

# Maine Town & City

The magazine of the Maine Municipal Association

January 2021

## Winter of Innovation

**Municipal staffs partner  
on homelessness**

### ALSO IN THIS ISSUE

2020 Election: Physical Changes

MMA's 2021 Training Calendar

Profile: Portland's Jill Duson



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*Eric Conrad*, Editor  
[econrad@memun.org](mailto:econrad@memun.org)

*Valarie Pomerleau*,  
Circulation Manager

*Sue Bourdon*  
Graphic Design/Advertising

**MMA website:** [www.memun.org](http://www.memun.org)

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# Maine Town & City

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The Magazine of the Maine Municipal Association

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### Takin' Care of Business



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**ABOUT THE COVER:** Freelance photographer Michael Laberge captured this wondrous winter scene near the Town of Readfield.

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## A MESSAGE FROM MMA

BY STEVE W. GOVE / EXECUTIVE DIRECTOR

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# Major municipal training study about to begin

Training for municipal officials is a foundational service the Maine Municipal Association provides its members. MMA conducts up to 100 training programs itself and through its Affiliate Groups annually. The scope and variety of those training workshops and programs has grown. From fundamental training for newly elected officials on their roles and responsibilities to more advanced sessions on emerging, legislative and technical topics, MMA delivers educational services. Our Affiliate Groups such as the town and city managers, clerks, assessors, code enforcement offices and tax collectors rely on MMA to assist them in meeting their professional training and development needs. We accomplish this with workshops and conference held throughout the year in a number of locations across the state. And, since April 2020, through on-line webinars.

A number of recent factors has led MMA to take stock in our educational services. Those factors include: the emerging training needs of municipal governments facing new challenges and requirements; the needs of municipal professionals for basic and advanced training; the pull back of training offered by state government in a number of areas; retiring municipal baby boomers and the need to attract millennials to local government jobs and careers; and, new opportunities presented by the pandemic for delivering training by digital means.

MMA will launch a comprehensive municipal curriculum inventory and assessment with the help of a consulting firm starting this month. Following a request for proposals and committee review process, MMA engaged the Government Consulting Group at BerryDunn to thoroughly assess existing training resources as they relate to state laws, municipal professions and on-the job competencies. Our project goal is to inventory the many resources for training across the various areas of local government and identify gaps in training needs. This inventory and needs assessment will serve as a guide for MMA's educational services into the future.

BerryDunn has broken this expansive project into four

phases. Phase One will outline the project's work plan and approaches to gather information in concert with MMA's project team of Eric Conrad, MMA's Director of Communication & Educational Services and Alicia Gaudet, MMA's Manager of Educational Services. Phase Two will complete an inventory of existing curricula and training offerings conducting interviews and surveys with MMA staff, municipal and state officials and MMA's Affiliate Groups. BerryDunn will issue its inventory report after Phase Two.

During Phase Three, BerryDunn will conduct a gap analysis review of state laws to document requirements of each municipal profession; map existing curriculum and the requirements identified; illustrate gaps in training by profession and hold targeted meetings with municipal officials to understand and validate gaps. This phase will conclude with a training gap analysis report to be shared with MMA's Affiliate Groups. BerryDunn will deliver improvement recommendations and an action plan for the association to follow in the final Phase Four of the project.

### Member input vital

BerryDunn will reach out to municipal officials and MMA Affiliate Group members for information and input, particularly during Phase Two of the project. We look forward to our membership's involvement in this effort. Your participation is vital to the development of a valuable set of training recommendations and action steps at the project's conclusion.

MMA is excited about this project. It is a big undertaking. To our knowledge, a municipal training inventory and assessment of this scope has never been conducted before. We believe it will take MMA and our Affiliate Group training programs to a new level and help cities and towns attract and retain highly trained and skilled professionals. Professionals who will deliver the important municipal government services of the future.

We will look forward to sharing more information with you about this project in the coming months. ■

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# Sanford to Aroostook, local experts tackle homelessness

*Service center cities are innovating, and working with hotels, to address a rising number of homeless residents during the COVID-19 public health emergency.*

By Glenn Adams

In the spring of 2019, an encampment of homeless people popped up in Sanford. At first, there were 15-20 people making the best of it in tents in a city parking lot.

A year later, as the coronavirus set in, the numbers of homeless in Maine's sixth-largest city grew. Recognizing the challenge, city officials turned to a police officer for help. Their strategy is paying off. Or, as Officer Eric Small put it: "It's problem-solving in a unique way."

Like Sanford, towns and cities across Maine are dealing with homelessness in their own ways. With COVID-19 spiking with winter's arrival, they are making special preparations for people finding themselves out in the cold, literally, due to a cruel brew of reasons.

Officer Small's instinct when he first visited Sanford's encampment in mid-2019 was to get to know the people there, build trust and assess their needs. Experts agree that homelessness often has roots in substance abuse, mental illness and a host of other issues including a lack of affordable housing. COVID-19 has only exacerbated the problem by tossing many people out of work and closing doors to usual places of help and comfort.

"They can't just walk into a doctor's office any more. They can't go into the Y and take a shower," said Small.

An addiction recovery coach, Small leaped at the challenge, con-

necting people forced outside to social services, recovery assistance, and providing personal help where he could. Fall came and 2019 ended. When spring 2020 arrived, the police chief asked Small to resume his work. He agreed.

In the summer, the city of about 21,000 saw several encampments appear, but Small, with his car loaded with supplies to help keep the campers healthy, plowed ahead with his work. He got people into the York County Shelter, brought COVID testing to the campsites, and kept on with his visits and referrals.

## Progress among numbers

Still, the numbers of homeless went up. By Small's own count, there were 53 people experiencing homelessness in Sanford in 2019, but the number was up to 102 in COVID-riddled 2020. He expects 20-30 people will be outside this winter. Nevertheless, there are signs of progress.

Noticing Small's work, social services, faith-based charities and good-hearted individuals pitched in with food, clothing, personal supplies and other donations. Now a kind of point man for homeless services, Small can report some success stories.

One involves a woman he met at a police barbecue for the public. She was living in a tent at the time. She and her children were placed in a shelter, and later she found a job. Now the family is living independently, said Small, who has been cited by the York County Community Action Corp. for his work.

"There's a lot of people doing a lot of positive things," said Small, who dislikes the term "homeless" because



Eric Small

he feels it stigmatizes people who may have no control over their situation.

No matter what term fits best, the fact is the pandemic has left many more people in Maine without jobs, unable to pay their rents and without a roof over their heads. Shelter space is reduced by the pandemic when it's needed most. Larger cities and towns are resorting to local hotels to take the overflow, but many people still live on the street.

The non-profit, non-partisan National Alliance to End Homelessness says COVID-19 is creating a health and economic crisis not only in the United States, but throughout the world. In Maine, it says 2,106 people were homeless on any given night in 2019. That would be 15.7 people out of 10,000 in the general population.

Nationally, 17 out of every 10,000 people were experiencing homeless-

Glenn Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, [adamsgjr1@gmail.com](mailto:adamsgjr1@gmail.com).

ness on a given night in January 2019.

The overall trend is mixed, says the Washington-based alliance. Between 2007 and 2019, Maine's total homeless population dropped by 20%, while the sheltered population was down by 22%. At the same time, the percentage of unsheltered people – those living in the streets, in abandoned buildings and other places unfit for human habitation – rose by 53%.

### COVID complexities

The alliance warns that it's too soon to determine the ultimate impact of the pandemic on homelessness. But analysts are studying the potential complexities presented by COVID-19, saying it could diminish or completely wipe out these modest gains.

“People experiencing homelessness are at enormous risk of exposure to the coronavirus, due to inability to self-isolate, as evidenced by outbreaks in congregate shelters,” says Marybeth Shinn, Cornelius Vanderbilt Chair and professor of human, organizational and community development at

Vanderbilt Peabody College of education and human development. “With the cold weather coming, service providers are scrambling to provide food, shelter and outreach services safely, and to use rental assistance to get people into housing.”

Evictions due to non-payment of rent remain a concern, although some protections have been put in place at the federal and state levels. Centers for Disease Control and Prevention Director Dr. Robert Redfield has said that evictions of tenants who lost their jobs as a result of COVID could be detrimental to public health control measures to slow the spread of the disease.

In Maine, Gov. Janet Mills ordered that landlords give tenants more time to move out or pay rent before they can be evicted, says NOLO (formerly NOLO Press), which tracks legal issues. The state has also provided rental assistance for renters affected by coronavirus.

President-elect Joe Biden is considering extending the federal moratorium. Some states and cities outside

## ABOUT THIS SERIES

Throughout 2021, Maine Town & City will recognize municipal officials as they respond to the challenges posed during the unprecedented, global COVID-19 pandemic. If you have suggestions for this series, please email me at: [econrad@memun.org](mailto:econrad@memun.org).

*Eric Conrad, Editor*

Maine are considering or have passed moratorium extensions as well.

Portland finds itself to be the go-to city for homeless from neighboring communities. Portland increased the number of shelter beds available this winter to more than ever available before, city officials said.

A plan to provide beds in the Joyce House near the Cumberland County Jail fell through. But the city-run Oxford Street Shelter, combined with a city hotel, will have access to a partnership with MaineHousing, providing 293 beds. This compares to 229 beds it provided in past years.

The city temporarily sheltered



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### Jonathan A. Pottle

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people last year in the Portland Exposition Building, but it was vacated due to November's elections.

### Lewiston also affected

In Lewiston, homelessness was such a concern last March that city council approved the use of a Maine-Housing grant to operate a temporary shelter at the Lewiston Armory last summer.

The facility was fully set up with food service, a laundry and required daily temperature checks. It served 157 people, or 57 or 58 per night. "So we were pretty full," said Shawn Yardley, CEO of Community Concepts Inc., which ran the shelter. It was later closed under the presumption that the pandemic would end. As everyone knows now, COVID cases surged and the need for shelters became dire.

Community Concepts came back in November with a proposal to open a 28-bed winter wellness shelter in a Lewiston hotel, to stay open through April 2021. It will include 14 rooms, with two persons to a room.

"The unsheltered population is at significant risk to have poor outcomes related to COVID-19 infection due to the long exposure outdoors in cold weather months and the high occurrence of underlying or co-occurring medical conditions," Yardley wrote in his proposal. Yardley said his agency is working with local restaurants to provide meals at the new shelter. Those include The Green Ladle at the Lewiston Regional Technical Center.

"We're trying to be good partners in the community," Yardley said. "We're providing a service we think keeps the entire community safe."

Signs of Bangor's growing homeless issue were visible around the city where encampments were set up, including one along the Penobscot River waterfront. Like Portland, Bangor draws people from surrounding communities who have been left homeless.

