

Maine Town & City

The magazine of the Maine Municipal Association

FEBRUARY 2022

Solar Developments on the Rise

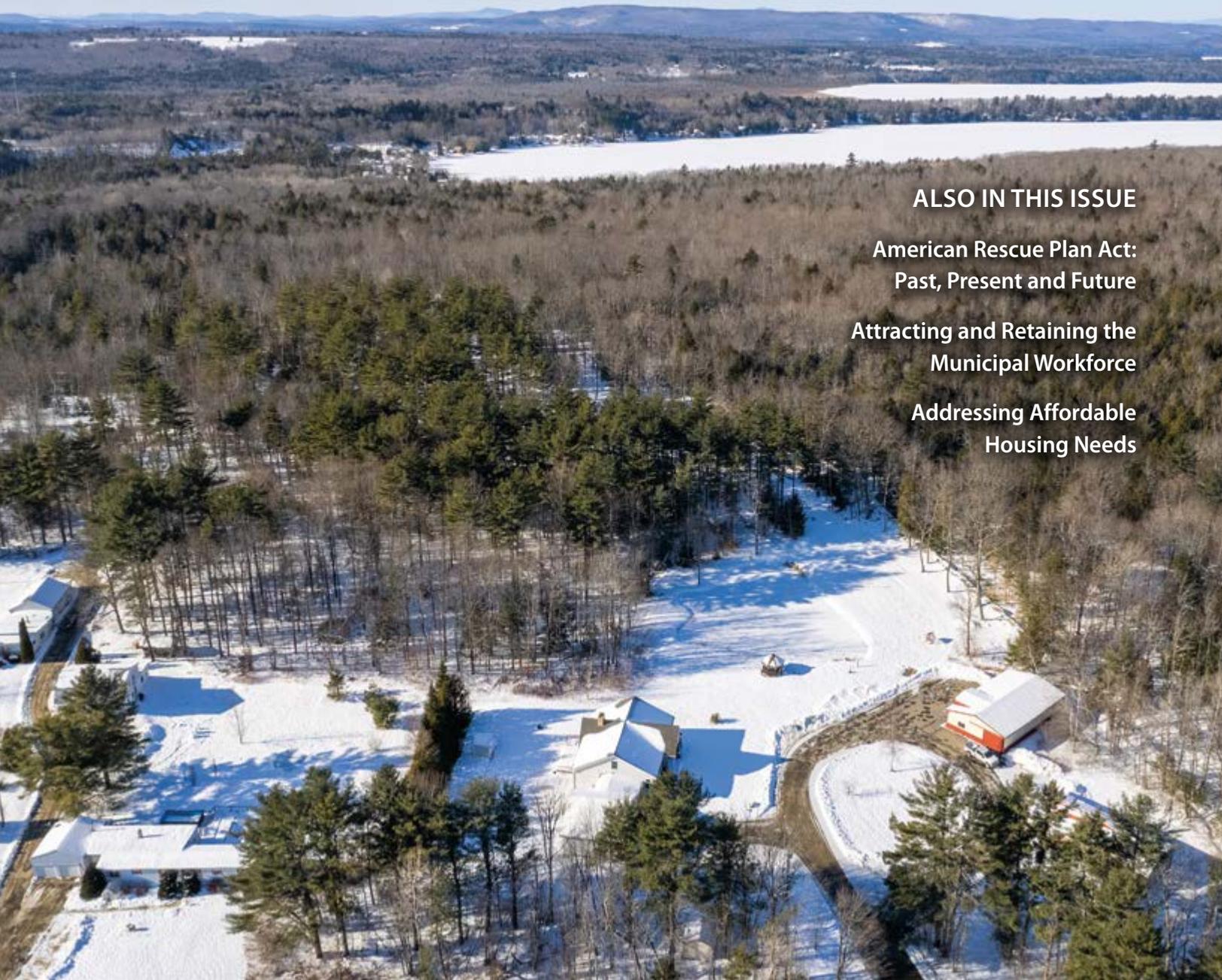
Municipalities are taking time to adopt the necessary regulatory measures.

ALSO IN THIS ISSUE

American Rescue Plan Act:
Past, Present and Future

Attracting and Retaining the
Municipal Workforce

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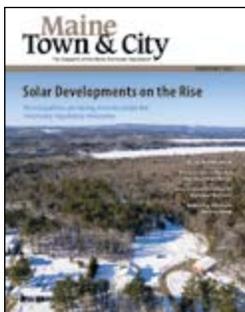
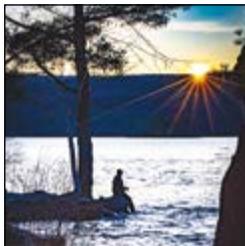
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Maine Town & City

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FEATURES

SOLAR MORATORIUMS. Several Maine communities are putting the brakes on solar developments to provide planning boards and ordinance committees the opportunity to research and develop the measures necessary to site, design and decommission projects while protecting natural resources. [PAGE 11](#)

ATTRACTING AND RETAINING THE MUNICIPAL WORKFORCE. Struggling to recruit employees to fill vacancies left by a workforce electing to retire at times earlier than expected, municipal officials are turning to partnerships with community colleges and businesses, outreach to residents and out-of-the-box thinking to fill those vacancies. [PAGE 15](#)

AFFORDABLE HOUSING. While the Legislature is set to review dozens of housing related bills in the coming months, municipal officials are at work developing solutions that not only address the need for housing but consider citizen input. [PAGE 20](#)

ARPA. Nearly one year since the American Rescue Plan Act was signed into law, many of the questions surrounding this historic federal aid program are being sorted out. Local leaders might be relieved to learn that the U.S. Treasury's final rules provide clarity and options for investing revenues in municipalities of all sizes. [PAGE 7](#)

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ABOUT THE COVER:

An aerial view from above Oakland Road in Belgrade shows Pinkhams Cove on Great Pond in the distance. The forested area between the pond and structures along Oakland Road include part of several lots in a 70-acre solar farm proposal. (Copyrighted photo courtesy of Jay Bradshaw/quadcopperpics.com)

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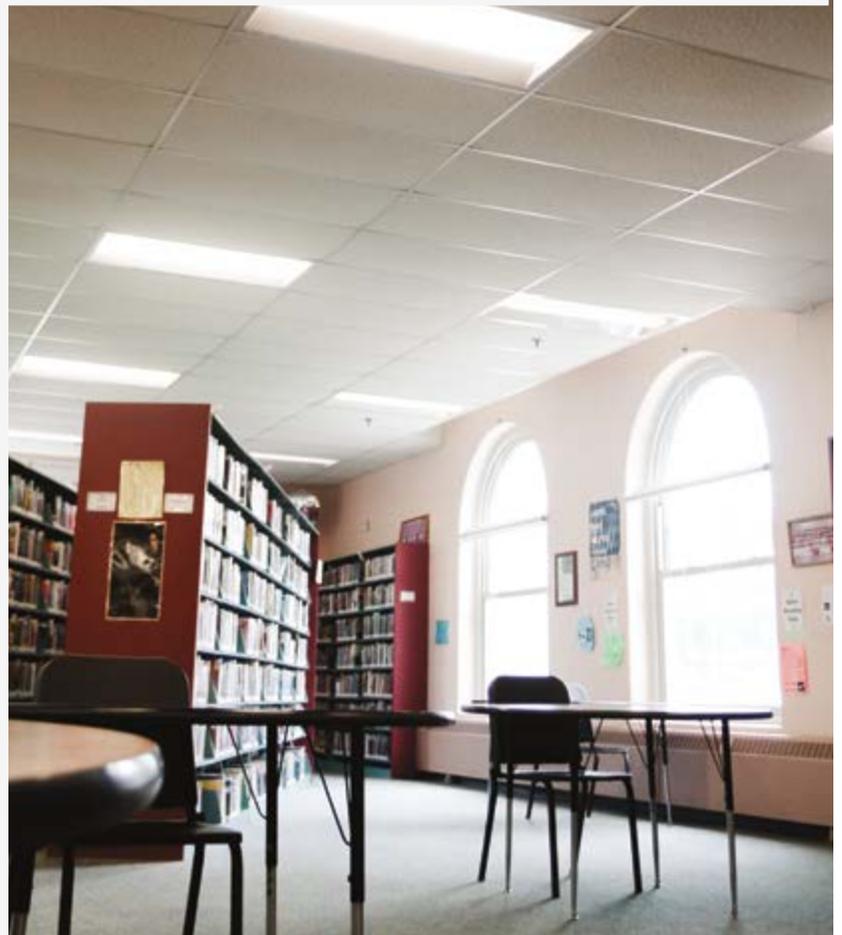
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A MESSAGE FROM MMA

BY CATHERINE M. CONLOW / EXECUTIVE DIRECTOR

For the past few years, MMA's Executive Committee has focused energy and resources on helping communities attract and retain municipal employees.

Recognizing that all Maine communities were struggling to attract young people to the municipal profession, MMA launched the HoMEtown Careers campaign in 2017. The goal was to spur interest in municipal government as a long-term and rewarding career path affording employment opportunities both on traditional fronts, such as management, public works, and public safety, but also in the burgeoning fields related to natural resources protection and climate change resiliency.

At that time, the Association's leadership understood that getting people connected to municipal work was just one part of the equation. Equally important is ensuring that employees have the training necessary to thrive in their current positions and access to educational opportunities supporting professional advancement throughout municipal organizations.

With that in mind, the executive committee implemented the second phase of the recruitment and retention program focused on training and leadership development.

