system since January 2020. The MSRB identifies and aggregates the disclosures that reference COVID-19 and related keywords. The latest report of COVID-related disclosures, updated regularly and sortable by state, is available on MSRB's dedicated COVID-19 web page (<http://msrb.org/News-and-Events/COVID-19-Information>).

Many municipalities are using this report to see how their peers are handling the tough task of disclosing the effects of the pandemic and the uncertainties around future revenue and expenses.

It is important to note that the MSRB does not regulate municipalities or set the standards for disclosure. Instead, the MSRB provides the EMMA platform to enable municipalities to quickly and efficiently meet their

disclosure obligations. The Securities and Exchange Commission (SEC) plays an important role in the regulatory framework for disclosure. Recent SEC guidance related to the COVID-19 pandemic encourages municipalities and all bond issuers to provide investors with as much information about their current and operating condition as is reasonably practicable, and even forward-looking information when possible, accompanied by appropriate cautionary language. The SEC has said they would not expect to second guess such “good faith attempts to provide appropriately framed current and/or forward-looking information.” Read the full SEC guidance on the SEC's website and also find it linked on the MSRB's COVID-19 information page.

Are you ready to file a disclosure to EMMA but need help?

The MSRB provides a free library of video tutorials, manuals and resources to assist municipal officials throughout the process of submitting a disclosure filing to the EMMA website. Among the most frequently asked questions about making a COVID-19-related disclosure relates to choosing a category to index the disclosure in the EMMA system. Categories function as labels and search filters on the EMMA website. Submitting disclosures with the applicable categories enables EMMA users to locate disclosures more easily.

The MSRB provides educational resources that help explain the various categories available when making a financial or operating disclosure or an event disclosure on EMMA. To help investors understand the topic of the disclosure at a glance, municipal officials may wish to consider choosing one or more descriptive categories and providing descriptive text in the

Leah Szarek is the Interim Chief External Relations Officer for the Municipal Securities Rulemaking Board (MSRB), where she oversees the organization's corporate communications, stakeholder engagement initiatives and government relations. Previously, Leah has held various communications roles at the MSRB and has led the MSRB's flagship market transparency program, the Electronic Municipal Market Access (EMMA®) website, as Director, Market Transparency. Email: lszarek@msrb.org.

“Description” field when making their filings to EMMA.

Thinking about issuing municipal bonds?

EMMA not only provides free public access to state and local disclosures, but also data about trading in municipal securities and broader market data, including key yield curves and indices. The EMMA website has played an important role in helping municipal market participants understand the immediate impact of the pandemic.

In March 2020, as it became increasingly apparent states and communities would have to go on lockdown to prevent the spread of COVID-19, volatility in the municipal bond market soared to heights not seen even during

the Great Recession. Even though the market has normalized, the market data and tools available on the EMMA website and in MSRBR data reports can be important resources for municipalities considering a new bond issuance. Learn more in the MSRBR’s guide to EMMA for municipal bond issuers.

The MSRBR began releasing daily market activity reports for the public and offered data and expertise to fellow regulators and policymakers to inform their approach to emergency relief for the market. With little new issuance coming to market and liquidity needs rising, the MSRBR loaned one of its leading staff experts to the Federal Reserve Bank of New York to help structure and operationalize its new

Municipal Liquidity Facility (MLF). The MSRBR also took the step of waiving any MSRBR fees that would apply to MLF transactions to further support market liquidity. Keep up with the MSRBR’s latest work in response to the pandemic on its dedicated COVID-19 webpage.

Aiding in the recovery

As Maine cities and towns wrestle with the fiscal challenges of the pandemic, the MSRBR and its EMMA website can serve as an important resource to municipal officials, their bondholders and policymakers. Municipalities that issue bonds can use EMMA and the MSRBR’s disclosure summary to review the COVID-related disclosures of other states and municipalities to understand how they are managing the crisis and disclosing that information to the investing public. Local officials can reach out to the MSRBR with questions when making their own filings and refer to EMMA for real-time market data to inform their debt management decisions. At the same time, the freely available market data and expertise from the MSRBR continues to inform federal public policy on relief measures to help state and local governments recover from this crisis. ■



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Mainers set turnout record, flood clerks with absentee ballots

Despite so many “firsts” during the Nov. 3 election, things went smoothly statewide. Maine recorded the third-highest voter turnout in the nation.

By Liz Mockler

A Presidential election, layered with a national pandemic and a record number of absentee ballots, did not deter Maine voters from smashing the previous turnout record with 76.3%, according to outgoing Maine Secretary of State Matthew Dunlap.

Mainers also set a new record for the number of votes cast at 800,000, compared to 771,892 tallied during the 2016 presidential election, the termed-out Dunlap said.

This year, Maine voter turnout was the third highest in the U.S. Colorado recorded the second best at 76.4% and Minnesota ranked first with 79.9% turnout, according to the U.S. Elections Project.

Nationwide, the turnout rate was 66.9%, with 160 million eligible voters from a total of 239 million casting ballots. The national turnout this year was the highest since 1900, when 65.7% of eligible voters exercised their franchise. In the 2016 presidential election, national voter turnout was 56.2%.

An article in our December edition on the 2020 elections contained several errors. Maine did not have an online voter registration system in place last November, though one is proposed and under review. Absentee ballots were allowed to be processed seven days prior to the Nov. 4 election, not four days prior, due to an emergency order by Gov. Janet Mills. Pursuant to Maine law, absentee ballots had to be received before polls closed. Those received after Nov. 4 were not counted “if they were postmarked by Election Day,” as the article said. Finally, the election scheduled for June 9 was held on July 14 last year, due to the COVID-19 pandemic. Maine & Town and City apologizes for the errors.

Liz Mockler is a freelance writer from Randolph and regular contributor to Maine Town & City, lizmockler@hotmail.com.