As in other places, a lack of proper shelter leaves them at risk of COVID-19 infection. With this new challenge, all three Bangor shelters made plans on how to isolate their guests and make sure they observed personal distances, said Rindy Fogler, assistant director of Bangor Public Health and Community Services.

The Bangor Area Homeless Shelter, also known as Main Street shelter, is not sheltering added numbers of homeless this winter because it had to cut the number of beds from 38 to about 32 due to COVID space require-

ments, said shelter Executive Director Boyd Kronholm.

"We're using all the COVID protections we can," Kronholm said.

### Taking steps in Bangor

With the added requests for beds, it refers people to Penobscot Community Health Care for sheltering in a local hotel. But there still may not be enough room for everybody who needs it, and some people may end up outside.

"I think there are more people unsheltered than last winter" in Bangor, said Kronholm. Outreach workers estimate there are 20 people outside who are accessing services.

Hope House Health and Living Center made an agreement with a local church, which offered space to erect pop-up tents to keep people separated. This created more space at Hope House. "That enabled them to achieve social distancing," said Fogler. Shaw House also took steps to spread



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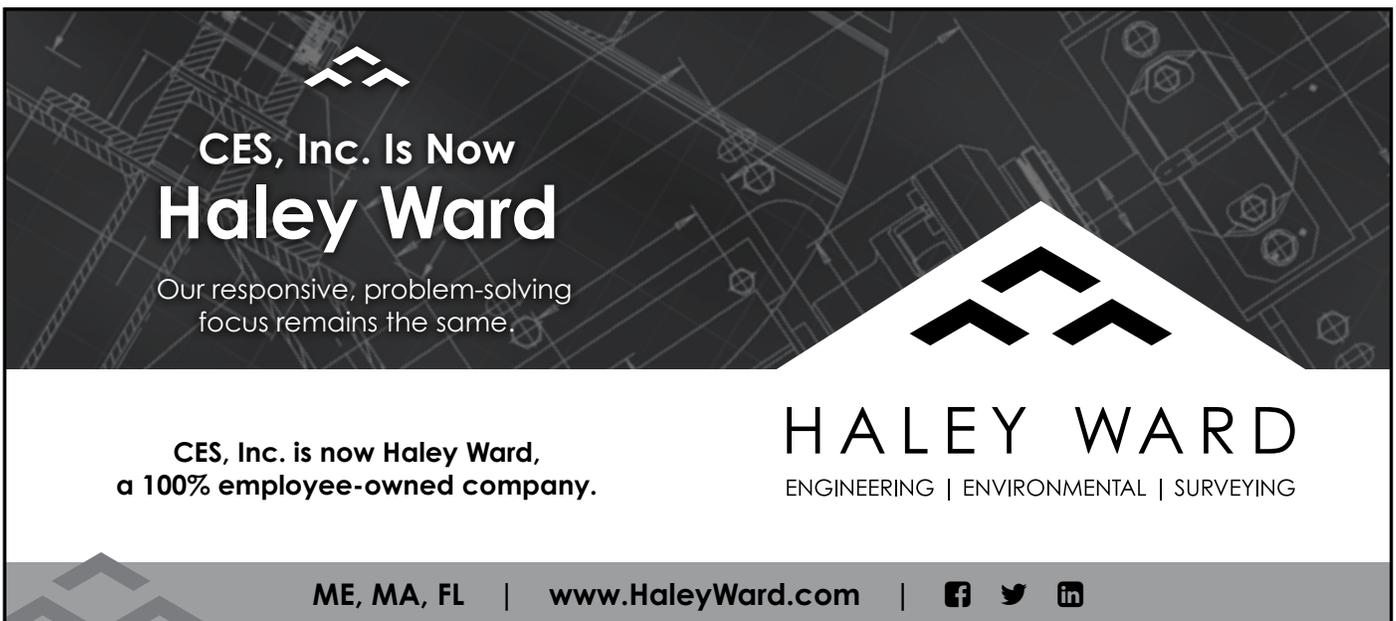
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Debbie Crocker

people out.

As another step to ensure social distancing, MaineHousing and Penobscot Community Health Care arranged to put homeless people up in a Bangor hotel starting last September. Problems soon developed, with residents bringing in unregistered friends, using drugs and other issues.

The problems eased when PCHC was brought in to provide oversight at the hotel, the Ramada Inn.

But Fogler said as November ended that about 30 people were outside, living in tents, with some using the city's warming centers and some not. Most of those people have substance abuse or mental health issues.

In the capital area, emergency and cold-weather sheltering is getting a second look in light of COVID-19. People driven from their homes will no longer be crowded in venues like the Augusta Civic Center, due to health restrictions that place limits on public gatherings.

The number of homeless "is ticking up," said Community Services Director Leif Dahlin. "Basically, housing in Augusta is gone. We're having to put people up in hotels now." One hotel was being used for sheltering as the cold weather took hold in December. A local ministry runs two shelters.

Brunswick has received more calls for housing help since the pandemic took hold, so now the town is turning more often to General Assistance to help those people, said Debbie

Crocker, Brunswick's human services director.

"It's pretty sad, we have a high population of homeless now," Crocker said in early December. "Some weeks, we could get five calls. Last week, we got nine."

Some of the homeless are being put up in a hotel. Brunswick's non-profit Tedford Housing also provides a shelter for the homeless and supportive housing. But it had to reduce its shelter beds from 16 to 10 due to physical distancing requirements. Negative COVID testing is required for admission to the shelter.

Aroostook County's only shelter for the homeless had to reduce its bed count from 20 to 15 in order to comply with COVID protocols, said Melanie Bubar, interim general manager for Homeless Services of Aroostook. New COVID protections are in force.

"We're cleaning and disinfecting all the time," said Bubar. The shelter is open 24/7. Its managers try to keep residents' interactions with the public to a minimum due to the virus. Through donations, it purchased a van to take them to the grocery store, bank, drug store and other necessary stops, said Bubar.

So far, the demand for beds isn't much different from what it was before the pandemic, but that could change, Bubar said, if the moratorium on evictions ends.

For those who need a bed when the shelter is full, hotel rooms for the first time are being rented thanks to a reimbursable grant from MaineHousing. Four rooms were being rented the mid-December day Bubar was

interviewed – a day it was minus 7 degrees when she drove to work.

### Firm numbers elusive

How many homeless are out there? That's an elusive figure because of the unknown number of people who refuse to ask governments or social service agencies for help. People like this do the best they can, often couch-surfing in a day-to-day existence.

The National Alliance to End Homelessness is offering help to towns and cities facing new challenges with homelessness presented by COVID-19.

Its Framework for an Equitable COVID-19 Homelessness Response provides guidance to communities on how to use a wide range of federal funding sources, including CARES Act programs. Providers can search across key public health and economic recovery strategies to meet public health goals, increase housing stability, and prevent future increases in homelessness – all with a racial justice and equity lens.

To accompany the framework, the partners have collected a set of "Resources and Tools" to assist with implementation. The tools include information on: funding sources and eligible activities; protocols, forms and program designs from states, localities, CoCs and nonprofits; federal guidance, information and rules; places to look for more resources; interactive tools; and videos and infographics.

The website to view these tools is: <https://housingequityframework.org> ■

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# 'You be you:' Jill Duson retires from Portland City Council

*Aside from the Red Sox' and Patriots' wins, the two-time mayor cites affordable housing and increased diversity as top achievements in Maine's largest city.*

By Betty Adams

After almost 20 years as a Portland City Councilor, including two, one-year terms as mayor, Jill Duson has retired from public office.

Duson, who turned 67 in December, retired five years ago from her full-time job as director of compliance at the Maine Human Rights Commission. Born in Chester, Pa., Duson was part of a desegregation battle in her hometown when she was in fourth grade. She earned a law degree at the University of Pennsylvania, and has two grown children and two grandchildren.

Maine Town & City interviewed Duson via Zoom in late October about the changes she had seen in the makeup of the Portland City Council and what the city has been able to accomplish for residents, particularly on the housing front, over her more than two decades of elected public service. (She served on the Portland School Committee prior to joining the City Council.)

*Q. Can you describe a few of your proudest moments as a city councilor?*

A. As a councilor, in my first term as mayor, I take credit for the fact that the Boston Red Sox finally broke the drought and they won the World Series in 2004! And a couple of the Sox came to town with their trophy. And then another – I'm a bit of a sports fan – truly exciting moment was the second time I served as mayor and the Patriots won the Super Bowl.

In my political life, my proudest moments have been the roles I've had the opportunity to play within the Democratic Party. That's particularly important because our council seats in



Jill Duson

the City of Portland are nonpartisan, so we don't run as Democrats, but I've always been very involved in the party and I had the opportunity to serve as president of Maine's Electoral College when President Obama was first elected, and I get teary-eyed even now.

I was present at the 2008 convention in Boston when he first addressed the party as a senator from Illinois. Then I had the opportunity to be one of the four people who actually voted for president as an elector and served as president of Maine's Electoral College. And because I was mayor during President Obama's first term, I was invited to a special briefing at the White House in the Green Room with other mayors and had the opportunity to sit through a briefing. After all of the new folks in his cabinet addressed us, he came in, spoke to us and he stayed after to shake the hand of every mayor in attendance. So I had the opportunity

to shake President Obama's hand.

Then there is the literal change in the complexion of the City Council over the time that I've served. When I was first elected, I was only the second woman of color to be elected in the history of our state. The first was Sallie Chandler. Since that time, one of my focuses has been on encouraging people from disadvantaged communities to serve, to engage. On our (nine-member) council are four folks of color. There are two Africa-American councilors there; one is an immigrant from Ghana, a councilor who's a U.S. citizen. And there's an Asian-American councilor and a Hispanic-American councilor. I'm just very proud of that: the expansion of access for people of color to serve.

*Q. Why did you decide to retire from council now?*

A: I actually had planned on not running for the term three years ago. But I decided to run for one more term just because of the dynamics and balancing experience on the council at the time. But, I was clear to myself and my family and my colleagues that this will be my last term. I think that nearly 20 years is a pretty good track record.

I have loved serving in this role, but I retired from my real job at 62, and I have been slowly moving myself down the ramp to being able to focus on things that I don't have to be in Maine for all the time, and focus on spoiling my grandchildren. I think it's time to pass the baton.

It's my intent to hibernate for the winter, so not take anything on, and that takes a lot of discipline for me to figure out how to say "no." I've had to say no a couple times already, but after the winter I will look for a couple

---

Betty Adams is a freelance writer from Augusta and regular contributor to Maine Town & City, [adamsbetty00@gmail.com](mailto:adamsbetty00@gmail.com).

of volunteer opportunities to remain engaged in progress in my community. My major plan for the future is to never run for elected office again.