While many of the professional municipal organizations – including MMA's affiliate groups – provide training specific to their membership, it is often out of necessity. There is no single repository of training options for municipal employees, leaving local leaders on their own to find the means and ways to acquire the skill sets necessary to deliver services. This lack of access makes it difficult for municipalities to provide new and existing employees a full range of training opportunities.

As a result, the executive committee contracted with Berry Dunn in late 2020 to conduct a comprehensive analysis of training needs and gaps for local leaders and their staff. In

the January 2021 issue of the *Maine Town & City*, former Executive Director, Stephen Gove, described the work underway and steps taken to ensure that the study was comprehensive enough to meet the current and future needs of municipal employers and employees.

In August, the executive committee received Berry Dunn's final presentation and recommendations, one of which urged MMA and its leadership to create a single position dedicated to overseeing a training program for municipal employees.

Through the Association's budget development process, the executive committee supported the recommendation and directed staff to develop a plan for implementation.

The first step in the process is to separate the duties of the Director of Communications and Education and hire a Training and Curriculum Director focused on implementing the recommendations of the report by creating a more comprehensive training and development program. Specifically, implementation will include the creation of a Training Advisory Council and a long-term plan for job training and leadership development directly targeted at attracting and retaining employees in municipal fields.

The process for hiring the Director of Training and Curriculum Development is currently underway.

In addition to improving our training and development capabilities, MMA is looking to enhance member communications. Led by Kate Dufour, MMA has merged the Departments of State and Federal Relations and Communications. This merger will enable MMA to deliver timely, issues-based information, implement design changes to our print publications, develop a more robust social media presence to include Twitter and Facebook, and perform a significant upgrade to our website. The upgrade to our website is a priority in the process for implementing the Berry Dunn recommendations and supporting enhanced member access to all our programs including Legal Services, Risk Management, and the Health Trust.

The MMA executive committee and staff are excited to embrace these enhancements in early 2022 and trust that ensuing changes will assist our members at a time when there is an unprecedented need for investment in Maine's municipal workforce to ensure citizens continue to receive quality services. ■

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ARPA: Hindsight, Foresight, and the Remaining Unknowns

By Neal Goldberg, Legislative Advocate, *Advocacy & Communications, MMA*

After almost one year since being signed into law much has been revealed about the American Rescue Plan Act (ARPA) and how this windfall of federal funds will be expended and reported on in the coming years. In March of 2021, Congress initiated legislation to send fiscal recovery funds to local governments across the country to support their response to and recovery from the COVID-19 public health emergency.

Thus began the processes of registration, disbursement, rulemaking, surveying for public comment, planning, reporting, and collaborating. Treasury has published hundreds of pages of guidance and recorded dozens of hours of webinars. Along the way municipal officials have been meaningfully engaged at every point.

The Municipal Experience

Even though ARPA allows for creative planning unique to each municipality, the experience with these funds has largely been the same for all municipal officials.

From the beginning every municipality had to prepare to receive these funds, engage their residents for public input, and prioritize expenditures within the framework of an interim set of rules. Early on there was an exhilarating pace of surveying, learning, and discussion amongst officials between every level of government.

This initial period brought optimism that these funds would bring relief to those in need and create lasting

change. There was also hope that ARPA would indirectly ignite renewed collaboration between local, county, and state government.

For some municipalities managing federal funds was familiar while others worked against steep learning curves. To the best of its ability, Treasury crafted a one-size-fits-all program which meant aspects of ARPA were bound to miss the mark in Maine.

Regardless, municipalities adapted to the constraints and started putting these funds towards their most urgent needs by bringing needed hazard pay to frontline and essential workers, organizing vaccination and testing clinics, modifying public spaces and work sites for safe reopening, improving technology to remotely continue the important heritage of town meetings, and bringing assistance to the hardest hit households and businesses.

Since those early days every municipality has positioned itself to bring meaningful benefits to the community. Now begins the lengthier process of long-term ARPA planning.

Finally, the Final Rule

Treasury's motto for the Final Rule should be "all good things are worth waiting for." Months of public comment from municipal officials across the country gave Treasury the information needed to fine tune ARPA funds into an instrument a municipality could genuinely leverage for needed projects and policies.

In reality, Treasury's fine tuning was a broadening of the rules and eligible uses. Among other things there are four key changes included in the final rule that every municipal official should be aware of.

- 1) **Public Sector Revenue:** a major simplification of the process to determine how much revenue loss occurred as a result of the pandemic. Municipalities can either assume a standard allowance of \$10 million or calculate the amount using the simplified formula provided. The list of government services that can be funded through revenue loss was extended to include road building and maintenance, environmental remediation, and provision of police, fire and other public safety services, including the purchase of vehicles.
- 2) **Public Health & Economic Response:** an expansion of eligible uses for impacted and disproportionately impacted populations, such as affordable housing development and permanent supportive housing, and improvements to vacant and abandoned property. Also provided is a more efficient means of determining qualifying communities.
- 3) **Premium Pay:** a broadening of the share of workers who are eligible for premium pay without a written justification.
- 4) **Water, Sewer & Broadband Infrastructure:** an expansion of infrastructure projects that are eligible including a broad suite of lead remediation activities, additional stormwater infrastructure such as culvert repair, resizing and removal, and replacement of storm sewers, and certain dam and reservoir rehabilitation. For broadband projects there is a new requirement



Support Public Health Response

Fund COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff



Replace Public Sector Revenue Loss

Use funds to provide government services to the extent of the reduction in revenue experienced due to the pandemic



Water and Sewer Infrastructure

Make necessary investments to improve access to clean drinking water and invest in wastewater and stormwater infrastructure



Address Negative Economic Impacts

Respond to economic harms to workers, families, small businesses, impacted industries, and the public sector



Premium Pay for Essential Workers

Offer additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors



Broadband Infrastructure

Make necessary investments to provide unserved or underserved locations with new or expanded broadband access

that service providers participate in a low-income subsidy program available to ratepayers.

The general broadening of the final rule reflects the multitude of real circumstances that municipalities face. These changes allow municipal officials to perform the local planning, policy, and programming that their community prioritizes, while staying

within the context of a federal framework.

The final rule gives municipal officials much greater freedom to address the COVID-19 public health emergency and its negative economic impacts. A special thanks is reserved for all the public officials in Maine and Washington D.C. who advocated for these changes.

What Lies Ahead

With clear guidance from Treasury communities are abuzz with ARPA ideas. Municipalities can now confidentially flesh out how to spend their fiscal recovery funds. Given the new leeway provided in the final rule municipal officials should have a much simpler experience implementing projects and policies with ARPA funds. As the process unfolds municipal officials should be aware of a few key events and dates.

The current reporting deadline for most municipalities is April 30, 2022, and annually thereafter. At that time, all non-entitlement communities must submit Project and Expenditure reports. Even if a municipality has not expended any of its ARPA funds, it must still file an annual report attesting to receipt of funds and compliance with federal standards. At this time there is still no final guidance on how and what municipalities must report. Treasury has stated that more information is forthcoming before the reporting deadline.

MMA is hosting a webinar on March 2, 2022, to review the Final Rule changes, highlight key legal issues, and discuss reporting requirements. Interested participants can register through MMA at www.memun.org.

The exact date of when to expect the second tranche of ARPA funds is still unknown. Metro cities can anticipate their second tranche this spring, while non-entitlement communities will likely receive their next tranche in late summer or early fall.

ARPA Insights from 2021

What follows are key insights MMA staff have gleaned from the hundreds of conversations with members concerning the reality of ARPA planning and spending in Maine.

Popular uses: Examples of how other communities are using ARPA funds can be misleading because what is justified in one municipality may not be true in another. With that in mind, here are some commonly discussed uses for ARPA funds:

- Premium pay for essential workers. This is taking many different forms including lumpsum payments, additive wages, hiring bonuses, and retention incentives.
- Facilities improvements including pandemic-related modifications,



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expansion of public safety facilities, HVAC upgrades, carpeting installation, and septic systems enhancements.

- Public safety capacity including medical and protective equipment and vehicles.
- Broadband expansion of municipally owned networks.
- Remote meeting technology and cybersecurity upgrades.

Early talk of collaboration is paying off:

From the beginning it was obvious that ARPA would stimulate collaboration, and in much of the state that hope is coming to fruition. The State has come forward with numerous grant matching opportunities for local governments to leverage their ARPA funds. Counties like Aroostook are sharing staff capacity to manage these funds and are fielding applications from municipalities for local projects. Some county governments are even pooling resources to fund projects that will benefit every municipality in the jurisdiction. Franklin County's orthoimagry project and Lincoln County's EMS training program are two such examples of county funds

being used to support local priorities.

Standard allowance: The final rule brought multiple positive changes, foremost is the new standard allowance available to every municipality. Instead of using Treasury's revenue

loss formula to determine pandemic-related impacts, the final rule allows every recipient to assume up to \$10 million in revenue loss regardless of the actual economics in the community. This generous allowance

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means most municipalities could claim their entire ARPA allotment as revenue loss and apply these funds to general government services.

Reporting: Municipal officials are eager to learn more about the reporting requirements. Currently Treasury has not provided the final word on when, how, where, and what municipalities will be required to report. In the interim, the recommendation is to track instances of community engagement, record how spending decisions were made, detail the processes for bidding on

procurement of materials and services, monitor spending of subrecipients, and save receipts and invoices for any expense made with ARPA funds. More information on reporting will be provided by Treasury soon.

