

Maine Town & City

The magazine of the Maine Municipal Association

APRIL 2019

Downtown Deal

Revitalizing core areas
seen as challenge
that must be met

ALSO IN THIS ISSUE

Route 1 series: Presque Isle
Mediation over litigation
State of volunteerism



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Maine Town & City

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The Magazine of the Maine Municipal Association

FEATURED STORY | 15

Still Standing



Our series featuring towns along U.S. 1 in Maine continues with a look at economic challenges – and creative responses – in Aroostook County.

Freedom of Access: Don't forget, elected officials are required to get FOA training after every election and re-election. [Page 5](#)

Former U-Maine Football Coach Jack Cosgrove headlines MMA's HR-Management Conference, to be held June 27 in Waterville. [Page 35](#)

Changing Volunteerism

Nationally, Maine is still regarded as a strong state for volunteers. However, experts say people prefer shorter, 'episodic' stints these days. [Page 7](#)

Working the Core

Downtown development can take many forms. This article shows how communities focus on rejuvenating historic town centers. [Page 19](#)

Strength of Mediation

Two attorneys who are experts in mediation explain how a non-litigious approach to settling disputes can be effective. [Page 29](#)

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ABOUT THE COVER: This photo, taken by Mari Eosco, was submitted by Main Street Bath.

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A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

Freedom of Access training: For many, it's the law

Attorneys with our Legal Services Department ask the question at every Elected Officials Workshop we hold – and we do seven or eight around the state each year.

“How many of you know that you are required by law to go through Freedom of Access Act training every time you are elected or re-elected?”

Not long ago, when the law requiring FOAA training was new, typically more than half of the hands in our audiences would go up. Now, only a few do. But FOA training is still required for most elected municipal officials, including elected Budget Committee members. It's also required for staff designated as the municipal public access officer, as well as elected clerks, treasurers and assessors.

Which speaks of another legal requirement: Every town or city should designate a public access officer to handle FOAA requests, and the person must go through training about the law.

There are reasons for the Freedom of Access Act itself and for mandatory training. For some context, the federal government has a similar act: The Freedom of Information Act. Every state has its own version of Maine's FOAA.

In my experience as a former newspaper journalist in four states (Maine, Connecticut, Florida and Pennsylvania), the requirements under Maine law are about “average,” in terms of what is public, what isn't, and what the penalties for non-compliance are. Florida's “Sunshine Law,” by comparison, makes public many more government records than Maine law does.

There are basically three ways for elected officials and public access officers to become FOAA compliant in Maine:

- Attend a Maine Municipal Association workshop on the topic. When you do, you receive a certificate that proves the state standard was met. (See Page 6 of this edition.)
- Go to the Maine State Attorney General's website (<https://www.maine.gov/foaa/>) and review the FOAA “Frequently Asked Questions” section.
- Or, if desired, have your town or city's legal counsel conduct FOAA training and make a record of your participation.

The reasoning behind the federal and state “Right to Know” laws is this: What government does affects everyone. And when government spends money, it's usually tax money, which comes from citizens and businesses. Citizens in a participatory democracy should know what their government does.

There can be tension among government, open-access citizens and the media when efforts are made to extend requirements on public information and open meetings. There are “two sides” to this issue.

In my nine years as Director of Communication & Educational Services at MMA, I've helped assist municipal members who were the subject of serial citizen FOAA taunts and requests meant to harass, rather than inform.

In some of those cases, municipal leaders improved the processes with which they handled FOAA requests in order to stay sane and avoid potential lawsuits. In other cases, state law was changed, placing more of a burden on requestors, in order to reduce the chance that the law is used in an improper manner. For example, after the first free hour of fulfilling an FOAA request, municipalities can charge citizens or the media up to \$15 an hour to do the work that's requested, a clear acknowledgement that municipal leaders' and staff time is valuable. This wasn't always the case.

If you want to learn about Maine's Freedom of Access Act, the members' area of MMA's website (www.memun.org; password required) contains a wealth of information about it, as does the aforementioned state Attorney General's site.

Also, we will hold Elected Officials Workshops: April 17 in Saco; June 20 in Fort Kent; Aug. 28 in Jay; Oct. 29 in Belfast; and, Nov. 21 in Dover-Foxcroft. We will hold a Managing FOAA Requests workshop Dec. 12 in Freeport. And, we always have a “Right to Know” presentation at our Annual Convention, which will be held Oct. 2-3 at the Cross Insurance Center in Bangor.