*Q. What advice can you give to the person taking your seat?*

A. I would pass on the advice my daughter gives me regularly as tough issues come up on council, and that is: "You be you." Be very attentive to why you ran and the way in which you hope to serve. When you're in the midst of some of the more controversial issues or issues where people feel very strongly one way or the other, it can be hard to hang on to your personal set of values and history that lead you to one position or the other, and once you lose track of that it's hard to get it back. And so when we're in the midst of a controversy, my daughter has regularly counseled me to make sure I stay consistent with myself.

For me, that means listening to everybody and questioning to make sure you understand why someone is taking the position that they're taking and what the details are, particularly from staff. What's the data, so that you can make a decision that you're proud

of and that you can defend and perhaps more importantly, if you understand the whys of the decision that you make, then you're in a better position to be open to reconsidering it when the data changes because the data always changes and generally there's not a one-time-forever solution to some of the tougher issues.

*Q. What advice can you offer people just starting out in elected office?*

A. My advice to several friends, folks who have run along the way, has been to be really attentive to setting boundaries for yourself and your family. Public service, particularly elected

public service, can really suck up all your time and energy. All of our council members – and me, for most of the years that I served – have full-time jobs. So we're adding to a full-time job this job as an elected official. It can be easy to lose track of the time away from family, so set boundaries for yourself and your loved ones. For example, when I first ran. I had a conversation with my son who was quite young at the time, four or five years old when I first ran for school board. My query to him was, "Well, I'm going to take this on. It's going to mean time away. Is there something that I do for you that would



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be top priority to make sure I continue doing?” His response at the time was feeding him. I’m a very good cook. So at his request, through all of my time served in elected office, I was very attentive to making sure that I continued to cook for him, even if that meant putting the meal aside for him or his babysitter to reheat in the microwave. But I was very attentive to his meals, and I think he really appreciated both the question, the promise and that I fulfilled that promise.

*Q. You chaired the Housing Committee for many years, and Mayor Kate Snyder has praised you for that work. What has the committee been able to accomplish and what remains?*

A. I think what has really mattered is the approach I’ve brought to organizing the work for a council committee. What we started out with was a community-wide forum on housing issues. We brought in experts nationally, regionally and local folks and reviewed the state of housing in terms of policy

and innovative policy and benchmark policies. Then we asked, “Well, here’s a list of innovative policies, how does the City of Portland policy stack up amongst those?” And surprisingly, what we found was in almost all of those areas, the City of Portland had either implemented or was in the process of implementing policies.

From that forum, we created buckets of issues and then we set a work plan for the Housing Committee. We renew that work plan every year to check off the boxes of how we’re doing on some of these processes. One issue was how we fund or leverage funds to build affordable housing in our city. And we have over the years since that forum created a housing trust fund, which is financed through contributions from sale of city-owned land, fees for housing inspection and contributions from the fund balance. We do an

RFP and we actually allocate city funds to affordable housing developers who are putting up projects, and those dollars help the position of those projects when they’re applying for state money.

One other major accomplishment is the creation of the Housing Safety Inspection Program. When I first came on council, I joined with a colleague, Karen Geraghty, to propose a rental housing inspection program. It would have required all landlords to pay a fee per unit. It would have required the city to inspect all housing units on at least a two- to three-year cycle. That proposal went all the way through council, and we weren’t able to get it passed. What we got passed was a rental inspection program that was optional for landlords.

Fast forward five or six years later, we had a terrible fire in Portland that took the lives of several tenants. (Six

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people died in a Nov. 1, 2014 fire in a building on Noyes Street.) What came out of that was improved momentum for going to this inspection program. So we now have a fully implemented housing inspection and safety program funded through mandatory fees. Landlords pay a fee on every unit. It's had a major impact on just setting a floor for the conditions in low income housing, assuring that all landlords are meeting basic housing safety requirements in the city and that if they're not, there's a process for forcing them to come into compliance.

*Q. In June, protesters gathered in front*

*of Portland City Hall demanding an end to institutional racism and police brutality. What did you, as the first black woman elected to City Council, tell them?*

A. As a black woman, a black mom, and then a black city councilor, it was a challenge for me to figure out my comfort level with the role. I was present at several of the protests but I didn't speak to the protesters. I was not invited to speak until the second or third protest. And that was OK with me because one of my primary goals was to respect the energy and bravery it took for the young people who were at the forefront of organizing the pro-

test. It seemed to me the last thing I should do is grab the mic. So I wanted to respect their voice and support their speaking.

But when I was invited to speak, I just shared a little of my personal story as a child of the civil rights movement. And in Chester (Pennsylvania), we had quite a long series of demonstrations to force desegregation of our schools. When I was in fourth grade, there was a good bit of police violence toward demonstrators during some of the protests in our city. I shared my story. I spoke in favor and support of folks showing up and speaking up and even acting up in order to protest the killing of black people in the streets of our country.

I also spoke of my confidence in our city police department and their commitment to the role of protecting the right to protest. It was important for me to speak to that because I was a part of the process that had our department adopt community policing and many innovative policies. But that doesn't mean the city is above reproach, and that doesn't mean we should assume that it can't happen

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here. We have to be vigilant to make sure of that. And just for me it's been really important that our city is clear that our first priority is protecting the right to protest, and that we understand that protesting is not a polite discourse. Protesting the killing, brutality, violence against people of color, murder of black men by police, it's not a polite discourse.

But my primary message was that we have to show up. And showing up starts by being accountable for what happens in your presence and in your community and I respect and support the energy that folks have put into both – black folks, black residents of our city, allies, community organizations. Those demonstrations do matter; they make a difference, and they are one amongst many ways for us all to work on living up to the values and words that we think of when we talk about this country.

It was very difficult for me to speak in public on those issues because it's so

very personal. My son fits the profile of young men who were subjected to violence, who may be pulled over, and I can't tell him not to be worried. I have the talk with him and my grandsons.

*Q. As a councilor, you have worked with part-time mayors appointed from the ranks of city councilors and popularly elected mayors. What differences do you see between the two?*

*A. I supported the Charter Commission and the set of changes that they recommended that we all voted*

on (via) the (2010) ballot. Because for me, having served as part-time mayor twice, one piece that I thought the city was really handicapped by was that our voice, our face changed every year in terms of our ability to impact what's going on at the state level and the federal level. We had to start from the beginning each year to build those relationships with the leadership of our state Legislature, with the governor and with our Congressional delegation. But there were city issues

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slangsdorf@preti.com

**Kristin M. Collins, Of Counsel**  
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that carried over from year to year to year, particularly issues relating to finances from the state and feds. So for me, it was important that the mayor be available to be our primary voice, to be the city's first-stop lobbyist even, at the state and federal level.

I also felt that the mayor was an important role for carrying forward issues from one year to the next with the council, for helping the council

or leading the council and setting annual goals and objectives. And I felt that a four-year mayor could really lead the council through an evaluation process, a goal-setting, action planning, evaluation and action planning again process and Kate (Snyder) is particularly skilled at that. She comes to the mayor's role from a background running a not-for-profit. And so from my perspective, she really is the fulfillment of what I thought was possible and desired from a four-year mayor.

*Q. Is there anything else you'd like to share with readers?*

A. I would like to end with a shout out to the people who run local government. There are three positions directly hired by the council: our manager, our city clerk and corporation counsel. That team of leaders has just been stellar. They are amazing leaders, accountable leaders, and they're very, very accessible to the residents of our city and I really appreciate their work. They keep our feet to the fire in terms of getting things done. The politicians change, but it's the city staff who are there over the long term.

I should also shout out to the hundreds of people who serve in volunteer roles on boards and commissions for the city, just regular everyday residents of the city who serve on our zoning board and our parks commission and in so many, many, many other roles.

I've had the opportunity to serve on the Appointments Committee for the city and have seen so many people come through and make that commitment to engaging in serving our city. And I'm very proud to note that we've done a pretty good job of improving the representation of people of color, of young people on these boards and commissions. ■



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# the Municipal RISK MANAGER

WINTER 2021

A PUBLICATION OF THE MAINE MUNICIPAL ASSOCIATION

## Donated Buildings May Come with a Cost

Each year, Maine municipalities acquire properties that are either donated or purchased with a minimal transaction cost. Common examples include schools, theatres, factories, historical buildings, or residences that have been abandoned or are no longer in use.

When municipalities agree to take ownership of such properties, they usually have plans to renovate and use them for the good of the community. This goal, along with the seemingly win-win cost of the property, may cause you to overlook the potential hazards as it may not be apparent that anything significant could be wrong with the property. There may be potential perils that should be considered before making the purchase or accepting the property as a donation. Some common scenarios that can result in costly and unplanned repairs or remediation are as follows:

1. A municipality obtains a hall that has only one accessible exit, not meeting the Americans with Disabilities Act (ADA) requirements.
2. A municipality obtains an abandoned school that has asbestos, lead paint and a failing heating system.
3. A municipality is donated a facility that was adjacent to a former plant, or sits on ground that contains underground storage tanks and consequently has pollutants that must be remediated.

Why may these potential hazards exist? Before 1970, neither the Environmental Protection Agency (EPA) nor the Occupational Safety and Health Administration (OSHA) existed. Also, the ADA wasn't enacted until 1990. Therefore, these property may not have been constructed to meet the environmental, health, safety and accessibility requirements that are required today for a public occupancy.

Additionally, underground storage tanks laws were not developed before the EPA came into existence. Subsequently, facilities such as gas stations had to have their tanks removed, at great cost, due to leaking. Some facilities of this type closed without adequate removal of the tanks and remediation of the surrounding grounds.

Similar problems can exist with properties that may have stored bulk chemicals, regardless of whether the chemicals were stored above or below ground. Structures could also contain high levels of lead or asbestos (or both) resulting in significantly high abatement and remodel costs.



Health and safety hazards aren't the only issues to consider. Should you inherit a building with historical status, the materials similar to those used in the original construction may be required to maintain historical status, making renovations costly to accomplish. Further, older buildings may have general structure defects, or may not be built to the structural standards required for repurposing the building to your municipality's desired use.

Essentially, if the desired transaction appears too good to be true, it just might have some of these issues. As a result, your municipality might bear the burden of removing the hazards, or at least spending more money than initially intended. Additional costs may be incurred if renovation or construction unearths and disturbs hazards and contaminants.

There are many other scenarios that could lead to a costly outcome. So consider the following guidelines in your evaluation of "donated and dollar properties:"

1. Hire an environmental consultant to conduct an Environmental Assessment. For buildings, hire a consultant to conduct a thorough building inspection and structural assessment.
2. Ensure that the consultant performs a historical review of the property use and use of adjacent properties for at least the past 80 years.
3. Have the consultant determine if there are any Superfund sites that could impact the property of concern. If so, the consultant should obtain status on any cleanup measures of such sites.