Time is still on your side: MMA has advised patience and deliberation from the start. The dramatic expansion of eligibility provided by the final rule and the new opportunities for grant matching offered by the state are two examples of the benefit of waiting to spend until more was revealed. It should be expected that more clarity,

opportunity, and flexibility will be unveiled in time. The deadline to expend these funds is Dec. 31, 2026. The primary caveat to this key insight is projects that require time-consuming planning, procurement, and construction. Considering the supply chain woes and staffing shortages, it may be advisable to begin those projects sooner.

Use this as a learning process: Ideally the experience of managing ARPA funds is so positive that it encourages municipal officials to pursue future federal grants. Take this experience as a chance to learn how to navigate the federal grant landscape, including Treasury's portals, SAM registrations, DUNS numbers, procurement and contracting requirements, and reporting responsibilities. Hopefully the experience with ARPA will empower municipal officials to chase additional federal funds. ■



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Solar Moratoriums

Municipalities are temporarily pausing development in an effort to draft and implement the land use ordinances necessary to protect the interests of the community.

By Janine Pineo

Commercial solar farm proposals are sprouting across Maine as the state pushes to meet its goals for renewable energy as part of its overall plan to address the effects of climate change.

Since 2019 when Gov. Janet Mills approved legislation supporting major development of solar energy, 325 megawatts of solar power have been installed through October 2021, according to a state press release from December.

The continuing onslaught of proposed projects has spawned something else: municipal moratoriums.

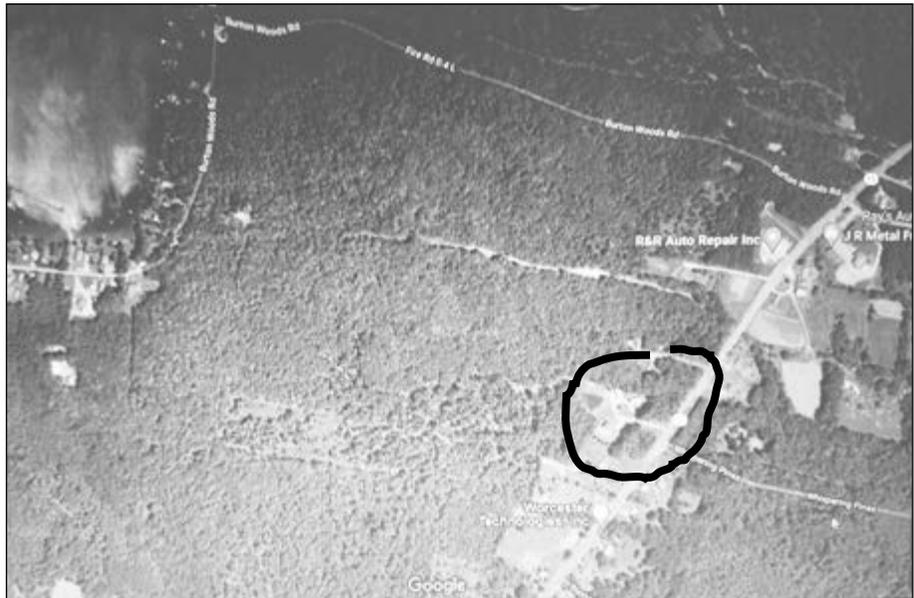
Numerous municipalities are considering or have enacted moratoriums on commercial solar farms as they realize their current ordinances do not contain the language needed to address the specifics surrounding installation of massive solar arrays. More often than not, it is a solar project proposal — or more than one — that prompts the municipality to have residents vote to enact the moratorium so that boards and other municipal officials can work on drafting an ordinance or revising what is already on the books.

The moratoriums come to an end once the changes are brought to a vote, but it is the large undertaking of formulating a plan that many municipalities are finding on their plates right now.

Belgrade

The Kennebec County town of Belgrade renewed its moratorium for a second time in November 2021, putting again on hold not just solar installations, but also subdivisions, telecommunications and wind projects.

Town Manager Anthony Wilson said



A satellite view of the forested area along Oakland Road includes part of several lots in a 70-acre solar farm proposal. (Submitted photo)

the town had anticipated it would take six months to update language when the initial moratorium was passed the year before. But the town's subdivision ordinance from 1988 no longer complied with state law.

"We have over this past year engaged in a massive overhaul of our subdivision ordinance," Wilson said.

Meanwhile, Belgrade also was deciding how to approach solar rules. For telecommunications and wind towers, Wilson said, the town already had a foundation. "Belgrade has a commercial development review ordinance," he said.

In fact, a solar project was approved in 2020, a development called Solar Fields that has since been wending its way through the process with the state and its connecting utility, Central Maine Power. The 2 MW project is a small solar farm of about 11 acres on what used to be a Christmas tree farm.

The town's latest proposed solar farm, called Belgrade Solar Project, has a bigger footprint. At 4.95 MW, the

project would sit on 70 acres of land between Oakland Road and Pinkhams Cove, which is the southeast finger of Great Pond.

For Belgrade, renowned for its lakes and scenic beauty, one of the concerns about solar arrays is simple: "How do we protect and preserve the natural resource that is the lakes," Wilson said.

To start, Belgrade's comprehensive plan requires that 60% of the town remain undeveloped. The town's tax base, about 60% of it, is along its shorelines.

"Belgrade is rural in nature," he said, "and that's the way they want it."

The town is also one of the state's summer communities, with its population of 3,200 residents doubling or tripling in those months. Wilson said those folks don't have a vote in the outcome, but it "doesn't mean they don't have a voice."

The town has been keeping residents and property owners informed through online meetings and its quarterly newsletter, as well as posting

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



A view of Great Pond & Pinkhams Cove in Belgrade (Photos courtesy of Elise Klysa.)



updates on the town’s website and Facebook page.

“Typically, we do see a lot of engagement by our seasonal residents,” Wilson said, adding that Belgrade’s municipal bodies are open to hearing those comments.

The planning board is meeting now twice monthly, devoting the first hour to work on solar. Wilson said that with two retired administrators from the Department of Environmental Protection on the board, the work being done is “very meticulous.”

The board has been reaching out, getting a model template from the Kennebec Valley Council of Governments and having a planning board member from neighboring Readfield join a recent meeting via Zoom. Readfield itself had a 4.95 MW project proposed in 2020 and adopted a solar ordinance more than a year later during its June 2021 town meeting.

The Belgrade board also has

looked at Chelsea and Farmington’s ordinances.

Two areas high on Belgrade’s list of priorities are decommissioning standards and siting and design.

“At some point, a solar farm is no longer commercially viable,” Wilson said. “When they are no longer commercially viable, we want that structure removed.”

Belgrade wants the land brought back to its original state and not to be left with abandoned infrastructure, he said. That includes any and all underground components. “We have already determined we want all of it removed,” Wilson said.

Siting and design are part of the aesthetic aspect. Wilson said the Belgrade Solar Project is on a sloped area above Great Pond, a fact that is of concern.

Aspects of design would include elements for a buffer, such as fencing, vegetation and berms. Wilson said a buffer for the proposed project has

been cursorily discussed.

“That’s part of figuring out the process,” he said.

As for when the solar moratorium will come to an end, Wilson said there is some debate about when to present to voters and whether it would be best to put it on the ballot in November during a gubernatorial election year.

Dixmont

Dixmont passed a moratorium on commercial solar installations in October 2021, but the impetus was prompted by the concern of a planning board member and not a proposal to build a solar array.

David Bright, first selectperson of the Dixmont Selectboard, said that the board member has been “observing these huge farms,” and it raised concerns with him about decommissioning and property tax exemptions.

The Penobscot County town of about 1,200 doesn’t have any ordinances that

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would address solar projects, Bright said. A standalone ordinance would be for commercial solar projects only. A residence or business tying into the grid for their own use is already allowed, he said.

Bright said the town will be looking at decommissioning language. "Somebody is going to be left with the cost of decommissioning them," he said. "The decommissioning money is given to the town upfront" either through a bond or escrow.

The tax-exemption concern is a question that they don't have an answer to yet, Bright said, specifically if there is a law on minimum size that would lead to property tax exemption. Bright said the trouble with that scenario is that the company could form multiple LLCs to claim small enough portions to make it all tax exempt.

But the town does not have information yet on whether it is an issue.

Another area of concern, Bright said, is how vegetation will be maintained and the use of herbicides.

Bright cited the possibility of "despoiling prime farmland" as

another area to be addressed. "How much farmland are we going to tear up on these things?" he asked.

The planning board is meeting monthly at the moment, Bright said. Members have divvied up about a dozen ordinances from around the country to review and compile what they like about each.

Once an ordinance is ready, it will go to a town vote. Bright said they might have it ready in time for town meeting in March, but "we're not up against it fiscally if we have to move town meeting."

Farmington

Farmington decided against a solar moratorium in early November 2021. It was a step initially requested by abutters with concerns over the size of buffers between their properties and the proposed farm, but the applicant addressed those concerns.

It might seem ironic that the Franklin County town would consider imposing a moratorium on solar, given that Farmington is home to the largest solar farm in New England, a \$110 million, 76.5 MW array that can power nearly 17,000 homes annually. The

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Farmington Solar Project covers 490 acres of land and came online the same month the board rejected the moratorium.

“It kind of weaves its way up ... into the hinterlands,” said J. Stevens Kaiser, head of Farmington’s Code Enforcement and Planning Office. “Driving by it doesn’t seem to overwhelm.”