Shelly Crosby

Increasingly, women outvote men and have done so since 1984. This year, 55% of American women cast ballots, compared to 52% of men.

This was the first Presidential election in which ranked-choice voting method (RCV) was used in Maine, under which when a candidate does not receive 50 percent of the vote, the ballots of the last-place candidates are reallocated to the remaining contenders. In 2016, Mainers approved the RCV system for federal races; the Legislature later enacted a law ensuring RCV was used in the Presidential race as well. RCV is also known as an “instant runoff.”

Municipal clerks do us proud

“Overall, municipal officials did an extraordinary job,” Dunlap said. “There were a few glitches, but nothing systematic. The (election) clerks adjusted really, really well to all the changes” needed to pull off a Presidential election, during a pandemic that had killed 230,000 Americans by early November.



Matthew Dunlap

“There were very few problems,” Dunlap said of the number of calls he would normally get from clerks on Election Day. “It was eerily quiet.”

Due to the pandemic, absentee ballots totaled about 65%, or 500,000, of the 800,000 votes cast in Maine, setting a record that could be hard to beat. The biggest reason for the large jump in absentee ballots (there were 35,000 requested in 2018 mid-term election) was the novel coronavirus pandemic.

“Some cities and towns experienced higher than normal phone calls, emails and public inquiries regarding inaccurate information by the media and political and special interest groups,” said Shelly Crosby, Orono town clerk and president of the Maine Town and City Clerks’ Association (MTCCA).

There was some confusion by voters “on how to request an absentee ballot, ranked choice voting, authentication of a voter’s signature, and lastly multiple absentee request mailers being sent to the same address,” Crosby said.

She added, “The MTCCA, SOS Office and Maine coalition groups all

worked together to disseminate the proper information, set up a voter hotline and established the absentee ballot lookup program at Maine.Gov.”

Voters followed pandemic protection rules, Crosby said, including wearing protective clothing, face coverings, social distancing and practicing other measures to mitigate any problems.

“Pre-planning and taking a proactive approach regarding Maine’s elections for the 2020 Presidential election safeguarded the process, protecting the voter’s interest while also making the process user-friendly” she said.

June lessons helped

“The (election) clerks did an amazing job considering what we were faced with,” said Tom King, Presque Isle city clerk. “We had learned lessons from the June primary election and, while Gov. Mills had not yet made rules for the general election, I give her a lot of credit for listening to clerks” after the primary and making changes to ensure as smooth a Nov. 3 Election Day as possible.

Among the changes that the Mills Administration adopted after consulting with clerks was to authorize an online voter registration system, and to

accept absentee ballots past Nov. 3 as long as they were postmarked by Election Day.

The biggest change Mills made at the recommendation of clerks was allowing them to open and tabulate absentee ballots early, instead of waiting until Election Day or until all the in-person ballots had been counted, King said.

“It was like you were the captain of the Titanic: You hit the iceberg, and it was too late to start training life-guards,” King said of the June primary.

“Voters deserve a lot of the credit,” he added. “In the middle of a pandemic, they really stepped up.”

Crosby added, “Municipal clerks and their deputies exemplify truth, integrity and loyalty during these troubling times, (when) facing a pandemic as well as national unrest.

Local referenda

In addition to town and city municipal elections, voters in municipalities statewide decided some important local referendum questions on Nov. 3.

In Maine’s largest city, Portland voters endorsed five of six referendum

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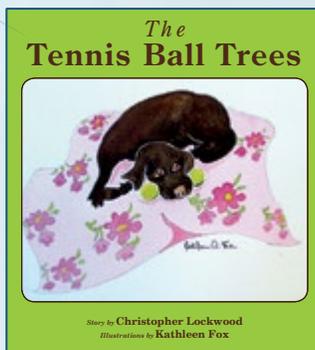
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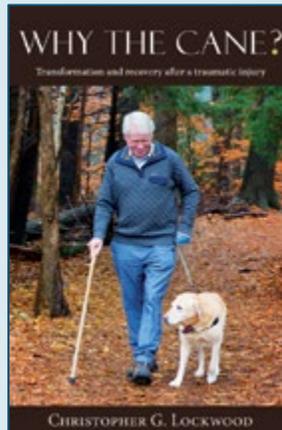


Gift Ideas

Books by Christopher Lockwood, retired MMA Executive Director (1979 – 2015).



This is a whimsical story of a Labrador Retriever’s love of tennis balls. Children and adults alike will enjoy the wonderful illustrations by watercolor artist Kathleen Fox and will find delight in its surprise ending.



Why the Cane? is a personal memoir relating Lockwood’s journey to regain a level of activity he thought would not be possible after a devastating accident. It chronicles his medical journey, the upheaval suffered by his family, and the counsel and support which shifted his focus and provided a framework to make thoughtful decisions for the long term.

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questions initiated by residents, rejecting only the question of restricting short-term rentals, such as Airbnb. The vote also was the closest at 19,745 to 19,523.

Voters agreed to: Increase the city's minimum wage to \$15 an hour by 2024 and to provide workers with time-and-a-half hazard pay during emergencies; to ban facial surveillance by Portland public officials; cap rent increases to the rate of inflation and require landlords to give tenants 90 days before they can be evicted, rather than the current 30 days; and, remove the existing cap on medical and recreational marijuana shops.

Portland voters also approved a "Green New Deal" referendum that would change the city's green building codes, add labor rules for city-funded developments and require more affordable housing units in certain projects.

In other significant local referenda:

- Rockland voters easily passed a measure to raise the city's minimum wage to \$15 an hour by 2024.
- Waterville residents voted to approve changes to the city charter by a vote of 4,808 to 1,900. Under the changes, council vacancies will be filled by special election rather than council appointment. Among other changes, mayoral candidates will be required to live in the city for at least a year rather than three months; and budgets must be approved by two-thirds of the council, rather than the current majority of four councilors.