*Story continued on next page*

# OSHA 300 Logs – What are they and what am I required to do?

This is a reminder that your OSHA 300A Summary of Work-Related Injuries and Illnesses for calendar year 2020 is required to be posted in a conspicuous location or placed where employees frequent from February 1-April 30, 2021. The Loss Control Department of Maine Municipal Association get questions each year from our members about OSHA 300 logs and the posting of the 300A form. So, here is some information from Research and Statistics Division, State of Maine Department of Labor, Bureau of Labor Standards.

## What is the difference between a recordable and a reportable injury?

All reportable events are recordable, but very few recordable events are reportable. **Reportable** cases are limited to deaths (which must be reported to the Maine Department of Labor within 8 hours) and serious injuries (which must be reported to the Maine Department of Labor within 24 hours), which are defined by the type of injury sustained. While deaths are pretty self-explanatory, an injury is only classified as a serious injury that results in an amputation or loss of any body part (including an eye) or a fracture or break (including teeth) or that necessitates immediate hospitalization or formal admission to the inpatient service of a hospital or clinic for care or treatment.

In contrast, **Recordable** events are defined based on the result of the injury. Did the employee lose time due to the injury? Were they transferred or put on restricted work? Did the employee suffer hearing loss? A reCORDable injury only becomes a rePORTable injury if it crosses one of the above thresholds to be considered a serious injury.

## What are the differences between an OSHA 300 and a 300A form?

To answer this, we need to start by talking about the 301 form. The 301 is a detailed incident report that gets filled out with all the demographic and injury data of an employee's injury event. Most small establishments will be able to go through a year without ever needing to fill out a 301 form because they won't have any recordable events and medium sized establishments might need to fill out up to a handful of 301's throughout any given year. But for larger establishments, this will be a much more common occurrence. Keeping track of all those 301 forms can become a headache. That's where the 300 form comes in. The 300 form works like an index of all of the 301 forms generated in a calendar year. If you only know small details about an injury event like who got hurt, the occupation of an injured employee, or details of the injury event, you can look at the 300 form

to quickly find out what case corresponds to that description. That's because the 300 provides basic (and personally identifiable) information about every recordable case so that your safety personnel, OSHA inspectors, or other privileged individuals (union representatives, lawyers, etc.) can use to scan through your collection of 301 forms, and gives them a high level insights of the safety records for a particular establishment.

But shouldn't employees (not privileged to Personally Identifiable Information) also be able to review such safety information for their organization? OSHA thinks so, and that's where the 300A forms comes into play. The 300A is a one page summary document of all the recordable events of the prior year. There is no information on the 300A about individual events, just the grand totals which are calculated on the 300 form, presented in a much more streamlined and simplified manner compared to the full 300 form. That's what makes the 300A form perfect for being posted in a common area for all employees to see.

## Below are helpful instructions on how to complete the Form 300-A:

To complete the annual OSHA 300A Summary, enter:

Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and

Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log.

If you are using an equivalent form other than the OSHA 300-A summary form, as permitted under §1904.6(b)(4), the summary you use must also include the employee access and employer penalty statements found on the OSHA 300-A Summary form.

Only positive tests for Covid-19 must be entered on the OSHA 300.

The employee testing positive for Covid-19 can request their name be redacted on the OSHA 300 form. The employer can strike through the name or black it out using a marker. If the entry has not been entered yet, and the employee has

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*Donated Buildings May Come with a Cost (continued from page 1)*

4. Have the consultant evaluate the site for various hazards such as:
  - a. Asbestos
  - b. Lead paint
  - c. Radon, especially in lower portions of the building and foundational areas.
  - d. Spills of paints, solvents, fuels, or other chemicals that may have occurred inside or outside the building, penetrating through walls, flooring, ceilings or foundations.
  - e. Water damage through leaks or plumbing that may give rise to structural damage or mold.
  - f. Any other environmental, health, or safety concerns the consultant may have.
5. Discuss the property with your insurance provider to verify that coverage is available prior to taking possession of the property.

If concerns are identified, get full information on the costs of needed repairs or remediation, and consider the risks before finally deciding whether to close the transaction.

**OSHA's Form 300** (Rev. 01/2004)  
**Log of Work-Related Injuries and Illnesses**

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Year 20 \_\_\_\_\_  
 U.S. Department of Labor  
 Occupational Safety and Health Administration  
 Form approved OSHA no. 1214-0174

Establishment name \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an Injury and Illness Incident Report (OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.

Identify the person		Describe the case		Classify the case				Enter the number of days the injured or ill worker was:		Check the "injury" column or choose one type of illness:														
(A) Case no.	(B) Employee's name	(C) Job title (e.g., Helper)	(D) Date of injury or onset of illness	(E) Where the event occurred (e.g., Loading dock north end)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., Second degree burn on right forearm from scissor lock)				Remained at Work				Away from work		On job transfer or restriction		(G)							
						Death	Days away from work	Job transfer or restriction	Other recordable cases	(1)	(2)	(3)	(4)	(5)	(6)	Days	Illness	Days	Illness	Days	Illness	Days	Illness	
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# Sneeze guards to new places, 2020 election made history

*Municipal clerks explain the physical, tangible changes they had to make to pull off the Nov. 3 Presidential election. While voters had questions, things went well.*

By Susan Cover

Orient Town Clerk Dale Foley is accustomed to answering questions from residents and summer tourists about how government works.

But the tension surrounding the November election brought out a whole new set of challenges, including answering questions from voters who thought they could vote only by absentee ballot, another who thought that ballots should go to the state instead of the town and another who questioned him at length about the security measures in place to ensure her ballot would be safe.

Foley, who serves as clerk, treasurer, tax collector and registrar of voters, said he explained to the person that ballots are placed in a locked safe in town hall and that they are counted by a Democrat, a Republican and the warden. Foley himself then checks them for accuracy.

"I don't quite understand some of the folks' attitudes toward voting this election," he said. "I know tensions are high. I did get a lot of interesting, odd questions about how things work."

Like all cities and towns, Orient, an Aroostook County town with 116 registered voters – 90 of whom voted either in person or by absentee ballot on Nov. 3 – modified their polling place, sanitized surfaces between voters and explained to nervous citizens why and how the voting process works the way it does. Record high turnout across the country and in Maine, a contentious Presidential election and a global pandemic that led to extra precautions with masks, cleaning and

physical distancing could have led to a difficult Election Day.

But election officials in municipalities across the state say a feared poll worker shortage never materialized, absentee balloting went smoothly and those who still wanted to vote in person on Election Day were able to do so without incident.

Lewiston City Clerk Kathy Montejo said the July primary provided a trial run for things such as controlling the flow of voters in and out of buildings, which may be a change that continues to be implemented in future elections. She said although voters were not required to wear face coverings, more than 90% of those who voted in person on Election Day in Lewiston did wear a mask.

And despite news reports of possible poll worker shortages, Montejo said she and others worked with the Maine Municipal Association to get the word out early so there would be enough people working at the polls.

"In the long run, every municipality was able to be adequately staffed in their polling place," she said.

## Big numbers

In the Piscataquis County Town of Shirley, the most unusual thing about the November election was the increase in the number of people registering to vote on Election Day, said Town Clerk Kathy Dorr, who retired from her position in early December.

"I think it was because it was such a major election," she said, noting that the influx of new voters tended to be people in their 20s and 30s.

Of the 177 registered voters in town, she estimated about 140 voted in the election. They also received about 37 mail-in votes, she said. Dorr said



Kathy Montejo

strong guidance from the state about COVID protections and her regular roster of poll workers led to a fairly normal Election Day.

"We had to set up for COVID and everybody was good about that," she said.

On the island of North Haven, Town Clerk Kathleen Stone Macy said her job was made easier because of the island's small population of about 400. She said the state prepared them well with adequate safety precautions and that vote counting and reporting went smoothly. To maintain social distancing, they only allowed one voter in at a time – maybe two if they were from the same family.

"While I had the most requests that I ever had for absentee ballots, all were returned and accounted for," she said in response to emailed questions. "All those who voted in person were patient and understanding. The only thing that sort of surprised me was that we actually had a line!"

---

*Susan Cover is a freelance writer from Augusta and regular contributor to Maine Town & City, [mainefreelancer@yahoo.com](mailto:mainefreelancer@yahoo.com).*

Montejo said corporate donations of things such as hand sanitizer, cloth face masks and plastic face shields helped ensure that all poll workers were adequately protected. She noted that traditionally poll workers are retirees who are particularly vulnerable to the coronavirus, which was another reason she was happy to see so many voters wearing masks.

“We tried to get the message out that people working at the polls are

their neighbors,” she said.

### No COVID cases

Those safety precautions – and limits on how many people could be inside a polling place at one time -- apparently paid off. Even with a near 78% voter turnout statewide, the Maine Centers for Disease Control and Prevention found no record of any COVID outbreaks associated with polling places on Election Day, according

to a press release from Secretary of State Matt Dunlap.

“The Elections Division staff worked tirelessly to add these safety measures for the July 14, 2020 Primary Election and build upon them for the General Election,” he said in the press release. “Most voters do not realize the amount of work that goes into preparing for an election, and to have the pandemic considerations on top of all the regular election work was incredibly challenging.”

In Vienna, Town Clerk Annie Tibbetts said she might hold on to the sneeze guards they used for future elections, noting that they might help prevent the spread of the flu. She said of the 500 or so registered voters in town, about 400 voted, including 200 absentees. Those who came to the town community room appreciated the extra effort to clean between each voter, she said.

“It was pretty much the same as usual except for the extra cleaning and the wearing of the mask,” she said.

When it comes to poll workers, Andover Town Clerk Melinda Averill said the normal crew worked the election,

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Shelly Crosby

plus she brought in a few extra people to help count all the ballots by hand. Of the about 680 registered voters in town, 549 voted in the election, she said. Leading up to the election, she fielded several questions from voters about the absentee balloting process.

“The one question they always have is they don’t understand they have to sign a request form to get one,” she said.

Over in Weld, Town Clerk Carol Cochran said voters did ask questions about the process for counting absentee ballots prior to Election Day. Voters seemed concerned about security and needed reassurance that their votes

could be counted.

“They were very confused about what we do with the ballots when they come in,” she said.

Because of the COVID restrictions, the town moved its polling place to the former town hall, which Cochran described as a basketball court with a small kitchen and restrooms. There was no internet there and no photocopier, so it proved to be more of a challenge to run the election. The town will move voting back to the current town office if it can for the next election, she said. Despite the challenges, more than 300 people voted either in person or by absentee ballot, out of 363 registered voters, she said.