Touted as the first of its kind in collaboration, the New England

College Renewable Partnership brought together Bowdoin College with four Massachusetts colleges: Amherst, Hampshire, Smith and Williams. The goal was for each school to purchase zero-carbon electricity to reduce their campus carbon emissions. They then partnered with NextEra Energy, one of the largest players in the wind and solar market, to build the farm.

From concept to approval to

installation, the project took three years to go online, Kaiser said.

“There weren’t major snags,” he said. “We knew it was a big experiment.”

But there was another underlying factor playing into how Farmington reacts to solar proposals.

“I think we were ahead of the game. We had a system to process these,” Kaiser said, citing a multiplicity of ordinances to cover any proposals, including a performance standard for industrial solar. “We didn’t really have to hold off.”

It started back in 1999, Kaiser said, when the town “geared up” and began the process of updating its ordinances. It wasn’t without difficulties and included creation of a zoning ordinance. “We’ve been over that hump,” he said.

Kaiser said municipalities may want to consider town wide zoning, calling it a “bitter pill” for some. But he pointed out that there are benefits to overhauling ordinances and the comprehensive plan — which Farmington updated in 2015 — especially as the push to plant solar farms across the state has taken off.

“It’s a good excuse ... to work on it,” he said. “I think it could be a wakeup call.” ■

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Attracting and Retaining the Municipal Workforce

With both public and private industries struggling to fill vacancies experts in the labor field promote ingenuity, partnerships and “out of the box” thinking as key to recruitment efforts.

By Stephanie Bouchard

Municipalities large and small all over Maine are facing the same employment challenges businesses across the state – and the country – are facing: employee shortages; long-time employees retiring, sometimes a bit earlier than planned; people quitting (the so-called Big Quit or Great Resignation); and recruitment difficulties.

In Maine, these employment challenges are not necessarily caused by the pandemic – these are all conditions that existed pre-pandemic – but they are certainly aggravated by it, say state workforce experts. The result is that many communities are finding themselves in a serious bind and are having to rethink their recruiting and retention efforts.

For the Penobscot County town of Patten, an employee shortage created a crisis not only for this community of fewer than 1,000 residents located about 36 miles southwest of Houlton, but for several surrounding towns, including Sherman and Stacyville, which have for years contracted with Patten for ambulance service.

Because of the pandemic, said Patten’s town manager Darrell Mims, Patten’s ambulance service is down four employees (and one is temporarily out recovering from an injury), leaving only two people available for emergency service to Patten and the communities contracted with the town for ambulance coverage.

Last fall, realizing the service wouldn’t have enough people on staff to provide adequate emergency coverage to the contracted towns, Ed

Noyes, the director of Patten’s ambulance service, contacted the towns so they could make alternate arrangements.

People’s lives were at risk, Mims said. “You can’t mess around with that at all,” he said. So, Mims, who began his role as the town manager in November, immediately got to work trying to recruit more people to the ambulance service.

A local television news broadcast about the ambulance service’s employee shortage and the risk that presented to Patten and surrounding towns got the attention of Edward Wright, the workforce development coordinator at Northern Maine Community College (NMCC).

NMCC presented an offer to Patten: a free basic EMT training program that the town could use as an employee recruiting tool. The 15-week course began in February. Enrollees not only get the EMT training free of charge, but all training supplies and books are free, too.

Mims started handing out flyers around Patten and in the surrounding communities on which people could sign up for the training. He also talked to the managers and owners of businesses in town, asking them to be flexible with their employees if they signed up for the training and eventually began volunteering or working with the ambulance service. The town’s business community stepped up and agreed. “They have to,” he said. “I mean, if we don’t all work together, then we all are going to suffer. We have no choice.”

In mid-January, Mims knew at least 10 people had signed up on the sheet



Dan Belyea

at the Patten town office and he knew other communities had people signed up on their flyers too. Mims is hoping that the response is so good, NMCC will have to offer additional training sessions and Patten, and surrounding communities, will soon be on their way to well-staffed emergency services.

“I would like to get to 10 that we can actually hire on, that way all the pressure wouldn’t be on one or two individuals,” he said. “Some can work just on weekends. Some can do holidays. We can spread it.”

The free EMT training that NMCC is offering is made possible by funding the Maine Community College System received from the Harold Alfond Foundation and the Maine Jobs & Recovery Plan. Altogether, the community college system will be deploying \$60 million over the next four years to fund workforce training programs.

Traditionally, these types of grant programs are not available for municipalities but this time around,

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

towns and cities can take advantage of the training funding, said Dan Belyea, chief workforce development officer of the Maine Community College System.

“There is an opportunity there,” he said. “I think one of the things that we’ve learned is anything we do has to involve collaboration and partnerships. We don’t have the magic bullet, but we have some magic buckshot.”

To that end, the community college system has started offering a few training opportunities open to municipalities, such as a wastewater apprenticeship program and the EMT training in Patten, but more are in the works and the system is open to working with municipalities to come up with future training programs. “We are absolutely open to developing training programs that are needed, so that we’re meeting the needs of people in our communities,” said Wright.

Besides taking advantage of workforce training programs offered by the state’s community colleges, municipalities can deploy a number of strategies to retain and recruit employees, say workforce experts. Here are some of those experts’ suggestions:

When recruiting, emphasize the importance of the jobs to the communities that people live in, said Laura Fortman, Maine’s labor commissioner. “One of the things that



Laura Fortman



Jessica Picard

we started to see pre-pandemic, and I think now is especially important, is the importance of linking values to the jobs that are available,” she said. People want their work to be meaningful. “I think municipalities offer a great opportunity to make that connection between work and the value in the community they live in.”

Promote the breadth of opportunities that are available in your community, Fortman said. Many folks who haven’t had much engagement with municipal government beyond paying taxes and registering their cars or dogs may not realize just how many different fields of work are needed to run local government.

Think about who is already in your

community that you can reach out to, Fortman said, especially high school and college students. “Make sure that the students know that there are opportunities for them right there in their hometown,” she said. “I think young people may not be aware of all of the exciting, interesting, meaningful work that is being done by the municipalities.”

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Utilize Maine CareerCenters, said Jessica Picard, the communications manager for the state's Department of Labor. Not only can career counselors at the centers help municipalities find potential matches with job seekers, they can also talk with you about how you're advertising and posting your open jobs and can work with you to make those more effective, she said.

Be flexible, said Dan Belyea. If it's possible, be willing to offer flexible schedules or remote working options so that people can attend to any caregiving roles that may be at play in their lives or so they can have the time to do other activities that are meaningful to them.

Take your recruiting beyond putting an ad in the local newspaper, Belyea said, so that you are broadening your applicant pool. Think about how you can use social media platforms to reach people of diverse ethnicities and age groups, maybe even outside the state. Make connections with the immigrant/refugee community, with those who support people with intellectual disabilities, and with those who are in recovery or leaving

the corrections system. "We need everyone in the workforce," he said.

Invest in the employees you already have, Belyea said, by providing them with opportunities to grow in their

work roles, or by reimbursing them or paying upfront for them to get additional education, training, or credentials. ■

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MMA INSIDER.

Three Strategies for Improving Information Security and Business Continuity

By **Brian McDonald / Director** / Information Technology & Administration / Maine Municipal Association

ABOUT THE AUTHOR: Brian McDonald started his career at MMA in 2012 as the Technical Support Specialist and in 2021 was promoted to serve as the Director of Information Technology and Administration. He has worked in the Information Technology field for 20 years and is also a licensed journeyman electrician.



According to Brian, “To ensure the maintenance of normal business operations, an organization is responsible for protecting the data in its possession.” In this new series, MMA Insider, Brian describes the three simple and vital strategies municipal officials can implement to improve information security and business continuity.

“Nobody can predict the future, but you can prepare for it. What will you do when disaster strikes?”

A disaster could be anything from a burst pipe to a ransomware attack or even a global pandemic. In response to the COVID-19 health crisis, in March of 2020 many employers sent employees home to work remotely without the proper planning, only increasing the risk to information systems. If employers had a Business Continuity Plan (BCP) in place, those risks could have been reduced. A BCP clearly outlines the steps necessary to maintain or restore service in the event of a disaster. This may include utilizing a secondary work site, implementing an offsite data backup system, or shifting critical software systems to the cloud. These are just a few examples of strategies that can reduce risk.

A BCP describes how employees will access data remotely, the process for restoring critical business systems and the plan for communicating issues with employees, leaders and members of the community.

A plan is only helpful if it is understandable and executable. How do you determine vitality of a plan?

Through assessment.

Assessing a plan involves ensuring it is up to date, accurate, and straightforward. Have you checked your BCP lately? Procedures can become irrelevant when information systems, vendors, or processes change.

If your BCP is out of date, inaccurate, or unclear, you need to adapt.

The pandemic has shown every organization the importance of quickly reacting to changing circumstances. New threats to information security and business operations emerged with the shift to remote work, leading to a dramatic increase in employment and benefit fraud. What is your plan to adapt to these threats?

Planning, assessing, and adapting are proactive strategies crucial to information security and business continuity. Consistent effort in these three areas aids in reducing the likelihood of security breaches and system outages.

With staffing shortages, information security for many has become a reactive process. When an event occurs, such as a ransomware attack, a reactive response to recover and resecure accounts, systems, and data, becomes far more costly. Prevention is of utmost importance.

This is where an Acceptable Use Agreement (AUA) clearly defining the methods in which users interact with your system applies. Every user (even a third-party vendor or consultant) who has access to your organization's information resources should agree to an AUA. If a breach occurs, you will be able to prove that the organization has done everything in its power to educate users on how to interact with information systems safely.