- The charter changes were proposed by a 10-member charter commission approved by voters in 2019 to review the charter every seven years.
- China residents voted to enact the Town of China Solid Waste Flow Control Ordinance by a vote of 1,380 to 782. Residents further approved the Town of China Solid Waste Disposal Ordinance by a similar margin of 1,360 to 793.
- In Boothbay, voters approved a referendum regarding a complete rewriting of the town's zoning ordinance, including a new zon-

ing map. The vote was 1,452 to 496. The new ordinance will not include any new shoreland zoning map, the state's province, nor a watershed overlay map.

- Bangor voters approved a \$2.7 million bond for the construction of a turf playing field and all-weather track at J. Henry Cameron Stadium.
- York residents voted in favor of three changes to local rules, supported by both the select and planning boards, which concern stormwater management, outdoor lighting and illuminated signs. ■

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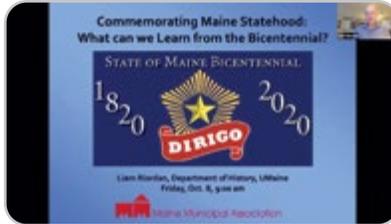


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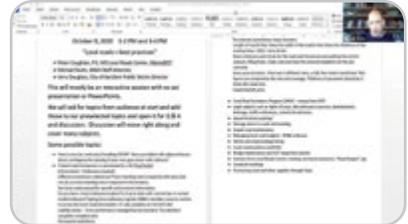
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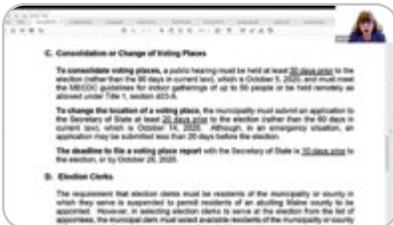
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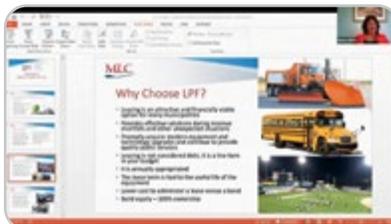
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Voters brave pandemic, use absentee ballots to elect new councilors, select board members

By Liz Mockler

Following are among the municipal election results from the Nov. 3 general election. For space considerations, unopposed incumbents are not included in the listings, with rare exceptions. The names of challengers also are not included, unless they are former select board members, councilors or other former municipal officials.

However, former selectpersons and councilors are named, even if they lost.

The results are based on news reports and interviews with town clerks, other elected officials and the secretary of state. The results are listed in alphabetical order by municipality.

Augusta voters seated a new councilor, **Courtney Allen**, who defeated former councilor **Harold Elliott Jr.** for an at-large seat. The vote was 5,423 to 2,942. Allen received the most votes in all city districts. Also, at the city's central polling place, Allen collected the most absentee ballots by a margin of 3,853 to 1,786. Allen is a policy director for the Maine Recovery Advocacy Project. Elliott served from 2017 to 2019, but resigned from the council last year to move to Florida. He and his wife did not like the Sunshine State and returned to Augusta. Two other incumbents were unopposed.

In an 8-way race for three *Bangor* council openings, the winners were **Jonathan Sprague** with 6,965 votes, **Sarah Dubay** with 5,646 votes and incumbent **Clara Davitt** with 5,286 votes. All are for 3-year terms.

In a 7-way race for three *Caribou* City Council seats, voters selected two newcomers and one incumbent, each for a three-year term. New Councilor **Courtney Boma** received the most votes at 1,717, incumbent and current Mayor **Mark Goughan** received 1,635 votes, and newcomer **Louella Willey**

received 1,461 votes. Incumbent **Hugh Kirkpatrick** received 1,262 votes in his losing bid for another term. Councilor **Nicole Cote** did not seek re-election. The remaining contenders received 1,400, 1,021 and 993 votes.

China voters returned incumbents **Janet Preston** and **Ronald Breton** to the select board with 1,148 votes and 1,030 votes, respectively. Newcomer **Blane Casey** received the most votes in the 5-way contest with 1,445 to win the third open seat. Breton was chairman of the board at the time of the election. He previously served four terms on the China Planning Board. Preston won election last spring to finish the term of a member who resigned. Her new term is for two years. Casey, who received the most votes in the board race, is a self-employed contractor. Two other candidates received 722 votes and 719 votes.

Ellsworth voters re-elected incumbent and council Chairman **Dale Hamilton** and elected newcomer **Gene Lyons** in a 4-way race for two open council seats. Both are for three-year terms. Lyons will replace **John Moore**, who did not seek re-election. The votes were 2,418 for Hamilton and 2,158 for Lyons. The challengers received 1,633 votes and 1,133 votes. In 2017, Hamilton defeated then-Chairman **John Phillips**, who was elected again in 2018.

Fairfield Councilor **Mark Cooper** was re-elected to a three-year term with 1,487 votes after being appointed in August to fill the vacant seat of **Courtney Chandler**, who resigned because of scheduling problems. Two other candidates received collected 914 votes and 550 votes, respectively. Cooper, a history teacher, has also served on the Fairfield Budget Committee, the MSAD 49 Board of Directors, as well as serving as the deputy of elections and

election clerk.

In a 5-way race for three *Gardiner* city council seats, incumbents **Tim Cusick** and **Maryann White** were re-elected with 1,898 votes and 1,361 votes, respectively. Newcomer **Penny Sergent**, in her second run for the council, took the last open seat with 1,286 votes. All three will serve two-year terms. Former Councilor **Scott Williams**, who served three terms, was edged out by Sergent. He received 1,260 votes. The final candidate received 984 votes.