In Southport, Town Clerk Donna Climo said her regular poll workers plus a group of backups were ready and able to serve on Election Day. They kept their polling place at Town Hall, but streamlined the process for voters coming in and out of the building. She said most voters understood all of the changes.

Of the approximately 600 registered voters, just under 500 participated in the election, with about 40% choosing to vote absentee.

“We had a lot of people who had never voted absentee before,” she said. “Anyone who had questions, they were not afraid to ask.”

Orono Town Clerk Shelly Crosby,

president of the Maine Town and City Clerks’ Association, said part of the challenge leading up to the election was answering questions from voters who were concerned about the availability of absentee ballots, how they would be counted and where they could be dropped off. The town installed an external ballot drop box that was “cemented and rebarred in the building’s footprint” that many voters used leading up to the election, she said.

“I felt as though from August to the second week of October, there was a lot of unanswered questions, concerns and confusion,” she said.

In addition, Crosby set up a mini-polling place inside council chambers in advance of the election. She staffed the room so the experience of voting was very similar to a typical Election Day, complete with having your named checked off when you enter the room and leaving with an “I voted” sticker, she said.

If resources allow, she would like to continue to offer that type of in-person early voting in future elections. Overall, she said voters followed the rules, wore masks and practiced good social distancing.

“People all banded together and did what they needed to do to ensure democracy was exercised and that’s pretty exciting,” she said. ■

## ELECTION BY THE NUMBERS

**158,240,239:** Number of people nationwide who voted in the Presidential election on Nov. 3.

**828,305:** Number of Mainers who voted in the election

**66.7%:** Percentage of the U.S. voting eligible population who voted

**Nearly 78%:** Percentage of registered Maine voters who voted

Sources: U.S. Election Project; Maine Department of the Secretary of State



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## Managing Freedom of Access Requests

This course is presented by MMA and is designed to help municipal "Public Access Officers," municipal staff and elected and appointed officials understand Maine's Freedom of Access Act, why FOAA requests are filed and how to handle them properly. This course meets state FOAA training requirements and applies to the Maine Town, City and County Management Association Certification Program as 2.5 credits in the Elected Relations category.

## How to Lead Effective Meetings/Zooming in to Facilitate Effective Zoom Meetings

These workshops are designed to help everyone, from municipal staff leaders to elected officials, prepare for, run and conclude effective meetings. They do not provide legal advice and are not meant to help attendees learn about the legal requirements of running public meetings. They will advise attendees on the best ways to deal with complicated subjects, troublesome interrupters – and more. The Feb. 11 webinar will specifically address the challenges and unique features of virtual meetings.

## The ABCs of Assessing – for Non Assessors

This new, 90-minute webinar will cover the top ten things elected officials should know about municipal property tax assessment, including the duties of the assessor, who is responsible for carrying out those duties and what is required by state statute.

## Developing Solutions on Hotly Contested Issues

This new course will help elected officials deal effectively with controversial issues – both within their ranks and in their communities. The instructor will introduce tools to use when dealing with high conflict situations, including listening for understanding and helping people move from positions to interests and joint solutions.

## ELECTED OFFICIALS WORKSHOPS

**TUESDAY, MARCH 2**

Zoom Webinar

**WEDNESDAY, MAY 5**

Zoom Webinar

**THURSDAY, JUNE 24**

Zoom Webinar

**WEDNESDAY, AUGUST 18**

Saco – Ramada Inn & Conference Center

**TUESDAY, NOVEMBER 30**

Orono - Black Bear Inn

## MANAGING FREEDOM OF ACCESS REQUESTS

**THURSDAY, JUNE 10**

Zoom Webinar

**TUESDAY, DECEMBER 14**

Augusta – Maine Municipal Association

## ZOOMING IN TO FACILITATE EFFECTIVE ZOOM MEETINGS

**THURSDAY, FEBRUARY 11**

Zoom Webinar

## HOW TO LEAD EFFECTIVE MEETINGS

**THURSDAY, SEPTEMBER 9**

Zoom Webinar

## THE ABCS OF ASSESSING – FOR NON ASSESSORS

**THURSDAY, NOVEMBER 4**

Zoom Webinar

## DEVELOPING SOLUTIONS ON HOTLY CONTESTED ISSUES

**TUESDAY, NOVEMBER 16**

Portland – Clarion Hotel



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# AT-A-GLANCE CALENDAR



# MMA EDUCATIONAL OFFERINGS 2021

DATE:	DAY:	COURSE NAME:	LOCATION	SPONSORED BY:
<b>JANUARY</b>				
1/13	Wed.	<b>Be Prepared For the Media When Things Go Wrong: Explosions, Accidents and Other Crises that Can Happen in Your Municipality (NEW!)</b>	ZOOM Webinar	MMA
1/21	Thurs.	MWDA Introduction to GA	ZOOM Webinar	MWDA
1/26	Tues.	<b>HR in the Age of COVID (NEW!)</b>	ZOOM Webinar	MMA
<b>FEBRUARY</b>				
2/2	Tues.	Legislative Event	Virtual Event	MeWEA/MWUA
2/2-4	Tue.-Thurs.	MeWEA/MWUA Joint Conference	Virtual Event	MeWEA/MWUA
2/3	Wed.	<b>TRIO Toolbox (NEW!)</b>	ZOOM Webinar	MMA
2/11	Thurs.	<b>Zooming in to Facilitate Effective Zoom Meetings (NEW!)</b>	ZOOM Webinar	MMA
2/24	Wed.	Planning Board/Boards of Appeal	ZOOM Webinar	MMA
<b>MARCH</b>				
3/2	Tues.	Elected Officials Workshop	ZOOM Webinar	MMA
3/10	Wed.	MFCA Annual Meeting	ZOOM Meeting	MFCA
3/10	Wed.	Cultural Competency 101	ZOOM Webinar	MMA
3/16	Tues.	Introduction to De-Escalating Techniques	ZOOM Webinar	MMA
3/18	Thurs.	MBOIA March Membership Meeting & Training	ZOOM Webinar	MBOIA
3/26	Fri.	MTCMA 41st Annual Statewide Manager Virtual Interchange	ZOOM Webinar	MTCMA
<b>APRIL</b>				
APRIL	TBD	MCAPWA Supervisory Leadership in Public Works Program - Part I	Augusta - City Center Plaza - TBD/ or ZOOM Webinar	MCAPWA
4/1	Thurs.	MCAPWA Annual Spring Meeting	Waterville - Elks Lodge - TBD/ or ZOOM Webinar	MCAPWA
4/2	Fri.	MACA Annual Business Meeting	ZOOM Meeting	MACA
4/6	Tues.	MMTCTA Tax Liens Workshop	ZOOM Webinar	MMTCTA
4/8-9	Thurs.-Fri.	MeWEA Spring Conference	ZOOM Webinar/Conference	MeWEA
4/8	Thurs.	Personnel Practices	ZOOM Webinar	MMA
4/15-16	Thurs.-Fri.	<b>Municipal Technology &amp; New Energy Conference</b>	ZOOM Webinar/Conference	MMA
4/22	Thurs.	Planning Board/Boards of Appeal	ZOOM Webinar	MMA
4/27	Tues.	Understanding Implicit Bias	ZOOM Webinar	MMA
4/27	Tues.	MWDA Spring Training Seminar	ZOOM Webinar/Seminar Event	MWDA
April/May	TBD	MBOIA 11th Annual Maine Code Conference	ZOOM Webinar/Conference	MBOIA
<b>MAY</b>				
May	TBD	MCAPWA Supervisory Leadership in Public Works Program - Part II	Augusta - City Center Plaza - TBD	MCAPWA
5/5	Wed.	Elected Officials Workshop	ZOOM Webinar	MMA
5/6	Thurs.	MAAO Board of Assessment Review	ZOOM Webinar	MAAO
5/11	Tues.	Regulating Vacation Rentals	ZOOM Webinar	MMA
5/13-14	Thurs.-Fri.	MMTCTA Annual Conference	ZOOM Webinar/Conference	MMTCTA
<b>JUNE</b>				
June	TBD	MCAPWA Highway Congress	Skowhegan - Skowhegan Fairgrounds - TBD	MCAPWA
6/3	Thurs.	New Managers Workshop	ZOOM Webinar	MMA
6/10	Thurs.	MMTCTA Cash Management	ZOOM Webinar	MMTCTA
6/10	Thurs.	Managing Freedom of Access Requests	ZOOM Webinar	MMA
6/17	Thurs.	<b>Municipal Human Resources &amp; Management Conference</b>	ZOOM Webinar/Conference	MMA
6/24	Thurs.	Elected Officials Workshop	ZOOM Webinar	MMA

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<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

PLEASE NOTE: In light of the ongoing public health pandemic, events scheduled in-person should be considered tentative until more information becomes available. Facilities and locations may also be subject to change. Please be sure to check the MMA website for regular updates.