Some common elements of a good AUA are requirements for securing, sending, or destroying data (both physical and digital), remote access best practices, and notifications of system misuse.

Security policies must be applied consistently to be effective. Regardless of level of access, every user represents a risk to your system. Educating users on current threats and proper usage of information systems is one of the most effective methods to prevent system compromise. The vast majority of security breaches occur because of a lack of awareness. An AUA forms the basis of good habits, but additional training resources, such as simulated phishing tests and fraud alerts, are necessary to further increase user awareness.

Even the smallest organizations now store high-value data digitally but often lack sufficient resources to secure their systems, making them a soft target. Updating policies, patching security flaws, and monitoring system activity takes a tremendous amount of time and effort. Many organizations cannot commit resources to these efforts in addition to their core business services. As a result, malicious actors have shifted from targeting large corporations to focusing on small businesses and municipalities with less security.

So, what can you do?

Start with plans and policies. An Acceptable Use Agreement and Business Continuity Plan are the basis for a well-rounded information security program. Once you have created these foundational documents, you can develop more in-depth Information Security Policies and Standards, which should include an Incident Response Plan and Vendor Management Plan.

The key to proactive policies is to educate users and expand overall security awareness, as well as define as many risks and corresponding mitigation strategies as possible.

The key to reactive policies is to be better prepared to recover critical systems, data, and normal business operations when a disaster occurs.

In addition to formal policies, there are other ways to ensure your system is getting the attention it needs. Create checklists to verify updates on critical systems, and most importantly, pay attention. Whether your organization employs information technology staff or utilizes a third party, make sure you receive regular reports on system updates, mitigation strategies, and existing security flaws. Incorporate a formal assessment of your information security into your budgeting process and commit the time and resources to improve your security posture.

Remember to **PLAN**, **ASSESS**, and **ADAPT**.

ABOUT THIS SERIES:

The MMA Insider is a special series focused on improving communications with our members and shedding light on the internal workings of the Association. Future editions of the Maine Town & City magazine will include articles written by MMA employees featuring the services provided to our members.



Helpful Hints

Consistency is key

Don't just create a plan and put it on the shelf; revisit it annually and assess its validity.

Follow your plan

Don't go off-script; if you have a good plan, use it.

Prepare your staff

Don't neglect preparedness; review policies and plans with staff regularly.

Assess your response

When the crisis is over, look back; what could have been done better?

Continue to Evolve

Research new threats and seek help from others; reach out to other organizations and see what works for them.



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Addressing Affordable Housing Needs

Communities across the state facing a tight and costly housing market are exploring all options, while respecting local control.

By Betty Adams

While the Legislature considers statute changes to encourage affordable housing construction, some municipalities have already adopted ordinances to keep working and retired Mainers living in Maine.

One of the bills under consideration in this short session of the legislature seeks to remove barriers to auxiliary dwelling units (ADUs) and permits them to share a lot with a single-family home. The American Planning Association defines ADUs as: “a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.”

The bill, LD 1312, which was carried over from the first session, also prohibits municipalities from imposing requirements concerning setbacks and separate water and sewer connections, among other things.

A second bill, LD 1673, also carried over from last year, sets affordable housing goals for communities to meet and streamlines the local process for permitting construction of affordable housing. This has a fair housing goal which says that essentially between 10 and 16% of housing stock should be affordable housing.

It also calls for a “register of municipalities in good standing for low-income or moderate-income housing.”

The bill summary says it is designed to “promote the creation of additional affordable housing by public agencies, nonprofit organizations and limited dividend organizations.”

Some of these provisions are echoed in a report issued in late December by the Commission to Increase Housing Opportunities in

Maine by Studying Zoning and Land Use Restrictions.

The recommendations include allowing ADUs in all zones for single-family homes and eliminating single-family zoning restrictions to allow up to four residential units on all lots if they meet health and safety requirements. The commission recommends creating density bonuses in all residential zones and prohibiting municipal growth caps on new housing.

Incentives for municipalities are included in the recommendations as well as creation of a state-level housing appeals board to review local level denials of affordable housing projects.

ADUs are already permitted in a number of Maine municipalities which have set standards of their own.

South Portland, for instance, has less land available for new housing construction, but it allows an auxiliary dwelling unit (ADU) on plots that already sport a house.

Milan Nevajda, South Portland’s planning director, said the ADUs are just one of the strategies adopted by the city to help meet the current demand for housing.

In late January, there were almost 100 ADUs in existence or in the pipeline for construction in that city. All ADU applications require a hearing before the Planning Board. “We want to be able to evaluate the ADU design and make sure it is compatible with the neighborhood,” he said. That evaluation includes materials, architecture and location, as well as ensuring it meets parking standards. Another regulation says the property owner must live in one of the two units on the property.

Currently the city requires that the



Milan Nevajda

ADU be attached to the main home, but he said a number of people have asked for that standard to be relaxed so a detached building, such as a garage on the property, could be converted to an ADU. The city also places controls on the size of an ADU, setting it at a maximum of 800 square feet and limiting it to no more than 40% of the square footage of the existing building.

“South Portland is an extremely dynamic place and in demand for development,” Nevajda said. “We do need to think about where preservation is appropriate. Our comprehensive plan had a number of policies where people wanted to really make sure that they could recognize their neighborhoods. And so what we’re working on now is accessory dwelling unit policy that really respects the neighborhoods that exist today but creates opportunities for housing, and that nuance and detail is lost in this kind of state bill because it’s really a sort of a carte blanche approach.”

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

Nevajda said South Portland is focusing on the long-term needs as well, something which was made crystal clear by the results of a recent housing assessment.

“In 2030 we are going to be needing to provide 2,900 more units for home ownership than we’re able to provide,” Nevajda said. The same assessment indicates that 60 more rental units will be needed. “It just shows we’re really needing to do some pretty bold things and think differently if we want to make a dent in this at all,” he said.

He also noted that barriers aren’t necessarily regulatory.

The capacity of the infrastructure

matters, such as whether the road can handle more volume and more curb cuts. “How do we get more out of the infrastructure we already have and how do we also do that with every other piece of infrastructure?” Nevajda asked. “If sewer is already there, can we tag a new housing project on it?”

The advantage can come from housing people where services and other things already exist, he said. But the issue isn’t only capacity, it’s affordability.

The recent housing study showed that housing prices were increasing 4.5% yearly while household incomes were rising only 2.75% yearly. The

study also showed that a household with an annual income of \$54,000 would have to find a house for about \$177,000 in order to avoid being “housing-cost stressed.” The median house price in South Portland was \$356,700 in 2020.

“The bottom-line message was that today we have enough housing to cover the people that are looking for housing, but a large number of people and households are paying well above what would be considered an affordable cost for housing,” Nevajda said.

He qualified that by saying, “If you’re earning more than \$90,000 as a household, today you’re likely able to buy a unit across the whole housing market. The challenge there is that at any given time, the whole housing market is not up for sale. Right now, it’s just an incredibly tight market. By 2030 it won’t be the case. It all depends on what your income is.”

He noted that COVID-19 has spiked the housing demand.

“The state is working on something that is very obviously needed and unavoidable,” he said. “You can’t not

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Matt Nazar

talk about it. What solutions there are is a whole other set of discussions. In South Portland we've been talking about it so long, it's now come to a fever pitch. We too need to have a clear head about it and how we can adopt appropriate solutions for the city."

The federal Department of Housing and Urban Development calculated the fair market rent of a two-bedroom apartment in



Sen. David Miramant

Cumberland County, which includes the City of South Portland, at \$1,637 for fiscal 2022. The figures are based on a local rent survey conducted in December 2019.

Matt Nazar, development services director for the City of Augusta, also talked about the legislative housing bills, noting that the City Council is already looking at some of the issues and removing some of the barriers from land use ordinances.

"The legislative actions won't have a substantial impact on increasing affordable housing construction here in the city of Augusta," he said.

In a report he delivered to the City Council in early January, Nazar wrote, "Accessory dwelling units are allowed in any location where you can build a single family residence. The limiting factor on ADUs is the density standard and in a few (zoning) districts a minimum frontage of 50 feet."

The city does not have an ADU ordinance as such, and there is no requirement that an ADU be attached to the main unit.

The other legislative bill offers a density bonus, and Nazar's report notes that "Augusta does not offer developers a density bonus and this would be a way to encourage developers to specifically add affordable units to their proposed developments."

The report also says, "Augusta's ordinances are inclusive and enable a lot of affordable housing options today."

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In an interview, Nazar explained that a number of the city's neighborhoods are already densely developed and increasing density would substantially change the character of the neighborhoods.

Parking is another hurdle. "On-site parking requirements are probably the single biggest impediment to affordable housing construction and conversion of existing buildings to more residential units," the report notes. "Augusta's land use ordinance does not allow on-street parking to count toward the parking needs of new residential units in new buildings or added to

existing buildings. Because so many lots in Augusta are so small, making off-street parking often impossible, the addition of units to existing buildings and the construction of new buildings is limited."

Both Nevadja and Nazar indicate that local control is important. Augusta's Nazar said, "While the city is interested in having affordable housing everywhere in town, the City Council and other people are interested in laying out how those standards would be spread across the landscape."

The housing crunch in the capital city is going to get some

relief from the number of projects under construction or slated to begin construction.

Nazar pointed to several public and private housing projects either under development or fully approved on Civic Center Drive in Augusta as well as expansions of projects by the Augusta Housing Authority. They will bring more than 350 units of new housing, "Once those units get built, it is going to make a difference," Nazar said. "It will improve affordability because it will increase the number of units available. What's driving up prices is the lack of supply."