George LaPointe is the *Hallowell* mayor following a recount showing he defeated fellow councilor **Maureen AuCoin** by a vote of 860 to 857, with 75 blanks in the city's mayoral contest. AuCoin asked for a ballot inspection and recount. While LaPointe's total remained unchanged, AuCoin lost one vote. LaPointe is an environmental consultant and former commissioner of the state Department of Marine Resources. He has served on the city council since 2013. Councilor AuCoin is a former interim *Hallowell* city manager and code enforcement officer. She has served on the council since 2016 and is a member of the council's finance committee. Former Mayor **Mark Walker** did not seek re-election, deciding to run against state Sen. Shenna Bellows. Bellows received 12,915 votes and Walker garnered 10,158.

A majority of *Hampden* councilors did not seek re-election this year, leaving four district seats open for 3-year terms on the 7-member board. Former Councilor **Mark Cormier**, who served from 2016 to 2018, was the only candidate with council experience. He also was the only candidate with an opponent. He defeated former Councilor **Jean Lawlis** by a vote of 698 to 353 to take the District 3 seat vacated

by **Terry McAvoy**. The three rookies are **Allen Esposito**, who won the most votes at 996 to replace **David Ryder** for the District 4 seat. **Christine Cumberley** received 959 votes to replace **Dennis Marble** in District 2; and **Peter Erickson** collected 934 votes to replace **Stephen Wilde** in District 1. None of the four councilors sought re-election. The remaining three at-large council seats will appear on next year's ballot.

Houlton voters elected newcomer **Dennis Harmon** to a two-year term with 2,174 votes to replace **Jane Torres**, who had been termed out under the town charter. At its first meeting, the new council elected **Christian Robinson** as council chairman for the following year. The vote was unanimous.

Incumbent *Kittery* Councilor **Ken Lemont** and newcomer **George Dow** won the two open seats for three-year terms. They held off two challeng-

ers who collected more than 2,000 votes each. Lemont received the most votes at 2,890 and Dow won with 2,378 votes. Dow replaces council Vice Chairman **Matt Brock**, who did not seek re-election. The two other contenders garnered 2,245 votes and 2,172 votes.

In a 6-way race for four seats on the *Old Town* City Council, voters elected two newcomers and returned two incumbents. **Shirley Brissette** was re-elected to a three-year term with 2,015 votes, while **Stanley Peterson** was re-elected to a one-year term with 2,011 votes. Newcomers **Inda McLeod** garnered the most votes with 2,107 and **David Wight** received 2,055 votes to fill two empty seats. Councilor **Donna Ketchen** did not seek re-election, while **David Mahan** resigned last May. Brissette worked as a legal secretary for 25 years for the town's police and fire departments. Peterson taught at Old

Town High School for 40 years. Rookie **McLeod**, a former school board member, is superintendent of Maine Indian Education, comprised of three area tribes. **Wight** served 20 years as a state forest ranger, as well as director of the town's public works department for 12 years. The remaining candidates received 1,668 votes and 1,231 votes, respectively.

Portland voters elected three new city councilors using the ranked-choice voting (RCV) method. Newcomer **April Fournier** led all candidates, finishing with 59 percent of the vote, or 16,014 votes, to win the at-large seat held by councilor and former Mayor **Jill Dunsen**, who did not seek re-election after two decades. Of the four candidates for the at-large seat, incumbent **Justin Costa**, who left his District 4 seat to run for the at-large position, was defeated with 11,014 votes. **Andrew Zorro** defeated one challenger by a vote of 3,625 to 3,098 to represent District 4. He replaces Costa. **Mark Dion** collected 2,778 votes to win the District 5 seat, holding off three challengers to replace **Kimberly Cook**, who did not seek re-election. One of Dion's challengers was **John Coyne**, who ran to regain the seat he vacated in 2014. Fournier is a special services manager for the local Head Start agency; Zorro is a business owner; and Dion is a former state legislator, Portland police chief and Cumberland County sheriff. Two other candidates received 1,810 votes and 4,734 votes.

Under the RCV method of tallying votes, a candidate must win at least 50 percent of the vote to win. Both Fournier and Dion won RCV run-offs, after initially receiving 47.28 % and 38.6% of the total vote, respectively. Zorro won 53.9% votes, avoiding a run-off. In immediate run-offs, the votes of the last place candidates in each race are distributed based on voters' second-choice candidates. Turnout was 67.1%, or 42,097 voters.

Randolph incumbent **Matthew Drost** defeated two challengers to win a third term on select board. Drost received 429 votes, while his opponents collected 340 votes and 124 votes. Both of his challengers were making their first run for municipal office.

Newcomer **Sarah Austin** collected the most votes from a field of five candidates for one of two open seats on the *Rockland* City Council. Following

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a recount on Nov. 4, former Mayor **Louise MacLellan-Ruf** was declared the second highest vote-getter with 1,388 to win the second seat. They will replace Mayor **Lisa Westkaemper** and **Valli Geiger**, neither of whom sought re-election. The recount was requested by **Adam Lachman**, who received the most votes ever of any city candidate who did not win election at 1,375. Following the recount, Lachman picked up four votes, while MacLellan-Ruf received an extra three votes, for the final tally of 1,388 to 1,375. The remaining candidates received 1,175 votes and 661 votes. There were 1,830 blank ballots for council. Edward Glaser, who was not on the ballot, was elected by the council to serve as mayor for the next year.

Jeremy Petty received 2,473 votes in his unopposed run to fill the *Sabbatus* seat held by **Connie Castonguay**, who did not seek re-election.

In the 3-way race for *Sanford* mayor, newcomer **Anne Marie Mastraccio** defeated two challengers to win a two-year term. She defeated incumbent **Lucas Lanigan** by a vote of 4,634 to 4,409. A third candidate collected 1,117 votes. Mastraccio replaces **Thomas Cote**, who did not seek re-election. Meanwhile, incumbent **Maura Anne Herlihy** collected the most votes to win re-election in a 4-way race for two open council seats with 5,017 votes. The second incumbent, **Joseph Hanslip**, lost his bid to newcomer **Jonathan Martell** by a vote of 3,801 to 3,698. The fourth candidate received 3,367 votes.