# AT-A-GLANCE CALENDAR



# MMA EDUCATIONAL OFFERINGS 2021

DATE:	DAY:	COURSE NAME:	LOCATION	SPONSORED BY:
<b>JULY</b>				
7/8	Thurs.	MFCA Membership Meeting & Networking	TBD	MFCA
7/13	Tues.	<b>HR in the Age of COVID (NEW!)</b>	ZOOM Webinar	MMA
7/13	Tues.	MMTCTA I've Got The Job - Now What? Workshop	Augusta - Maine Municipal Association	MMTCTA
7/15	Thurs.	MBOIA July Membership Meeting & Training	Augusta - Maine Municipal Association	MBOIA
7/20	Tues.	Planning Board/Boards of Appeal	ZOOM Webinar	MMA
7/22	Thurs.	MMTCTA Basic Excise Workshop	Augusta - Maine Municipal Association	MMTCTA
TBD	TBD	MMTCTA Tax Liens Workshop	Orono - Black Bear Inn	MMTCTA
<b>AUGUST</b>				
8/11-13	Wed.-Fri.	MTCMA 75th New England Management Institute	Carrabassett Valley - Sugarloaf Mountain	MTCMA
8/18	Wed.	Elected Officials Workshop	Saco - Ramada Inn & Conference Center	MMA
8/19-20	Thurs.-Fri.	MMTCTA Governmental Accounting	Waterville - Elk's Lodge	MMTCTA
8/25	Wed.	MFCA Joint Meeting	Newry - Sunday River	MFCA
8/26-27	Thurs.-Fri.	MFCA Professional Development Conference	Newry - Sunday River	MFCA
8/26	Thurs.	<b>Women in Leadership Symposium (NEW!)</b>	Augusta - Maine Municipal Association	MMA
<b>SEPTEMBER</b>				
Sept.	TBD	MCAPWA Golf Tournament	Cumberland - Val Halla	MCAPWA
9/2	Thurs.	MMTCTA Payroll Law	Waterville - Elk's Lodge	MMTCTA
9/9	Thurs.	How to Lead Effective Meetings	TBA	MMA
9/10-12	Fri.-Sun.	MSFFF Annual Convention/Meeting	Waldoboro	MSFFF
9/13	Mon.	Planning Board/Boards of Appeal	Portland - Fireside Inn & Suites	MMA
9/15	Wed.	MEWEA Golf Tournament	Newry - Sunday River	MeWEA
9/16-17	Thurs.-Fri.	MeWEA Fall Convention	Newry - Sunday River	MeWEA
9/22-24	Wed.-Fri.	MAAO Fall Conference	Sebasco - Sebasco Harbor Resort	MAAO
9/23	Thurs.	MBOIA September Membership Meeting & Training	Portland - Fireside Inn	MBOIA
9/30-10/1	Thurs.-Fri.	<b>85th Annual MMA Convention</b>	Augusta - Augusta Civic Center	MMA
Sept.	TBD	MWDA GA Basics	TBD	MWDA
Sept.	TBD	MWDA Advanced GA	TBD	MWDA
<b>OCTOBER</b>				
10/9	Sat.	MSFFF Firefighters Memorial Service	Augusta	MSFFF
10/14	Thurs.	Labor & Employment Law	Augusta - Maine Municipal Association	MMA
10/20	Wed.	Identities & Privileges	ZOOM Webinar	MMA
10/21	Thurs.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Orono - Black Bear Inn	MMTCTA
10/26	Tues.	MBOIA & Fire Marshal's Office Training	Portland - Fireside Inn	MBOIA
10/27	Wed.	Legal Update on Recreational Marijuana	ZOOM Webinar	MMA
10/27	Wed.	MBOIA & Fire Marshal's Office Training	Brewer - Jeff's Catering	MBOIA
10/28	Thurs.	MBOIA & Fire Marshal's Office Training	Waterville - Elks Lodge	MBOIA
10/29	Fri.	MBOIA & Fire Marshal's Office Training	Augusta - Maine Municipal Association	MBOIA
<b>NOVEMBER</b>				
11/4	Thurs.	<b>The ABCs of Assessing – for Non Assessors (NEW!)</b>	ZOOM Webinar	MMA
11/9	Tues.	MMTCTA Municipal Law for Tax Collectors & Treasurers	Augusta - Maine Municipal Association	MMTCTA
11/9	Tues.	<b>Grant Writing: The Municipal Experience (NEW!)</b>	Belfast - Hutchinson Center	MMA
11/16	Tues.	<b>Developing Solutions on Hotly Contested Issues (NEW!)</b>	Portland - Clarion Hotel	MMA
11/30	Tues.	Elected Officials Workshop	Orono - Black Bear Inn	MMA
<b>DECEMBER</b>				
12/3	Thurs.	MWDA Winter Issues Training	Augusta - Maine Municipal Association	MWDA
12/8	Wed.	Planning Board/Boards of Appeal	Augusta - Maine Municipal Association	MMA
12/9	Thurs.	MBOIA Annual Membership Meeting & Training	Lewiston - Green Ladle	MBOIA
12/10	Fri.	MTCMA/MMANH Joint Workshop - Leadership Exchange	South Portland - DoubleTree Hotel by Hilton	MTCMA
12/14	Tues.	Managing Freedom of Access Requests	Augusta - Maine Municipal Association	MMA

# Budget reviews under way in Jay, where mill explosion occurred

*Owners of the Pixelle mill scaled back operations after the Dec. 9 accident, but still maintain a significant presence. The mill is a major property taxpayer.*

By Janine Pineo

The news, when it came on Dec. 9, 2020, had been much anticipated since the explosion shook the community in mid-April.

Pixelle Specialty Solutions announced the company would not rebuild two pulp digesters lost in an April 15 explosion at the Jay mill complex. The Pennsylvania-based paper company said that as part of its long-term plan for the facility, it also would permanently shut down the No. 3 paper machine, leaving two machines operational. This move ends pulp production at the Androscoggin mill.

There will be no additional layoffs, according to the announcement, with 250 still employed. Three rounds of layoffs began in July, ending with a total of 177 people out of work by the first of November.

Pixelle employs 2,400, with additional mills in Ohio and Pennsylvania, operations in Wisconsin and a coating facility in Ohio. Its headquarters are in Spring Grove, Pa., which also is the location of one of its mills. The company has more than 50 branded products that include inkjet papers, food packaging papers and book papers.

What happens now in Jay will take some time to ascertain.

“Regrouping,” said Shiloh LaFreniere, Jay’s town manager, when asked where things stood a few days after Pixelle’s announcement. “At this point, we’re regrouping.”

There is a process in place to assess what this means financially to the town, LaFreniere said, which will become clearer in April when the mill valuation is completed for 2021. That



Welcome sign entering Jay. (Photo by Eric Conrad)

valuation will play into budgeting not only for the Town of Jay but also for RSU 73, the Spruce Mountain School District, which includes the towns of Livermore and Livermore Falls.

“I don’t have any numbers right now,” LaFreniere said. “We’re expecting significant loss.”

The confluence of the mill’s losses, the job losses and the effects of COVID-19 may cause more financial trouble for the school district than anyone fully expects. The district’s current funding formula is 80 percent weighted toward valuation and 20 percent pupil count. Under that formula, Jay provided about two-thirds of the district’s annual funding.

“Having Jay’s valuation lowered because of the loss of valuation from the paper mill will shift more expense to the other two towns,” said RSU 73

Superintendent Scott Albert in an email. “Also, our community members losing jobs and/or revenue can affect the school pupil count, which can also trigger a shift in the formula.” It’s not just the mill’s jobs that are involved, he said, but any business related to the mill.

Playing into the situation is COVID-19, including how that is changing the pupil count as parents decide whether their children will attend schools or be homeschooled.

“So between the paper mill and COVID and what that means to state subsidy, no one can even begin to estimate the negative effect this may have caused,” Albert said.

“That’s the snowball effect,” LaFreniere said. “The impacts don’t stop at the town lines.”

*Janine Pineo is a freelance writer from Hudson and regular contributor to Maine Town & City, [jepineo@gmail.com](mailto:jepineo@gmail.com).*



Photos show the sprawling Pixelle paper plant. (Photos by Eric Conrad)

### Repeating history

LaFreniere has been Jay's town manager for six years. "Every year, it's been something" with the mill, she said.

Back at the start of her tenure, the mill was owned by Verso Corp. and an abatement over valuation was in the works. It ended in a settlement agreement, with 2020 being the end of five years of abatement, LaFreniere said, including three years where \$1.3 million was paid back annually to the mill.

"The stress of the first couple of years make this a little easier," she said.

It required significant budget cuts, however. LaFreniere said that means it will be hard to find cuts now that a new valuation loss looms.

To understand how much has changed, one needs to look at some of the numbers.

Paul Binette is the assessor's agent for Jay, Livermore and Livermore Falls — all of the RSU 73 municipalities. He is employed by John E. O'Donnell & Associates of New Gloucester. Binette has a spreadsheet for Jay that charts the ups and downs of the past 18 years, back to 2002. It shows in numbers the

course of the mill's most recent impact to the town and community's fortunes. When the paper mill thrived, the mill rate dropped. When the abatement took effect, the mill rate rose.

In 2008, the mill's taxable valuation reached its peak at \$872,315,898. The town's mill rate fell to \$13 and stayed that low through 2010. 2008 was also the peak of the mill's percentage of the town's total valuation at 75 percent.

Jay's peak valuation base came in 2012 when it was assessed at just over \$1.2 billion. That year saw a mill rate of \$13.75. The paper mill's percentage of the town's valuation that year was 70 percent.

In 2014, the mill's valuation fell to \$592 million from \$815 million from the prior year. The valuation difference between 2013 and 2016 was more than \$501 million dollars.

The highest mill rate came in 2017, topping off at \$22.50.

What did 2020 bring, the year when Pixelle completed its purchase of the mill from Verso?

Jay had a valuation base of \$596,670,724, while the mill's valuation was \$271,390,880 or 45 percent of the town's valuation, its lowest percentage ever in the 18-year chart. The mill rate was set at \$17.50, keeping in line with the requirements of the last year of the abatement agreement.

### Next steps

LaFreniere and Binette said the next major step is for the town to apply to the state tax assessor for adjustment for sudden and severe disrupt-

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tion of valuation.

"This will be our fourth time applying for sudden and severe," Binette said.

This relief helps in two ways. If granted, the adjusted state valuation amount will be used to calculate education funding obligations. And the adjusted amount will be used to determine state-municipal revenue sharing for the next fiscal year.

"It helps us getting a little bit more than we would have got," Binette said.

The budget process starts up in January, LaFreniere said. After April 1, Jay will have another appraisal of the paper mill that will take into account the loss of the digesters and the mothballing of the third paper machine.

The initial appraisal cost \$250,000, LaFreniere said, with the annual updates running between \$12,000 and \$13,000.

The town already had trimmed down its budget when it settled with Verso. Besides cutting back, Binette said, when people retired they weren't replaced.

### Another viewpoint

Once upon a time, Maine's economy had a thriving paper industry with massive mills peppering major waterways. One by one, many mills closed, throwing thousands out of work and leaving sprawling structures to molder in the midst of communities.

Towns "aren't really wired for it," said Peggy Daigle, a member of the East Millinocket Select Board.

The "it" is having a single huge employer within the town limits, which throws municipal operations up in the air when the business falters.

Daigle has been there and done that as a municipal manager more than once. Right now, she is on the steering committee of Forest Opportunity Roadmap/Maine, a statewide "cross-sector collaboration between industry, communities, government, education, and nonprofits, which have come together to ensure that Maine strategically adapts and capitalizes on changing markets, to maintain our leading role in the global forest economy and support prosperity in our state," according to the FOR/Maine website.

East Millinocket voted in July to purchase the mill that closed permanently in 2014. The plan is to redevelop the 215-acre site with an eye to

opening up new economic opportunity and diversifying the base. "The alternative is you just sit there and stare at it," she said.

Daigle has some hard-won advice for a town like Jay: "Stay in close contact with the owners."

Trying to stay ahead of business events is something else for which towns are not generally wired. But when the town's stability is linked to that of a big employer, it's necessary.

"Keep a good line of communication," she said. "Be a little bit more proactive than reactive. A lot of the traditional operators struggle with that shift."

It also would be a good idea to get in touch with the Maine Department of Environmental Protection to see what types of hazards are on the property, Daigle said, something that's important to know in case of a crisis such as that of Jay and the explosion of the pulp digester. It's crucial that the "town has a better handle on concerns."