Our Legal Services staff and I would love to see you at any of these. ■

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Elected Officials Training Opportunities

Elected Officials Workshops

Who Should Attend: This workshop is a “must” for newly elected and veteran officials-councilors & selectpersons-as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state. (Qualifies as Maine FOAA Training.)

- What are our rights and duties as officials?
- Can we hold multiple offices?
- Which of our meetings are open to the public?
- Must we have an agenda and take minutes?
- What ordinances can we enact?
- What are our liabilities and immunities?
- What is a disqualifying conflict of interest?

Course Description: As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that this course will be offered in two formats: In classroom and remotely at the Northern Maine Development Commission in Caribou.

A perfect opportunity for elected officials to take advantage of the expertise that the Maine Municipal Association has to offer, attain a better understanding of their role as public officials, and stay abreast of ever-changing local government responsibilities and issues.

Managing Freedom of Access Requests

Who Should Attend: This timely workshop is aimed at helping municipal staffs, newly designated “Public Access Officers” and elected and appointed officials understand Maine’s Freedom of Access Act, why FOAA requests are filed and how to handle them properly. (Qualifies as Maine-required FOAA Training).

Roles of Elected Officials & Municipal Managers

Who Should Attend: This workshop is geared for municipalities with Manager/Administrator form of government. Councilors, selectmen, managers and administrators: this workshop will focus on the differing roles and responsibilities of elected officials (selectpersons/councilors) and appointed officials (managers and administrators), including key responsibilities, legal requirements, personnel issues, communication and goal setting. It will help elected and appointed officials run an effective hiring process and understand their respective roles, their differing needs and how to work smoothly together. It will provide insight and understanding as well as specific ideas and tools to bring back to your municipality.

Online registration is easy!

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



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Elected Officials:

Dates & Locations:

Wednesday, April 17, 2019
Ramada Inn & Conference Center – Saco

Thursday, June 20, 2019
Fort Kent Outdoor Center – Fort Kent

Wednesday, August 28, 2019
LaFleur’s Restaurant – Jay

Tuesday, October 29, 2019
Hutchinson Center – Belfast

Thursday, November 21, 2019
Mayo Regional Hospital – Dover-Foxcroft

Managing Freedom of Access Requests

Date & Location:

Thursday, December 12, 2019
Hilton Garden Inn – Freeport Downtown

Roles of Elected Officials & Municipal Managers

Date & Location:

Tuesday, October 15, 2019
Bridgton Town Hall – Bridgton



Maine Municipal Association

60 Community Drive – Augusta, ME
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Maine may be top 10, but finding volunteers isn't always easy

A survey of municipal leaders shows no strong negative or positive trend. However, many people won't make long-term commitments, preferring 'episodic' volunteerism instead.

By Glenn Adams

Lobster boat racing is a big deal in Harpswell. For three decades, the summertime races have been a tradition and big draw in the midcoast fishing town. But the event had to be put on hold for four years due to a shortage of volunteers, part of a general trend that's been felt nationally and in other communities in Maine.

The tide turned last summer in Harpswell, which was overjoyed to be able to haul in enough volunteers to enable the town to rejoin Maine's lobster boat racing circuit.

"Anyone who knows Harpswell understands how much this event has meant to our town," said Larry Ward, Harpswell Lobster Boat Races Committee member.

For years, it was smooth sailing as an energetic group of volunteers who had run the races since 1987 did the organizing. But the crew grew weary of all the work, and all of a sudden there weren't enough hands to bring off the event, said Ward. That led to the hiatus in Harpswell's participation in the Portland-to-Stonington circuit – until a new crew came forward.

Ward calls the five helpers who helped to pull off last summer's races "my angels." Now, plans are on to resume the races this summer in the Cumberland County town of 4,700. "It would be nice to have a couple of more people to jump on board," said Ward.

Surge, then decline

Volunteerism has ebbed and flowed with the times. Following the Sept. 11, 2001 terrorist attacks, a wave of patriotic fervor prompted Americans to flock to community and civic

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



Barbara Bean continues to volunteer at the Oldtimers Shop in Sanford where she's been working since 2001. (Submitted photo)

volunteering activities. Rates of volunteerism peaked for three consecutive years, from 2003 to 2005, says a study by the University of Maryland's School of Public Policy. Then, the rates began a downward trend until they bottomed out to a 15-year low in 2015.