Former *Waterville* City Councilor **Jay Coelho** defeated former Councilor **Phil Bofia** to win the race for mayor. The vote was 4,084 to 3,272. Coelho will take office on Jan. 5, succeeding Mayor **Nick Isgro**, who served two, 3-year terms. Isgro did not seek re-election. Coelho, a bakery business owner who also owns a computer repair business, said he was humbled by the public support. Bofia is an IT business analyst for CGI Business Solutions. Meanwhile, newcomer **Rebecca Green** defeated incumbent Councilor **Sydney Mayhew**, who served six years, to serve Ward 4. The vote was 692 to 669. Newcomer **Thomas Klepach** ran unopposed to fill the Ward 3 seat vacated by **Meg Smith**, who resigned earlier this year. Two other unopposed incumbents were elected. Mayhew surprised the council the day after the election

by resigning with no notice; his term would have expired in January. He cited workload and personal reasons for his early departure.

Winslow Selectman **Steve Russell** did not seek re-election last month after serving on the town council for 26 years. **Joseph Roch Gravel**, the town's former fire captain who retired last year, was unopposed to fill Russell's seat. Russell, 62, did not run again in part because of an illness that would leave him vulnerable to the coronavirus. Russell was first elected in 1995 and served as council chairman in 2009 and 2010 and again from 2017 to 2019. Russell did not rule out another run for council once a vaccine against the virulent virus is available. "(I'm) taking a vacation from all the hoopla," he told

town office staff. Russell said he was proud *Winslow* is ranked among the best communities in which to live in Maine. A lifelong farmer, Russell's farm has been in his family since 1820.

Former *York* Selectwoman **Kinley Gregg** held off two challengers to win the seat vacated by **Elizabeth "Liz" Blanchard** shortly after her election to the select board last July, citing health concerns. Blanchard died in August. Gregg, who served two previous 3-year terms on the board, will complete Blanchard's three-year term. She edged out her opponents by 35 votes. She received 3,177 votes, while **Britton Garon** received 3,142 and remains a member of the appeals board. The third candidate picked up 1,517 votes. ■

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PEOPLE



Michael Clark

The Town of Houlton lost one of its most distinguished residents and leaders when **Michael Clark** died Oct. 18 at the age of 86. He was the driving force behind restoration of the town's iconic

1916 downtown Boy with the Leaking Boot drinking fountain and instrumental in forming the McGill's Community Band. He also was the force behind building the town's amphitheater. A Navy veteran and businessman, "Mike was passionate about Houlton," one friend said. Clark was awarded the "Outstanding Citizen of the Year 1979" by then-Gov. Joseph Brennan. "His involvement is literally built into the fabric of our community and that legacy will last for generations," another friend said.

Newly retired Caribou City Clerk **Jane Farrin** was awe-struck when she was awarded the **Ethelyn Stuart Marthia** award for exemplifying the high standards set by Marthia over her long clerk's career. Farrin was markedly surprised to receive the award. Farrin was attending the September annual meeting of the Maine Town and City Clerks' Association to watch **Susan Skidgell**, Caribou's new deputy city clerk, take the oath as an MTCCA officer. Or so she thought. Farrin is the first Aroostook County clerk to receive the award. Skidgell previously worked as deputy clerk for the tri-towns of Mapleton, Castle Hill and Chapman for 15 years. Farrin was succeeded by her sister, **Danielle Brissette**, a former assistant and then deputy clerk working with her sister.



Brittany Howard

Kennebunk welcomed **Brittany Howard** in October as the town planner. Previously, she served for more than 10 years as town planner and code enforcement officer for the town of Epping, N.H. with a

population of 6,400. As of 2010, Kennebunk's population was 10,500, according to the U.S. Census. Howard, an Auburn native who lives in York, succeeds **John**

Stoll in the position. She has worked as a planning department intern for Saco, and as a geographic information system (GIS) intern for the town of Londonderry, N.H. She earned a Master's degree in community planning and development from the University of Southern Maine.



Tom Keene

Former Skowhegan Fire chief **Tom Keene** died of COVID-19 in mid-November. He was 66. He served two stints as chief, first from 1992 to 2001 and again from 2008 to 2014. Keene began his firefighting career in Norridgewock, where his father, Winston, served as chief. The younger Keene joined the Skowhegan Fire Department in 1976 and was promoted to chief in 1992. Keene retired from the department in 2001, but returned as chief again in 2008.

Jody Lewis was tapped on Oct. 28 to fill the unexpired term of **Kirk Brewer** as trustee of the Boothbay Refuse Disposal District. The decision came via a 4-0 vote. Lewis will serve until June 2022. There were four candidates for the job.



Janine Roberts

Westbrook Police Chief **Janine Roberts**, 56, will retire in January, ending a 35-year career in Maine law enforcement. A nickname she embraced after refusing to play rugby as a young Portland officer, saying she was a "cupcake," will become part of the name of her new business, Chief Cupcake's Consulting. She hopes to travel the country in her motor home and visit friends in other departments on her way to various businesses, where she will provide employee training in emergencies, disasters and other threats, as well as how to de-escalate difficult situations. Roberts also hopes to ride her Harley-Davidson more. Her license plate reads "CHF CPCK."

She joined the City of Portland force in 1985 at age 21, before women had proven they could be excellent officers. She faced years of criticism, including second-guessing her judgment and abili-

ties, she said. After being passed over for higher-grade positions, she retired from Portland in 2014. Westbrook officials did not wait long to snag Roberts as interim chief and, a year later, to permanent status. City Administrator Jerre Bryant, who interviewed Roberts for the interim job, and later supported her promotion, said Roberts' innate sensitivity to others, and her ability to show empathy to them, will leave an enduring mark on Westbrook and its police force.