While FOR/Maine is not working with municipalities that have active forest product industry, the group is aware that any changes have repercussions across the sector. When the explosion occurred in Jay, Daigle said she thought of how the fallout would affect harvesters and truckers.

"It has a trickle-down impact," she said.

Whatever you do, Daigle said, stay engaged. East Millinocket did not engage during the mill's bankruptcy. "That was a lost opportunity," she said, and it ended up with 55 to 60 percent of the mill structure being torn down.

Binette agrees. "We have to wait," he said, but "we need to be proactive on this."

He added, "We're extremely grateful that they (Pixelle) chose to remain." ■

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

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

**For more information visit the MMA website: [www.memun.org](http://www.memun.org)**



**Save the Date!!!!**

► Virtual Winter Workshop  
February 22, 2021 9am-12pm

Our Winter Workshop will take place over Zoom this year. Our Keynote speaker will be Steve Alexander from APR. We will also hear from the DEP and will have an open panel discussion.

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**Maine Resource Recovery Association**

# PEOPLE

**Peter Crichton, Kevin Howell** and **Kara George** were honored recently for municipal leadership, by their peers at the Maine Town, City & County Management Association.

Recently retired managers **Larry Mead** and **Ed Barrett** also were recognized.

Crichton, who recently retired as city manager in Auburn, after many years serving as administrator of Cumberland County, won the MTCMA's prestigious Linc Stackpole Manager of the Year Award. Crichton, who served as MTCMA president in 2016-17, was cited for creating a strategic plan for the City of Auburn.

He has been a visible leader of local government for years on many fronts, including recently a high-profile role at the University of Southern Maine's Muskie School. In fact, the Aroostook County native cites his internship serving in Washington, D.C. with the late U.S. Sen. Edmund Muskie as setting his public service career in motion.

Howell, town manager in Carmel, was recognized with the MTCMA Leadership Award. Nominated by his full select board, Howell was credited with helping to create a regional ambulance service, reinvigorating the Carmel Days parade, building a town boat landing and leadership during the COVID-19 emergency.

George, town manager in Thomaston, was nominated by her tax collector and clerk, along with support from her select board and other staff members. She began as manager in Thomaston last year, after previously serving as clerk. She received the MTCMA Rising Star award.

She was credited for leadership following the departure of Thomaston's long-time manager. Community communication and development of new policies were cited as strong points.

Finally, Barrett and Mead received Distinguished Service awards from MTCMA. Mead announced his retirement as manager in Old Orchard Beach last June. Barrett retired last year as city manager in Lewiston. He previously served as city manager in Bangor.

**Curtis "Curt" Rushton** recently retired after serving as Topsfield selectman from 1998 until 2020. He was a founder of the Topsfield Volunteer Fire Department and served as a firefighter until being named chief in 1987. He performed many roles

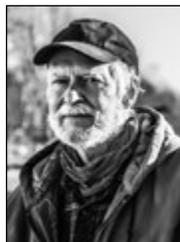
over the years, including road commissioner and General Assistance director. Topsfield is a town of about 200 residents in Washington County.



*Jordan Barnett-Parker*

former Selectman **Jason Trundy**, chief deputy for the Waldo County Sheriff's Office. Trundy nearly captured the seat, losing to Barnett-Parker by a vote of 107 to 100. Barnett-Parker has served on the town's budget and broadband committees. The special election drew 10 percent of the town's 2,084 registered voters. Barnett-Parker, 39, is excited to start his work as selectman and is particularly interested in bringing better and more internet service to the town so people can work from home in jobs that require high-speed internet. He will serve until June 2022.

It's a long, cold trek from Georgia, but **Michael Faass** and his family made it. Faass has been named the new Dresden town administrator, while his wife, a graphic designer, heard from friends in central Maine that more art programs were needed in the area. The couple settled in Edgecomb. Faass saw an opening for the Dresden job in November and was named to his first municipal management position. He replaces **Michael Henderson**, who resigned to move west.



*John Fancy*

**John Fancy** of Appleton retired at the end of December. Sort of. After working for two municipal utilities districts, both as a contractor and employee, Fancy will no longer work as superintendent of the Waldoboro Utility District. He will continue working weekly as superintendent of the Thomaston Pollution Control Department, a job he has held since 1989. Fancy will be available for consulting for Waldoboro. Passage of the Clean Water Act in 1972

drew his attention because of his love for the outdoor and belief that the environment needed protecting. He worked as part-time superintendent for the Waldoboro Utility District overseeing the plant operations for 49 years. Fancy hopes to find time to conduct genealogical research during his "retirement."



*Stephen Fields*

**Stephen Fields** has been named Corinth town manager. Fields has more than 10 years of experience in municipal, state and federal governments, specializing in operational management, human resources, public works, maintenance, transportation and law enforcement and administration. He began his new job on Dec. 29. Most recently, he worked as Westbrook assistant city administrator and human resources director. He managed \$15 million in annual salaries and benefits for 190 full-time and 300 part-time seasonal Westbrook employees. Fields also worked as human services director for the Maine Attorney General's Office. He served in the Air National Guard from 1989 to 2007 and from 2007 to 2017, stacking up more management experience.



*Thomas Flynn*

Portland firefighter **Timothy Flynn** died Dec. 12 in an off-duty boating accident. The city fire crew and the Coast Guard responded to the Cushing Island area after hearing a 12:40 p.m. report of an unmanned vessel. They found Flynn about 500 feet from his boat. Both civilians who were close to Flynn, and then professionals, tried to resuscitate the 58-year-old. He was taken to hospital, but efforts to revive him there also failed. Flynn was the most senior member of the fire department. Members of his family were firefighters for decades before he took up service. He spent many years at the Munjoy Hill station before taking the job as pilot of the city's Marine 1 boat. He was a lifelong resident of Peaks Island, part of the city, and served as island firefighter when off duty.

## STATEWIDE

The crime rate in Maine fell again in 2019, a decline for the eighth straight year, according to the new state report. But while crime over the year declined by 6.6%, according to the Department of Public Safety, violent crime increased 3.1%. Department commissioner Michael Sauschuck credited hard work by police and said he wanted victims to know they are not forgotten. According to the report, robberies fell 15%, while burglaries were down 13.6%. Auto thefts were flattened by 26.7% but arsons were up 39.4% and sexual assaults grew by 15%. Officials were concerned about crime activity during the 2019 COVID-19 pandemic, but those numbers will not be known until late 2020.

## STATEWIDE

The COVID-19 pandemic is pushing Maine home sales nearly through the roof, with buyers poised to set a new yearly record. In November 2020, sales had registered a 7.9% boost from 2019. Realtors said one-third of the sales were to out-of-state buyers, up from a quarter of sales. With few exceptions, all areas in Maine showed increased sales. The most dramatic were in five counties, where sales increased 50 percent from September through November. The five include Aroostook, Hancock, Knox, Piscataquis and Washington counties, where more housing choices were available. Still, in the crowded Portland area, sales rose by 22% in Cumberland County. Home prices also rose, sometimes dramatically, as people looked for safe harbor while the pandemic raged across the country as the year progressed.

## DANFORTH

Firefighters moved quickly on Dec. 20 to douse a fire before it seriously damaged the town's only property listed on the National Register of Historic Places. The three-story downtown building, featuring a Thomas Clock, is known as Union Hall and is the community hub, officials said. Residents hold their annual town meetings, elections, and community and school events in the hall, as well as other efforts such as a food pantry. The building is a century old – plus some – and is considered the most visible landmark in either Aroostook or Washington counties. Two off-duty firefighters noticed flash-

## NEW ON THE WEB [www.memun.org](http://www.memun.org)

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

**The Maine Climate Council** recently issued a big report, and MMA's State & Federal Relations staff summarized its most municipally relevant parts. The report is titled, "Maine Won't Wait: A Four-Year Plan for Climate Action."

**Storm Sewer System regulations:** The Cumberland County Soil and Water Conservation District and MMA's State & Federal Relations staff will host a series of Zoom webinars on the current MS4 permit. The educational series begins on Jan. 26, 2021.

**Coronavirus guidelines** keep changing and actions keep coming along, at both the state and federal levels. We keep you informed about the latest so you can run your municipality as smartly as possible during the current public health emergency.

ing lights from the hall's alarm system, tripped by a fire that broke out in the back of the hall, and called for help.

## PORTLAND

A new study shows the city's waterfront businesses, both marine and commerce, pump \$800 million a year into the Maine economy. Commissioned by the city council, the "State of the Waterfront" showed the busy sector of the city generates 7,700 jobs. Although marine-related businesses generated \$650 million in annual revenue, more than double the impact of direct waterfront activity, non-marine businesses employ 4,600, more than double the number produced by marine businesses. The sector with the most yearly economic impact was the restaurants and bars that generates \$186 million and the largest number of jobs at 3,160. An ordinance passed in August 2019 called for a study of waterfront economic impact and job numbers every three to five years. Planners will use the study to develop land use and community development policies, as well as capi-

tal improvement plans to the waterfront, among other efforts.

## ROCKLAND

The state ferry that runs between Lincolnville and Islesboro, the Margaret Chase Smith (MCS), expects to restart trips on Jan. 22 after extensive improvements, including hull and tank repairs, painting and general maintenance. The hulls of the state's seven ferries must be expected every 30 months. The MCS failed inspection last summer and officials asked for a three-month extension to avoid stopping service during the peak demand season. The 30-year-old ferry required \$500,000 in repairs and was scheduled to restart operations this month. She has been docked at Rockland Marine since Nov. 1, but will be berthed at the Lincolnville terminal when regular service begins. The ferry motors from Lincolnville and Islesboro, a three-mile ride that takes 20 minutes. A new ferry, with the same name, is expected to take two years to build beginning in 2025.

**Correction:** 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. 3 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. 3 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 & City* apologizes for the errors.

# MUNICIPAL BULLETIN BOARD

## PLEASE NOTE

Due to constraints caused by the coronavirus public health emergency, all of the training programs listed below will be held online via Zoom. Please view our website ([www.memun.org](http://www.memun.org)) for updates and details. Thank you.

### ZOOM WEBINAR

JAN. 13

#### Preparing for Media during Crises

Nancy Marshall, founder and CEO of Marshall Communications, and Steve McCausland, communications strategist and long-time, former spokesman for the Maine Department of Public Safety, will present a 90-minute webinar on dealing with the media during crises.

Attendees will learn how to create a crisis team, set up a "command center," develop messages and work with journalists who are reporting the stories. The workshop will begin at 10 a.m. and end at 11:30 a.m. Anyone who may be in the position of dealing with reporters during trying times will benefit from this work-

shop. Cost is \$45 for MMA members and \$90 for non-members.