The HUD calculated the fair market rent of a two-bedroom apartment in Kennebec County, which includes the City of Augusta, at \$888 for fiscal 2022, an increase of \$42 from fiscal year 2021.

State Sen. David Miramant, of Knox County, one of the sponsors of the streamlining bill, and a member

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of the Legislature's Joint Standing Committee on Labor and Housing until January 2022, said he's hoping for a double win for local residents from these bills. "If we can allow smaller houses and smaller lot sizes in a city area, it might address the housing problem and (property tax) revenue all in one."

Miramant referenced Rockland, the only city in his Knox County district, and noted that its geography (15 square miles) limits housing opportunities. "It's a place where they need a lot of workers because it's a service center." However, Rockland and similar coastal communities in the area are seeing higher housing prices, so many people commute to work in a city where the housing prices are becoming unaffordable.

"Everything has been changing so quickly with COVID," Miramant said. "In coastal towns, if something came up for sale, people were calling from Texas and California offering more. (Properties) were bid up so quickly

and usually were cash offers. Then it started happening in Rockland too. Places are just being bought up (and that) drives up everything including rents."

HUD charts show the fair market rent for a two-bedroom unit in Knox County is just over \$1,000 for fiscal year 2022.

Miramant said he's found that seasonal rental properties charge about \$1,800 a month.

Statistics from the National Low Income Housing Coalition show that the annual household income needed to afford a two-bedroom rental home in Maine at HUD's Fair Market Rent is \$44,488.

On its website, the coalition notes, "Across Maine, there is a shortage of rental homes affordable and available to extremely low-income households, whose incomes are at or below the poverty guideline or 30% of their area median income. Many of these households are severely cost burdened, spending more than half

of their income on housing. Severely cost burdened poor households are more likely than other renters to sacrifice other necessities like healthy food and healthcare to pay the rent, and to experience unstable housing situations like evictions."

A report issued in September 2021 by the Maine Affordable Housing Coalition supports that finding saying that "for most tenants, 'the rent eats first.'" ■

All of the upcoming workshops can be found on the MMA website. Use the following link:

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

ELECTED OFFICIALS TRAINING OPPORTUNITIES 2022

Elected Officials Workshops

This MMA course is a must for newly elected and veteran officials - councilors & selectpersons. Topics include Understanding Your Role in the Community as an Elected Official, Public Meetings, Freedom of Access and Freedom of Information, Liabilities and Immunities, Media Relations and Conflicts of Interest. This course meets state FOAA training requirements.

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Zoom Webinar

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TRAINING OPPORTUNITIES

Maine Municipal Association & Affiliates/At-A-Glance 2022 Training Calendar/6-Month Preview

DATE:	DAY:	COURSE NAME:	LOCATION:	SPONSORED BY:
FEBRUARY				
2/8	Tues.	The Legislative Process A-Z (NEW)	Zoom Webinar	MMA
2/10	Thurs.	Planning Board/Boards of Appeal	Zoom Webinar	MMA
2/15	Tues.	MWDA GA Basics	Zoom Webinar	MWDA
2/16-17	Wed.-Thurs.	MTCCA Title 30A - Town Meeting & Local Election Law	Zoom Webinar	MTCCA
2/17	Thurs.	MEGFOA Winter Training Webinar	Zoom Webinar	MEGFOA
2/24	Thurs.	Tackling Environmental Challenges in Your Community: A Closer Look at Browntail Moth, Emerald Ash Borer and Vernal Pool Conservation (NEW)	Zoom Webinar	MMA
MARCH				
3/2	Wed.	ARPA: What's Next for Municipalities? (NEW)	Zoom Webinar	MMA
3/10	Thurs.	Crisis Communications: How to Deal with the Media (NEW)	Zoom Webinar	MMA
3/10	Thurs.	MBOIA Training & Membership Meeting	Portland - Clarion Hotel	MBOIA
3/16-17	Wed.-Thurs.	MTCCA Records Management	Zoom Webinar	MTCCA
3/23	Wed.	MFCA Annual Membership Meeting	Newry - Sunday River Ski Resort	MFCA
3/23-25	Wed.-Fri.	MFCA Professional Development Conference	Newry - Sunday River Ski Resort	MFCA
3/25	Fri.	MTCMA 42nd Annual Statewide Manager Interchange	Bangor - Hilton Garden Inn	MTCMA
3/29	Tues.	Understanding the Freedom of Access Act	Zoom Webinar	MMA
3/31	Thurs.	MMTCTA Preparing for an Audit	Augusta - MMA	MMTCTA
APRIL				
4/1	Fri.	MACA Annual Business Meeting & Training Day	Zoom Webinar	MACA
4/5-6	Tues.-Wed.	MTCCA New Clerks Workshop	Zoom Webinar	MTCCA
4/5	Tues.	Elected Officials Workshop	Zoom Webinar	MMA
4/5	Tues.	MMTCTA Tax Liens Workshop	Augusta - MMA	MMTCTA
4/14	Thurs.	Basic Municipal Budgeting	Augusta - MMA	MMA
4/20	Wed.	MBOIA Plumbing Training	Topsham - Topsham Library	MBOIA
4/21	Thurs.	MMTCTA Basic Excise Tax Workshop	Augusta - MMA	MMTCTA

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1-800-452-8786 or (207) 623-8428

MMA Educational Events & Affiliate Training Staff:

Alicia Stokes Gaudet, Manager, Educational Servicesx2304
 Cynthia Fortier, Training & Affiliate Groups Office Coordinator.....x2297
 Melissa White, Affiliate Liaisonx2299

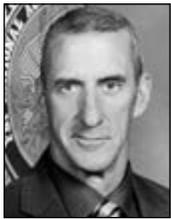
APRIL				
4/22	Fri.	MAAO Northern Maine Spring Training	Northern Maine Development Commission - Zoom Webinar	MAAO
4/26	Tues.	MWDA Spring Seminar	Zoom Webinar	MWDA
4/26-27	Tues.-Wed.	MCAPWA Supervisory Leadership	Augusta - City Center Plaza	MCAPWA
4/28	Thurs.	Personnel Practices	Bangor - Hilton Garden Inn	MMA
MAY				
5/3	Tues.	Developing Solutions on Hotly Contested Issues (NEW!)	Portland - Clarion Hotel	MMA
5/4-5	Wed.-Thurs.	MTCCA Athenian Dialogue (Book Topic TBA)	Zoom Meeting	MTCCA
5/10	Tues.	Planning Board/Boards of Appeal	Bangor - Cross Insurance Center	MMA
5/12	Thurs.	MMTCTA Annual Conference	Bangor - Hilton Garden Inn	MMTCTA
5/16-18	Mon.-Wed.	MCAPWA Supervisory Leadership in Public Works Program - Part II	TBD	MCAPWA
5/23-24	Mon.-Tues.	MBOIA Code Conference	Sebasco Harbor Resort	MBOIA
JUNE				
6/2	Thurs.	MCAPWA Highway Congress	Skowhegan - Skowhegan Fair Grounds	MCAPWA
6/9	Thurs.	New Managers Workshop	Augusta - MMA	MMA
6/14	Tues.	MMTCTA Cash Management workshop	Augusta - MMA	MMTCTA
6/16	Thurs.	Municipal Human Resources & Management Conference	Waterville - Thomas College	MMA
6/21	Tues.	MTCCA Licensing Workshop	Augusta - MMA	MTCCA
6/23	Thurs.	MEGFOA Spring/Summer Training Workshop	TBD	MEGFOA
6/29	Wed.	Elected Officials Workshop	Presque Isle - The Northeastland Hotel	MMA
JULY				
7/12	Tues.	MMTCTA I've Got the Job - What Now? Workshop	Augusta - MMA	MMTCTA
7/14	Thurs.	MBOIA Training & Membership Meeting	Augusta - MMA	MBOIA
7/21	Thurs.	MFCA Membership Meeting/Networking Luncheon	Hope - Hope Fire Station	MFCA
7/21	Thurs.	MTCCA Municipal Law for Clerks	Augusta - MMA	MTCCA
July	TBD	Elected Officials Workshop	TBD	MMA
7/27	Wed.	ViolenceProof: Workplace Violence Prevention & Survival (NEW!)	Augusta - MMA	MMA
AUGUST				
8/3-4	Wed.-Thurs.	MTCCA Athenian Dialogue (Book Topic TBA)	Zoom Meeting	MTCCA
8/10-12	Wed.-Fri.	MTCMA 76th New England Management Institute	Carrabassett Valley - Sugarloaf Mountain	MTCMA
8/18 & 19	Thurs.-Fri.	MMTCTA Governmental Accounting	Orono - Black Bear Inn	MMTCTA
8/25	Thurs.	Planning Board/Boards of Appeal	So. Portland - DoubleTree by Hilton	MMA

KEY TO GROUPS/WORKSHOP SPONSOR

MMA	MAINE MUNICIPAL ASSOCIATION	MEGFOA	MAINE GOVERNMENT FINANCE OFFICERS ASSOCIATION
MACA	MAINE ANIMAL CONTROL ASSOCIATION	MLGHRA	MAINE LOCAL GOVERNMENT HUMAN RESOURCES ASSOCIATION
MAAO	MAINE ASSOCIATION OF ASSESSING OFFICERS	MMTCTA	MAINE MUNICIPAL TAX COLLECTORS' & TREASURERS' ASSOCIATION
MBOIA	MAINE BUILDING OFFICIALS & INSPECTORS ASSOCIATION	MTCCA	MAINE TOWN & CITY CLERKS' ASSOCIATION
MCAPWA	MAINE CHAPTER OF AMERICAN PUBLIC WORKS ASSOCIATION	MTCMA	MAINE TOWN, CITY AND COUNTY MANAGEMENT ASSOCIATION
MFCA	MAINE FIRE CHIEFS' ASSOCIATION	MWDA	MAINE WELFARE DIRECTORS ASSOCIATION

PEOPLE

Daniel Ahern assumed his new role as South Portland's police chief on Feb. 1, after serving as deputy chief for the Chelmsford, Mass., department. Ahern replaces **Timothy Sheehan**, who resigned in April 2021. Ahern began his law enforcement career in 1994 with the Chelmsford department and has served as second in command since 2014.