Raegan Young, community planner and outreach specialist with Southern Maine Planning and Development Commission, recently received the Dr. Edward F. Dow Award for Future Leaders in Public Administration. Named for an author, innovator, mentor and leader to Maine public administrators for decades, the award is presented annually to a person studying public administration who has made a significant contribution to the profession and has demonstrated noteworthy leadership skills during the course of his or her studies and early participation in the field.

A 2020 graduate of the Muskie School of Public Service, Young majored in sustainable development and Geographic Information Systems (GIS). She worked as an intern for the City of Auburn, whose officials nominated her for the award. Her internship work included authoring a recycling report, which analyzed and presented years of data in an engaging and informative manner. Peter Crichton, Auburn City Manager said, "It is a big deal that she was awarded this recognition and is a tribute to her as well as the Muskie School." ■

If your municipality submits a news item for the **Maine Town & City**, consider sending a corresponding photo to Eric Conrad: econrad@memun.org

PISCATAQUIS COUNTY

National Geographic magazine has listed Maine's Mount Katahdin as one of the 10 best hikes in the world. Over a decade, a professional hiker walked 10,000 miles in six continents to research the best hikes list. Maine joins mountains in Australia, Newfoundland, Iceland and Patagonia, encompassing both Chile and Argentina, on the list. The base of famous (and infamous) Mount Everest is a good hike, according to the researcher, but the towering mountain did not make the list for obvious reasons. Mount Washington in New Hampshire, the highest peak in the northeastern U.S. at 6,288 feet, also did not make the list. Mount Katahdin, called Agiocochook by some Native American tribes, is the centerpiece of Baxter State Park, located in an unorganized territory in Piscataquis County some 25 miles from Millinocket. The fabled mountain is 5,257 feet high and is the northern end of the 2,100-mile Appalachian Trail, which begins at Springer Mountain in Georgia.

BELFAST

Controversy surfaced in mid-November when city council members discussed a possible policy to address councilors' conduct and language on social media such as Facebook and Twitter. Mayor Eric Sanders encouraged the discussion after the regional school directors passed a social media conduct policy in response to a Facebook post by a school director that was considered obscene and unrelated to school business. The director resigned. After a discussion, City Manager Erin Herbig was asked to develop a proposed policy for future review. She was asked to take into account the comments and concerns of the councilors. Councilors did not want to hinder their ability to use social media to communicate with the public. Herbig agreed, but added that posts should be limited to city business and issues.

BUCKSPORT

Town leaders want to expand the Bucksport dock to attract cruise ships and other mariners who are looking for a safe harbor centrally located in the downtown, particularly during the ongoing pandemic when boating is considered one of the safest activities to avoid exposure to the deadly virus. The former mill town has reinvented itself, attracting

NEW ON THE WEB www.memun.org

Here are highlights of what has been added to the Maine Municipal Association website (www.memun.org) since the last edition of *Maine Town & City*.

Small business support: Many municipal leaders ask how they can help small businesses suffering financially during the COVID-19 outbreak. The Mills Administration on Dec. 2 began accepting applications for a \$40 million grant program aimed at supporting businesses in the hospitality and retail fields.

MMA's Legal Services Department produced an update summarizing the requirements of Maine's first-in-the-nation paid leave law. The new law goes into effect on Jan. 1, 2021. Links to the MMA summary and state Department of Labor guidance have been posted.

Coronavirus guidelines keep changing and coming along. We keep you informed about the latest guidance so you can run your municipality as well as possible during the current public health emergency.

businesses such as an aquaculture operation and making plans to spend more than \$3 million to enlarge the dock into a port. Among the changes would upgrade floats from timber to concrete. A floating dock would measure 13 feet in width and 60 feet long. A 120-foot-long gangway would also be constructed to satisfy a requirement under the Americans with Disabilities Act. Officials hope a final design can be chosen by next summer. The earliest the construction could begin would be the winter of 2022.

LIMESTONE

The town's development foundation and chamber of commerce merged and will be supervised by one board of directors that will meet monthly. Among the benefits of a merger include the combined organization would be a non-profit, clearing the way to increase the chances of receiving grants for the town's Albert Michaud Park revitalization project. The merger will not require formal paperwork, officials said, and will allow the merged organization to work together to change the town and host annual festivals and other events. Last month, members of the new group elected leaders, from president to secretary to treasurer.

THOMASTON

The town clerk has discovered that information about the Village Cemetery is either missing or incorrect. The problem was revealed during an effort to update the forms and permits for burial in the cemetery. Town Clerk Melissa Stevens,

hired in June, said she must rely on the cemetery's sexton to find out who is interred there and the location of a grave. The trustees of the Village Cemetery authorized Stevens to search for a software program to assist with the cemetery records. The clerk said the cemetery cards containing information on who owns which plot was not updated when the plot owner died or someone was buried. She said it is unclear what precise information needs to be corrected and predicted more issues would emerge as the process unfolds.