### ZOOM WEBINAR

JAN. 21

#### MWDA's Introduction to General Assistance

This workshop, designed for select board members, GA administrators, town managers (MTCMA offers credits for this class) and others who administer GA programs, will provide a basic overview of the fundamental principles of General Assistance administration and compliance.

The workshop will be held from 9 a.m. to noon on Jan. 21, and is sponsored by the Maine Welfare Directors Association. Cost to attend is \$25 for MWDA members and \$40 for non-members.

### ZOOM WEBINAR

JAN. 26

#### HR in the Age of COVID

Two experts in Maine workplace and employment law will present a two-hour workshop about how to handle a suite of HR challenges posed during the current public health emergency. This webinar, to be led by Bernstein Shur attorneys Ann Freeman and Matt Tarasevich, will address issues such as exempt employee leave requests, whether vaccines can be made mandatory for employees, and many others.

The webinar will begin at 10 a.m. on Jan. 26 and end at noon. The cost is \$35 for MMA members and \$70 for non-members. This workshop will answer legal questions about COVID and personnel law, not medical ones. A recorded workshop on the medical issues can be viewed via MMA's website ([www.memun.org](http://www.memun.org)) under Video Training Library.

### ZOOM WEBINAR

FEB. 3

#### TRIO Toolbox

This workshop, aimed at helping municipal officials understand and effectively use Harris Local Government's TRIO software suite, was postponed in 2020 due to the COVID pandemic. But it's back now! Attendees will emerge with a better understanding of the software package, knowing where to turn for help – and will be able to ask questions of Harris experts themselves.

The webinar will run from 1:30 p.m. to 4:30 p.m. on Feb. 3. Ben Clairmont and Brian Hackett from TRIO/Harris Local Government are the presenters. Cost is \$35 for MMA members and \$70 for non-members. Officials from small towns, who use the TRIO tools only occasionally each year, may find this webinar especially helpful. ■

## .....➔ SAVE THE DATE

Municipal Technology &  
New Energy Conference

APRIL 15 & 16

Municipal Human Resources  
& Management Conference

JUNE 17

*Details to come.*

# LEGAL NOTES

## A Town Meeting Out of Town?

**Question:** With all of the current COVID-19 restrictions on gatherings, our traditional in-town location is just too small to safely and legally conduct town meetings. Can we hold a town meeting at a more suitable out-of-town location?

**Answer:** Yes, you can. Title 30-A M.R.S. § 2524(6) expressly authorizes a town meeting to be held outside the corporate limits of the municipality if the municipal officers (selectmen or councilors) determine that there is no adequate facility for the meeting within the municipality. The alternate location must be (1) within an adjoining or nearby municipality, (2) no more than 25 miles from the corporate limits of the municipality holding the meeting, and (3) reasonably accessible to all voters of the municipality.

We suspect the municipal officers would be granted broad discretion in exercising this option. It's been available under State law for a long time (at least 40 years that we know of), doubtless because Maine has numerous small towns with no adequate indoor facility for public gatherings even in the absence of a pandemic.

Needless to say, perhaps, whether a town meeting is held in town or out of town, it will be subject to the same COVID-19 restrictions then in effect, regardless of location. For a detailed checklist from the State of Maine on how to conduct a safe and legal town meeting, see this link: <https://www.maine.gov/decd/checklists/town-meetings>. (By R.P.F.)

## Correction: Paid Leave Law

There was an error in our November 2020 Legal Note captioned "New Paid Leave Law Effective Jan. 1, 2021."

As originally published, it read, "Employees must give at least four weeks' notice of their intent to use paid leave except for an emergency, illness, or other sudden necessity." But this is not correct. What we should have written was, "Employers may require employees to give up to four weeks' notice of their intent to use paid leave except for an emergency, illness, or other sudden necessity." In other words, it's up to employers whether employees must give up to four weeks' notice of their intent to use paid leave.

This authority derives not from the paid leave law itself (26 M.R.S. § 637) but

## MUNICIPAL CALENDAR

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

**ON OR BEFORE JANUARY 15** — Monthly/quarterly/semi-annual expenditure statement and claim for General Assistance reimbursement to be filed via online portal or sent to Department of Health and Human Services, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311; DHHS regulations).

**JANUARY 18** — Martin Luther King, Jr. Day, the third Monday in January, is a legal holiday (4 M.R.S. § 1051).

**BY JANUARY 20** — State Treasurer posts notice of maximum interest rate that municipalities can vote to charge on delinquent property taxes (36 M.R.S. § 505).

**JANUARY 31** — Deadline to submit quarterly withholding taxes to State Tax Assessor (36 M.R.S. § 5253).

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

from the rules adopted by the Maine Department of Labor (MDOL) to implement the new law (12-170 CMR Chap. 18)

The online version of our November 2020 Legal Note has already been corrected. Thanks to sharp-eyed former MMA staff attorney Amanda A. Meader for bringing this to our attention. We regret the error.

For much more on the new paid leave law direct from the MDOL, including FAQs for municipal employers, go here: [https://www.maine.gov/labor/labor\\_laws/earnedpaidleave/](https://www.maine.gov/labor/labor_laws/earnedpaidleave/)

For specific questions about the new law, contact the MDOL's Chief Wage and Hour Inspector Scott Cotnoir at (207) 623-7925. (By R.P.F.)

## Advisory Boards & FOAA

**Question:** Are the meetings of a purely advisory municipal board or committee subject to Maine's Freedom of Access Act (FOAA)?

**Answer:** Yes, they certainly are. Whether it's a standing or permanent committee, such as a budget committee, or a special or temporary committee, such as a building committee, if it was established by a municipality to perform any municipal function, an advisory board's meetings are unquestionably "public proceedings" within the meaning of FOAA or Maine's "Right to Know" law (see 1 M.R.S.

§ 402(2)). This means an advisory board's meetings must be publicly noticed in advance and must be open to public attendance and recording (see 1 M.R.S. §§ 406, 404).

We can be sure of all this because the Maine Supreme Court so held in *Lewiston Daily Sun v. City of Auburn*, 544 A.2d 335 (Me. 1988). As the Court noted, the law draws absolutely no distinction between permanent and temporary bodies or between those with final decision-making authority and those with a merely advisory role. They're all subject to the requirements of the "open meetings" provisions of FOAA.

Similarly, there's no difference in the eyes of the law between workshops, for discussion purposes only, and official "business" meetings, where decision-making or voting is anticipated. Regardless of how a board meeting may be characterized, if it entails the transaction of a board function of any kind, it is a public proceeding (see "'Workshops' Are Public Proceedings under FOAA," *Maine Townsman*, Legal Notes, June 2007).

While an advisory board's meetings are public proceedings, an advisory board may use an executive session, provided of course that the topic for discussion is a permissible one under the law and that the board complies with the law's procedural protocols (see "Advisory Boards

# LEGAL NOTES

& Executive Sessions," *Maine Townsman*, Legal Notes, March 2016).

Incidentally, purely advisory boards are exempt from FOAA's requirement that boards make a limited "record" of their meetings. This record, including (1) the time, date, and place of the meeting, (2) the members of the board present or absent, and (3) all motions and votes taken, is required only for boards with some measure of decision-making authority (see "FOAA Now Requires Record of Meeting," *Maine Townsman*, Legal Notes, October 2011).

If an advisory board does make a record of its proceedings (which again is not legally required, though we recommend it), that record and all other records prepared for or received by the board in connection with its business are also public records subject to the "open records" provisions of FOAA.

For much more on FOAA's requirements, see MMA's "Information Packet" on Maine's "Right to Know" law, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## New USPS Mail Delivery Policies Available Online

Builders and developers as well as local planning and code enforcement officials should be aware that the U.S. Postal Service (USPS) has developed new (and generally more restrictive) policies for mail delivery service to new and expanded residential and commercial development.

The new policies are part of the USPS's Delivery Growth Management Program, which is designed to make mail delivery more efficient for the more than one million new mail delivery locations added annually. Among other things, the new policies in most cases require centralized delivery equipment or "cluster box units" (CBUs) for new residential and commercial projects. CBUs are generally freestanding, outdoor, pedestal-style, package-friendly clustered mailboxes.

The USPS strongly encourages builders and developers to contact their regional USPS Delivery Growth Coordinator early in the planning process to ensure compliance with the new policies. The

USPS's Delivery Growth Coordinator for Northern New England is Tim Gately, 151 Forest Avenue STE 7032, Portland, ME 04101-7032 (ph. 207-482-7167).

A builders and developers guide to the new USPS mail delivery policies is available here: <https://about.usps.com/handbooks/po632.pdf> (By R.P.F.)

## Sales & Use Tax Exemption Certificates Issued by MRS

(Reprinted from the December 2006 *Maine Townsman*, Legal Notes)

Municipalities have long been exempt from paying the State sales or use tax on otherwise taxable purchases (see 36 M.R.S. § 1760(2)), and vendors, who are liable for collecting the tax, have historically relied on either the statute itself or a letter from the Maine Revenue Service (MRS) as proof of municipal tax exemption.

Now, however, we hear that many vendors to municipalities are insisting on a certificate from the MRS before acknowledging the exemption.

To accommodate this growing demand, the MRS is now providing municipal sales and use tax exemption certificates. For an application form, call the MRS at (207) 624-9693 or download the form from the MRS website at <https://www.maine.gov/revenue/taxes/sales-use-service-provider-tax/tax-exempt-organizations> (scroll down to "Agencies of Government" and click on "APP-108 (PDF)" in the right hand column).

Completed applications may be returned to the Maine Revenue Service, P.O. Box 1060, Augusta, ME 04332-1060. For questions or assistance, call the MRS at (207) 624-9693 or email [sales.tax@maine.gov](mailto:sales.tax@maine.gov). (By R.P.F.) ■



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# Maine Municipal Bond Bank

## 2021 SPRING BOND ISSUE SCHEDULE

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

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

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

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

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

### Wednesday, February 10th

Application Deadline.

### Wednesday, March 17th

Application approval (Board Meeting).

### Monday, April 5th

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

### Wednesday, April 7th

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

### Week of April 19th

Maine Municipal Bond Bank Pricing.

### Monday, May 10th

Final documents due from bond counsel.

### Wednesday, May 19th

Pre-Closing.

### Thursday, May 20th

Closing - Bond Proceeds Available (1:00 PM)

If you would like to participate in or have any questions regarding the 2021 Spring Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



When you need a **finance team**  
that feels like part of  
**your community.**



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Lindsay Leone



Lee Bragg



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Ginny Dufour  
*Paralegal*



Janet Davis  
*Legal Assistant*

Meet the Municipal Finance Team. With many decades of experience, we specialize in public finance, tax-exempt bonds and various other financing options for public entities. We find ways to provide our services in the most cost-effective manner to save our clients legal costs over the long term.