Daniel Ahern

Blue Hill's first-ever town administrator, **Shawna Ambrose**, resigned at the end of January after two years on the job. Ambrose said she needed to spend more time with her children at this point in their lives. She said she enjoyed the job and deciding to resign was difficult. Ambrose was serving as town clerk when she was selected for the job. Prior to residents approving the move to a more structured town government, the three-person select board was responsible to oversee town business. The Maine Municipal Association has been asked to lead a search effort for Ambrose's replacement. She told the selectboard she would work when needed until her replacement is hired.

Lisbon Town Manager **Diane Barnes** assumed her new duties as North Yarmouth manager on Jan. 31. She replaces **Rosemary Roy**, who resigned last July. Barnes has 35 years of experience in local government, including serving as Calais city manager for seven years before taking the Lisbon job in June 2014. A Skowhegan native, Barnes began her municipal career working as a clerical worker for the town. She was promoted to Skowhegan finance director, a position she held for 21 years.

Former Bangor City Councilor and lawyer **John Conti**, who helped lead the city after the closure of Dow Air Force Base in 1964, died in early January at age 90. Conti served only one term in the mid-1960s, but his service is notable for his work as chairman of the committee to develop ideas for reuse of the base. The

city ultimately bought most of the base property. During his tenure, Conti also oversaw efforts to clean up pollution from the Penobscot River.

The Biddeford Fire Department now has five new lieutenants who are also paramedics. **Michael Drew, Steven Kiesman, Robert Mertz, Andrew Stevenson** and **Timothy Sevigny**, collectively have nearly 76 years of experience. The promotions were made official during a brief ceremony on Jan. 4. Members of the new lieutenants' families pinned on their new badges. The department now includes eight lieutenants.

Island Falls librarian **Rebecca Drew** retired on Jan. 25 after serving 22 years. Known as the de facto town historian, Drew said it was time for her to step down at age 72. Drew has served as librarian since Aug. 1998; she was officially



Rebecca Drew

named librarian in April 1999. Her love of libraries started as a volunteer for the former town high school. Drew expected to work to age 75, or until someone could assume her job. That person arrived a few years early and shares Drew's passion for the library, Drew said. **Alicia McNally** of Patten will succeed Drew. She also showed a keen interest in libraries while in high school and knows the Island Falls Library well, having brought her children there to study.

The Waterville City Council elected its first female council chairwoman when they voted 5-2 last month to install **Rebecca Green** as council leader. Green, who represents Ward 4, has served as councilor for one year and has since been elected chairwoman of the Waterville Housing Committee. She also is a member of the American Recovery Act Committee, which weighs options for spending



Rebecca Green

federal funding for COVID-19 pandemic relief. City Clerk Patti Dubois researched from 1968 to present and could not find a woman who led the council. She said being chosen to lead the council after only a year's service was an honor. Green, 61, is a former teacher and freelance writer and editor. She was school administrator at the Kennebec Montessori School in Fairfield from 2006 to 2018.

Terry Knapp retired as Bradley deputy town clerk in December, ending a 22-year career with the Penobscot County town of 1,500. Knapp was first hired in 1999 and has served as fisheries agent, motor vehicle agent, deputy treasurer and deputy town clerk. Knapp was praised for her long years of service and for often doing more than expected to assist residents.

After conducting a nationwide search – the Southwest Harbor Select Board named Town Clerk **Marilyn Lowell** the new town manager. Lowell, an Ellsworth resident, has worked as clerk since 2013. She also has served as assistant town manager and interim manager. Lowell worked as Hancock town clerk for 11 years before joining the Southwest Harbor staff.

The Westbrook City Council last month appointed newcomer **Jennifer Munro** to fill the vacant Ward 5 seat that opened up after **Elliot Storey** resigned in November. The council's first vote resulted in a three-way tie among Munro, former Ward 5 Councilor **Larry McWilliams** and two other candidates.



Jennifer Munro

Munro, a mother of five and city volunteer, previously worked with children in the mental health field.

NEWS FROM AROUND THE STATE

AUGUSTA

The Legislature is working through several bills this session to guard the integrity of Maine elections, as well as a bill to protect election workers from harassment, threats and intimidation. The threats and intimidation have been in person or on social media. The bill, LD 1821, *An Act to Make Interfering with an Election Official a Class C Crime*, was sponsored by Rep. Bruce White of Waterville. It would make such behavior a Class C felony, punishable to up to five years in prison and a \$5,000 fine. Presently, harassing or threatening election workers is a Class D misdemeanor with a possible fine of \$2,000 and a year behind bars. During a recent public hearing, clerks testified to higher tensions and more angry confrontations with voters who were acting on bad information. Clerks are concerned they will not be able to recruit enough poll workers when needed after hostility and threats against them were reported.

AUGUSTA

Gov. Janet Mills has announced that \$3.5 million in federal American Rescue Plan funds will be used to create a loan fund to help older or disabled Mainers pay their property taxes. The loans would be repaid once the property is sold or becomes part of an estate, typically when the homeowner dies. The loans will protect people from losing their homes, while providing tax revenues to towns and cities.

ELLSWORTH

The city has seen a stunning increase in emergency calls since 2016. During that year, the fire department responded to 27 medical calls. In 2021, the number had soared to 1,251 emergency calls – an increase of 4,500%. Fire Chief Scott Guillerault told the city council there is often not enough personnel on duty to cover minimum firefighting requirements. He asked the council to allow him to seek a federal grant to finance the hiring of three staff firefighters to help meet the demand. According to Guillerault, the city's EMS license requires the department's EMTs to be dispatched to every local medical call unless they are already on another

call. The council voted 7-0 to authorize Guillerault to apply for a \$280,000 FEMA grant. The board members also approved applying under a different FEMA program that reimburses municipalities for the cost of recruiting, training and equipping volunteer firefighters. The department is not licensed to transport patients. Northern Light Ambulance service is the only licensed service in the area that can transport patients. The city has not dropped entirely the idea of creating its own ambulance service, which could raise revenue for the city while providing full service to residents. According to the chief, Ellsworth, by land mass, is the biggest city in Maine.

ROCKPORT

A superior court judge has overturned the issuance of a building permit for a downtown hotel project. No injunction was issued to halt construction since the project cannot move forward without a new building permit. The planning board was attempting to finish a review of project elements such as the parking lot and architectural design, as early as this month. Another permit cannot be issued until a review of the plan is complete and a new site plan is approved. The court case was brought by Friends of Rockport, who asked the court to reverse the planning board's decision and to limit the number of hotel rooms to 20 rather than 26. In December, the justice ruled that the referendum passed in 2020 to limit the number of rooms must be honored. The developers reduced the room count from 35 to 26 after hearing concerns by residents. Under the referendum, six more rooms must be eliminated from the plans. Construction of the Rockport Harbor Hotel has been underway for a year while ongoing legal challenges were being addressed. A lawyer for the builder has told the city that construction will not continue

without a new building permit. The permit application has been given back to the code enforcement officer for action following another review by the planning board.

SKOWHEGAN

The select board in January agreed to move forward with construction of an \$8.2 million public safety building when they hired a Westbrook-based builder for the project. Benchmark Construction pledged the project would not cost more than the \$8.25 million bid. Earlier bids were as high as \$13 million. In 2020, town voters approved borrowing up to \$8.9 million for the new complex. Some cosmetic changes and other cost-cutting changes were made to the initial plan. Despite the many small changes, the square footage will remain unchanged. Officials said they hope to occupy the new police/fire safety building by the end of this year. The project cost does not include lockers and an industrial washer and dryer. The town may apply for grants to buy the essential items.

PORTLAND

Reflecting a national pull-and-tug dispute over indoor mask mandates in public places, City Councilor Andrew Zarro reported last month that he has received personal attacks and threats for supporting the proposal. The ordinance passed unanimously, but Zarro has weathered withering attacks on his person and his business. The mayor said the attacks appear to be "boilerplate" from national groups, while conceding the tone of discussions among councilors has grown harsher in recent years. Zarro said people are even posting negative, "vicious" business reviews online because of his vote. A group of residents also apparently is seeking to remove Zarro from the council.

If your municipality submits a news item for the *Maine Town & City*, consider sending a corresponding photo to:

Sue Bourdon: sbourdon@memun.org or Kate Dufour: kdufour@memun.org

LEGAL NOTES

MAXIMUM INTEREST RATE FOR 2022 DELINQUENT TAXES: 4%

The maximum interest rate that municipalities may charge for delinquent property taxes committed during calendar year 2022 is 4%. This is the lowest rate ever set for delinquent property taxes.