ROCKLAND

The busy coastal town could soon add an affordable housing development of one-two-and-three bedroom apartments, and as many as five single-family homes. In Knox County, the median home prices are estimated to be \$30,000 higher than the average homebuyer can afford. In a first-of-its-kind partnership between MaineHousing and Midcoast Habitat for Humanity, the 10-acre project will get an initial funding boost with a \$500,000 grant from MaineHousing, the state's housing authority. Officials said the total cost of the project is not yet known. The Knox County Homeless Coalition would manage the completed project. The partners have started planning; the city council would need to approve the plan. If endorsed by the city, construction could begin as early as 2021. If the Rockland proposal is successful, MaineHousing will likely work with other community-based groups to develop similar projects. ■

2021 Holiday Schedule

MAINE MUNICIPAL ASSOCIATION

Holidays

Day/Date to be observed

Christmas Day (2020)	Friday – December 25, 2020
New Year's Day	Friday – January 1, 2021
Martin Luther King, Jr. Day	Monday – January 18, 2021
Washington's Birthday/Presidents' Day	Monday – February 15, 2021
Patriots Day	Monday – April 19, 2021
Memorial Day	Monday – May 31, 2021
Independence Day	Monday – July 5, 2021
Labor Day	Monday – September 6, 2021
Indigenous Peoples' Day/Columbus Day	Monday – October 11, 2021
Veterans' Day	Thursday – November 11, 2021
Thanksgiving Day	Thursday – November 25, 2021
Thanksgiving Friday	Friday – November 26, 2021
Christmas Day	Friday – December 24, 2021
New Year's Day	Friday – December 31, 2021



Please note: For MMA, holidays that fall on Saturday are observed on the preceding Friday, and holidays that fall on Sunday are observed on the following Monday.

LEGAL NOTES

SHOULD WE HAVE INSURANCE ON TAX-ACQUIRED PROPERTY?

We get this question frequently this time of year because municipal property tax liens are often scheduled to foreclose automatically in the month of December or January. (This is due to the fact that municipalities commonly commit taxes in the month of July or August, and the tax lien foreclosure process takes approximately two and a half years from the time of commitment to completion.)

The answer turns, in part, on the type of property acquired. If it is vacant or unimproved land, a municipality cannot be held liable for it no matter how it was acquired (see 14 M.R.S. § 8104-A(2)(A) (1)), so liability insurance is pointless and a waste of premium dollars.

If the property is a building, however, the answer becomes a bit trickier. If and as long as the building remains in the actual possession of (i.e., occupied by) the delinquent taxpayer or the taxpayer's lessee or licensee (i.e., permittee), a municipality cannot be held liable for it (see 14 M.R.S. § 8104-A(2)(B)), so, again, liability insurance coverage is unnecessary.

But if the building is vacant upon foreclosure (which of course occurs automatically) or becomes vacant following the foreclosure, a municipality can be held liable for it beginning on the 61st day thereafter (see 14 M.R.S. § 8104-A(2)(B)). Consequently, the municipality should immediately obtain liability insurance for \$400,000 – the current cap on money damages under the Maine Tort Claims Act (see 14 M.R.S. § 8105). Security measures and signage should also be implemented in order to reduce the risk of injury and vandalism.

Because a vacant tax-acquired building can expose a municipality to liability, we do not generally recommend that municipalities evict occupants unless they are committing “waste” or damage to the premises. (Eviction is otherwise unnecessary – the property can be sold “as is” – and eviction can be expensive and time-consuming.)

We also do not recommend that a municipality collect rent from the occupants as this would likely be construed as establishing a landlord-tenant relationship, with all the attendant liabilities (including for accidents and

MUNICIPAL CALENDAR

JANUARY 1 — New Year's Day 2021 – A legal holiday. (4 M.R.S.A. §1051)

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

BY JANUARY 20 — Treasurer of State to post notice of maximum interest rate which can be charged on delinquent taxes (36 M.R.S.A. §505).

JANUARY 18 — Martin Luther King, Jr. Day - a legal holiday (4 MRSA §1051).

JANUARY 31 — Deadline to submit quarterly withholding taxes to State Tax Assessor (36 MRSA § 5253).

DURING JANUARY — In towns with a March annual meeting, selectmen should begin preparing the town meeting warrant and town report. Obtain reports from all departments: schools, roads, etc. Arrange to have annual audit made before town meeting. ■

the premises' habitability) falling to the municipality.

Irrespective of potential liability, if a tax-acquired building has substantial asset value, it should be insured for property and casualty loss (fire, for example) to protect the municipality's “collateral.” This should be done immediately upon foreclosure as the risk of loss is immediate.

If taxable property has no substantial value (such as a dilapidated mobile home) or poses a significant liability risk (such as an abandoned hazardous waste site), the municipality may not want to tax-acquire it. Automatic tax lien foreclosure can be avoided by recording a “waiver of foreclosure” in the registry of deeds before the scheduled foreclosure date. For full details, see “Waiver of Lien Foreclosure,” Maine Townsman, Legal Notes, March 2009.

Over the years we've written here about a wide variety of issues relating to tax-acquired property. For a recap, with cites to where readers can learn more, see “Tax-Acquired Property: 10 Years, 10 Legal Notes,” Maine Townsman, Legal Notes, August 2014.

For detailed advice on managing tax-acquired property, including its disposition and sale, see MMA's “Information Packet” on the subject, available free to members at www.memun.org. (By R.P.F.)

WINTER SIDEWALKS

Question: Are municipalities in Maine legally required to maintain their sidewalks during the wintertime?

Answer: Generally speaking, yes. If a town way (a road that a municipality is required to maintain, as opposed to a public easement) is “blocked or encumbered” with snow, the way must be opened and made passable within a reasonable time (see 23 M.R.S. § 3201). This obligation to remove snow also extends to public sidewalks located within the legal limits or boundaries of a town way. But this duty does not apply to public sidewalks located outside of a town way (in a public park, for example) or to private sidewalks along private roads.

Despite their general obligation to keep public sidewalks clear of snow, municipalities are absolutely immune from liability for damages to any person on foot on account of snow or ice or slippery conditions on any sidewalk or crosswalk (see 23 M.R.S. § 3658). This blanket immunity for pedestrian accidents on snow- or ice-covered sidewalks is akin to the blanket immunity for motor vehicle accidents on snowy or icy public roads (see 23 M.R.S. § 1005-A(1)). These immunities simply recognize the realities of life in a Maine winter and the responsibility of every motorist and pedestrian to exercise due caution during

LEGAL NOTES

wintery conditions.