The State Treasurer established the maximum rate for 2022 at 4% pursuant to 36 M.R.S. § 505(4) but declined to add 3% as authorized by the statute. Moreover, because the maximum rate for 2022 is the same as the maximum rate for 2021, the law authorizing municipalities to set a rate of up to 2% higher than the maximum rate set by the State Treasurer does not apply this year (see 36 M.R.S. § 505(4-A)).

Neither the law nor the State Treasurer establishes a *minimum* interest rate for delinquent property taxes. Municipalities may set a lower rate than the maximum if they wish, though most municipalities adopt the maximum allowed by law.

We should note that if a municipality fails to set any interest rate for delinquent taxes, no interest will accrue on late payments, which makes little sense. With no interest penalty, there is no incentive for taxpayers to make timely payment, and a serious cash flow problem could result.

Remember, the statute itself does not charge interest on delinquent property taxes – it merely establishes the formula by which the State Treasurer’s Office annually determines the maximum rate that municipalities may charge. The municipal legislative body (town meeting or town or city council) must annually vote to specify a rate of interest in order for there to be any interest charge at all on delinquent taxes. Plus, that vote must occur *before* taxes are committed to the collector (see 36 M.R.S. § 505). Neither the interest rate nor tax due dates can be altered after taxes have been committed for the year.

Nor can accrued interest simply be “waived.” Because interest is added to and becomes part of the tax itself (see 36 M.R.S. § 505(4)), the only means of waiving any portion of the tax, including accrued interest, is through the statutory tax abatement process, which is

MUNICIPAL CALENDAR

FEBRUARY 21 — Presidents’ Day, the third Monday in February, is a legal holiday (4 M.R.S. § 1051).

ON OR BEFORE FEBRUARY 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).

ON OR BEFORE MARCH 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).

restricted to error or mistake, hardship or poverty, or inability to pay after two years (see 36 M.R.S. § 841; see also “Waiving Interest on Taxes,” *Maine Town & City*, Legal Notes, March 2020).

Finally, note that the municipal legislative body may also set an interest rate to be paid to taxpayers for taxes that are overpaid and abated (see 36 M.R.S. § 506-A). This rate may be up to 4% less than the rate established for delinquent taxes, or in other words as low as 0% for 2022. If a municipality fails to set an interest rate for overpaid taxes, the rate is the same as established for delinquent taxes. (By R.P.F.)

FUEL GAS DETECTORS

A new Maine law, prompted by a deadly propane explosion in Farmington in 2019, requires owners of a wide variety of buildings to install at least one fuel gas detector in every room containing an appliance fueled by propane, natural gas or any liquefied petroleum gas. PL 2021, c. 194, §§ 1 and 3 enacted 25 M.R.S. § 2469, which became effective January 1, 2022.

Municipal buildings *per se* are not explicitly listed among the types of buildings subject to the new law, but buildings for “business occupancy” and “mercantile occupancy” are listed. According to the State Fire Marshal’s Office, which administers the new law, municipal offices qualify as a “business” or “mercantile” use because they offer services to the public. We have no quarrel whatsoever with this reasoning.

The new law also includes buildings

for “assembly occupancy,” and the Fire Marshal interprets this as including municipal buildings with meeting rooms or accommodations for public gatherings and group functions. Again, we readily concur.

But to reiterate, fuel gas detectors are required only in rooms containing an appliance fueled by propane, natural gas or any liquefied petroleum gas. Also, fuel gas detectors are *not* the same as carbon monoxide detectors. Fuel gas detectors can be battery-operated, plugged into an electrical outlet, or hardwired, but they must be approved by a nationally recognized independent testing laboratory such as Underwriters Laboratories (UL). They are readily available at building supply and hardware stores and on the internet.

For a Fire Marshal’s factsheet on the new law, go here: https://www.maine.gov/dps/fmo/sites/maine.gov.dps.fmo/files/inline-files/Gasdetection_0.pdf

For questions about the new law, contact the State Fire Marshal’s Office at (207) 626-3880. (By R.P.F.)

CHOOSING A MODERATOR

(Reprinted from the February 2008 *Maine Townsman* Legal Notes)

Every town meeting (including a secret ballot election) requires a moderator of course, but how should a moderator be chosen?

A moderator must be elected by written ballot (bank pieces of paper) and must be sworn in before any other business is acted upon (see 30-A M.R.S. § 2524(2)). Thus, the first article on a town

LEGAL NOTES

meeting warrant should be to elect a moderator by written ballot.

Because the office of moderator is a municipal office, a moderator must be a resident of Maine, at least 18 years of age, and a citizen of the United States (see 30-A M.R.S. § 2526(3)). A moderator need not be a resident of or voter in the town, however.

A moderator should not simultaneously be a municipal officer (select board member or councilor), clerk, or candidate in an election for which he or she is moderator, for reasons that should be obvious (and which are explained in Chapter 7 of MMA's *Town Meeting & Elections Manual*). A town manager under the statutory town manager plan cannot be a moderator (see 30-A M.R.S. § 2623(2)).

A moderator may appoint a deputy moderator to assist him or her, or if the moderator is absent or unable to carry out his or her duties, the meeting may elect a deputy moderator to serve in the moderator's absence. In either case, the same qualifications (and disqualifications) apply to the deputy, who, like the moderator, must be sworn in before presiding over the meeting.

Since the moderator is responsible for the fair, orderly, and efficient conduct of business, he or she should be even-tempered and nonpartisan and have a competent understanding of both parliamentary procedure and town meeting law.

For more on the role of moderators, see MMA's *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

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MOBILE HOMES & 'TINY HOMES'

Question: Does a mobile home qualify as a "tiny home"?

Answer: No, it doesn't. This question no doubt derives from the fact that while state law has never required that manufactured housing or mobile homes be permitted *everywhere* single-family dwellings are permitted (see 30-A M.R.S. § 4358(2)), a new law requires that tiny homes be allowed as a primary or accessory dwelling *anywhere* single-family dwellings are allowed (see PL 2021, c. 219, § 1, enacting 30-A M.R.S. § 4363(2), eff. Oct. 18, 2021). If mobile homes qualified as tiny homes, then mobile homes would also be allowed anywhere single-family dwellings are allowed. But they don't, and they aren't.

The new tiny home law gives "tiny home" the same meaning as in 29-A M.R.S. § 101(80-C). But the Title 29-A definition expressly excludes "manufactured housing," which shares the same definition as "mobile home" (see 29-A M.R.S. § 101(32-B) and (35), respectively). Thus, it's clear that manufactured housing or mobile homes are not the same as tiny homes and are not included in the new tiny home law.

For the record, a "tiny home" is defined in Title 29-A as "a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters" and that (1) complies with certain national plumbing, propane, fire, and life safety standards, (2) does not exceed 400 square feet in size, (3) does not exceed any dimension allowed by law for operation on a public way, and (4) is a vehicle without motive power. The term expressly excludes "a trailer, semi-trailer, camp trailer, recreational vehicle or manufactured housing."

The new law states that a tiny home is "subject to all applicable land use requirements as single-family dwellings or as an accessory structure." This presumably means that a tiny home, whether a primary or accessory dwelling, is subject to minimum lot size, minimum setback, and maximum lot coverage requirements as well as all applicable subsurface wastewater disposal rules.

The new tiny home law is an express limitation on municipal "home rule"

authority in the land use field (see 30-A M.R.S. § 4351). Any land use ordinance provision that is inconsistent with the new law, such as a minimum square footage requirement for dwellings that exceeds 400 feet, is now unenforceable. (By R.P.F.)

MUNICIPAL COSTS FOR RSU/SAD ELECTIONS

Question: Can we recover our municipal costs for conducting RSU and SAD referendum elections?

Answer: Unfortunately perhaps, no. SADs (school administrative districts) and RSUs (regional school units) are required, at their own expense, to prepare and furnish to municipalities the required number of ballots, including absentee ballots, and all other materials necessary to fulfill the requirements for voting procedures at an SAD or RSU referendum (see 20-A M.R.S. §§ 1353(1), 1503(1), respectively).

This requirement applies to all referenda initiated by SADs and RSUs, including budget validation referenda and referenda for the issuance of bonds or notes for school construction projects, among other things (see 20-A M.R.S. §§ 1305-C, 1351, 1486, 1501, respectively).

Nonetheless, the costs for actually staffing and administering these referenda elections, which of course are conducted in each member municipality, are borne by the municipality itself in each instance. These costs include compensation for all necessary election officials and staff, expenses relating to maintenance and operation of the voting place and related voting machines and equipment, electricity and HVAC expenses, etc.

From time to time we've heard of initiatives to change this and make SADs and RSUs liable for all municipal costs associated with their referenda elections, including staffing and so on. These efforts never seem to make much headway, though, probably because the thinking is that whether an election is municipal- or school-related, the costs are coming out of roughly the same group of taxpayers' pockets. (By R.P.F.)

MAINE MUNICIPAL BOND BANK

2022 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						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

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

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

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

Wednesday, February 9th – Application Deadline

Wednesday, March 16th – Application Approval (Board Meeting)

Monday, April 4th – Preliminary opinions and loan agreements due from bond counsel of each borrower

Wednesday, April 6th – Last date for signing school contracts and rates in place for water district. PUC approvals due

Week of April 18th – Maine Municipal Bond Bank Pricing

Monday, May 9th – Final documents due from bond counsel

Wednesday, May 18th – Pre-closing

Thursday, May 19th – Closing – Bond proceeds available (1:00pm)

If you would like to participate in or have any questions regarding the 2022 Spring Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 ext. 213 or treed@mmbb.com.



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Shana Cook Mueller



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