Incidentally, Maine law also authorizes the municipal officers (selectmen or councilors) to enact ordinances requiring the owner, occupant, or agent in charge of abutting property to remove snow and ice from public sidewalks (see 30-A M.R.S. § 3009(1)(A)). Some towns and cities (mostly larger ones with built-up downtowns and dense residential neighborhoods) have enacted such ordinances, often over public protest and with decidedly mixed results.

For a comprehensive review of municipal liabilities in winter – from roads and sidewalks to mailboxes to outdoor recreation areas to slippery stairs to contaminated wells – see “Liability for Snow & Ice,” *Maine Townsman*, Legal Notes, December 2009. (By R.P.F.)

TAX STATUS OF MUNICIPALITIES AND DEDUCTIBILITY OF GIFTS

(Reprinted and revised from the August 2000 *Maine Townsman* Legal Notes)

Question: What law makes municipalities exempt from federal corporate income taxes? Also, what law makes gifts to a municipality tax-deductible?

Answer: It is the Internal Revenue Code, 26 United State Code (U.S.C.) §§ 115 and 170(c)(1), respectively.

Section 115 defines “gross income” for tax purposes as not including “income derived from... the exercise of any essential governmental function and accruing to a State or any political subdivision thereof.” (A municipality is a political subdivision of a state.)

Section 170(c)(1) states that a “charitable contribution” includes “a contribution or gift to or for the use of [a] State, a possession of the United States, or any political subdivision of any of the foregoing... but only if the contribution or gift is made for exclusively public purposes.”

Municipalities and gifts to municipalities enjoy the same status for State income tax purposes by virtue of 36 M.R.S. § 5102, which, with certain exceptions, defines “Maine net (taxable) income” as being taxable income as determined under federal law.

Municipalities that solicit gifts may wish to characterize contributions as “qualifying” for a deduction (that is, as long as they are made for exclusively

public purposes) but should not advise specific donors that a gift is deductible in fact, because whether a particular taxpayer can take a deduction depends upon a variety of factors. Nonetheless, it may be helpful for tax purposes to issue donors a receipt acknowledging the gift, especially if it is for over \$250, which is (still) the current threshold for documentation of other charitable deductions.

Of course, any gift to a municipality, of money or other property, must first be accepted before it may be used or applied. The general rule is that gifts may only be accepted by vote of a municipality’s legislative body (town meeting or town or city council). This includes gifts of money or other property in trust (see 30-A M.R.S. § 5653), conditional gifts (see 30-A M.R.S. § 5654), and unconditional gifts (see 30-A M.R.S. § 5655).

However, even in municipalities with a pure town meeting form of government, the municipal officers (the selectmen), acting alone, may accept donations of money to supplement a specific appropriation already made, or to reduce the tax assessment, or to endow a municipal education foundation, or to reduce the permanent debt (see 30-A M.R.S. § 5652). Thus, for example, if town meeting has already appropriated an amount of money for a particular purpose or project, cash gifts in support of that activity may be accepted by the selectmen without the need for another town meeting.

For further details about the requirements for accepting gifts to a municipality, see the Title 30-A statutes cited above or Chapter 8 of MMA’s *Municipal Officers Manual*, available free to members at www.memun.org. (See also “Gifts to Municipalities,” *Maine Townsman*, Legal Notes, February 2013.) (By E.P.C./R.P.F.)

CAN BOARD MEMBERS SOCIALIZE TOGETHER?

Question: Is there any law barring municipal board members from socializing with each other outside of a duly noticed public meeting of the board?

Answer: Of course not. In fact, Maine’s Freedom of Access Act (FOAA, aka the “Right to Know” law) expressly acknowledges the right of board members to

communicate with each other outside of public proceedings or board meetings “unless those communications are used to defeat the purposes of this subchapter” (1 M.R.S. § 401). In other words, board members are free to socialize and communicate with each other outside of a board meeting provided they do not discuss or transact board-related business.

To be absolutely clear on this point, we should underscore that the FOAA defines “public proceeding” broadly to include the “transaction of any [board] function” (1 M.R.S. § 402(2)). This includes mere discussion and deliberation as well as voting. Board meetings as defined in the FOAA are not confined to “official business” meetings where decisions are made; so-called workshops and informal discussions of board-related business are also included (see “Workshops Are Public Proceedings under FOAA,” *Maine Townsman*, Legal Notes, June 2007).

The bottom line: While it’s perfectly OK to socialize and communicate with one another outside of board meetings, board members should be careful to avoid discussing substantive board business unless at a properly noticed public meeting of the board.

For more on this question, see the Frequently Asked Questions (FAQs) webpage on the State’s FOAA website here: <https://www.maine.gov/foaa/faq/index.shtml>

And for more on the Right to Know law generally, see MMA’s “Information Packet” by the same title, available free to members at www.memun.org. (By R.P.F.) ■

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Maine Municipal Bond Bank

2020 FALL 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 three to four months. Below is the schedule for the Bond Bank's Fall Issue.

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

Tuesday, August 4th

Application Deadline.

Tuesday, August 25th

Application approval (Board Meeting).

Thursday, September 10th

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

Friday, September 11th

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

Week of October 5th

Maine Municipal Bond Bank Pricing.

Wednesday, October 14th

Final documents due from bond counsel.

Wednesday, October 28th

Pre-Closing.

Thursday, October 29th

Closing - Bond Proceeds Available (1:00 PM).

SEPTEMBER						
		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			

OCTOBER						
				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

If you would like to participate in or have any questions regarding the 2020 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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Meet the Municipal Labor and Employment Team. We offer more than just legal advice. We partner with you at the bargaining table and beyond - providing counsel, guidance and support on labor negotiations and strategy, as well as new laws and regulations. Protecting your interests is our business.

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