A U.S. Labor Department Bureau of Labor Statistics report released in 2016 says about 62.6 million people volunteered for an organization at least once during the year ending in September 2015, a 0.4 percentage point lower rate than the 25.3 percent rate for the previous year. But comparing volunteering figures from September 2011 to September 2015, the report cites a 1.9 percentage point drop, from 26.8 percent of the population to 24.9 percent.

The decrease in raw numbers accompanies other trends in volunteering, according to a firm specializing in volunteerism. Between 1989 and 2005,

an upsurge in "episodic" volunteering – serving 99 or fewer hours per year – was observed, Volunteer Power reports on its website. As a result, "many of America's charities and volunteer associations may have taken this reality to heart and made shorter, more flexible volunteering opportunities available to "episodic volunteers" – those who are willing to volunteer, but cannot or will not serve as a regular, ongoing volunteer throughout the year," said VolunteerPower.com.

Maine in the top 10

Statistics aside, the picture is relatively bright in Maine.

One of the brightest spots is Barbara Bean of Waterboro, who can't stay away from volunteering no matter how many birthdays she's had. Bean, who turned 100 in February 2019, has volunteered since 2001 at the nonprofit Oldtimers' Shop in Sanford, which

sells handmade items, in large part from recycled items that are produced by seniors. Fifteen to 20 volunteers run the shop.

"I miss very few volunteer days," said Bean, who drives herself to work from Waterboro. "I like what I do, and it starts with attitude."

The Corporation for National & Community Service, which administers AmericaCorps, Senior Corps among other volunteer and service groups, lists Maine as No. 9 among the 50 states for its 38.7 percent rate of residents who volunteered in 2018. (Utah was No. 1 at just under 51 percent.)

Maine's respectable rate translates to 425,346 volunteers contributing 39.2 million hours of service, worth nearly \$950 million. And the overall downward trend is not evident in all Maine cities.

In Portland, for example, the percentage of citizens who volunteer rose by 3.1 percent between 2008 and 2015, while in Bangor, the rate dropped 2.2 percent over the same period, according to Volunteer Maine, a project of the Maine Commission for Community Service. Of Bangor city government's 17 volunteer boards,

WHO VOLUNTEERS?

Among the U.S. population, about 28 percent of women perform volunteer work, compared to 22 percent of men.

People between the ages of 33 and 54 are most likely to volunteer, at 29 percent. (This group includes many parents.) The lowest rate is people between 20 to 24 years of age, at 18 percent. Teenagers volunteer at a rate of 26 percent. Married people volunteer at a higher rate than unmarried people

Despite recent downward trends, the Joint Congressional Economic Committee's "Volunteerism in America" report in 2017 said rates of volunteerism have either held steady or risen over the past 40 years.

The Corporation for Community Service says the rate of volunteerism is increasing, with 77 million Americans donating nearly 7 billion hours last year.

commissions and advisory committees, a total of 11 vacancies were waiting to be filled as of late February.

But those openings in Bangor shouldn't be taken as a sign that volunteerism is falling off.

"Citizens are continuing to volunteer as much, if not more, than in the past, but the ways in which they volunteer have certainly changed," said City Manager Cathy Conlow.

"Modern volunteerism often goes hand-in-hand with causes that people are passionate for, like the volunteer groups who plant gardens, clean up

pedestrian paths and beautify areas of Bangor. This increase in 'tangible volunteering' has become more of the norm than traditional citizen committees at the municipal level."

Across the state in Rumford, "there's been perhaps a falloff, but the critical positions get filled," Interim Town Manager Scott Cole said. Seats on the elected select board, for example, have seen aggressive competition and stay filled. Other seats are more likely to lack volunteers. Cole says a combination of factors may be responsible for this.



Meet Our Attorneys Michael A. Hodgins

Mike represents towns in contract disputes and other general litigation, land use enforcement actions, Rule 80B appeals to Superior Court and he has participated in several appeals to the Law Court. He has been listed by Best Lawyers in America in many practice areas, with distinction for land use and zoning, and recognized for his general litigation practice by New England Super Lawyers.

Mike is a trained mediator and serves as a neutral to assist parties in disputes that are as varied as his litigation practice.

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This photo captures the competitiveness of the 2018 lobster boat races.
(Submitted photo)

Short-term help

In Augusta, Community Services Director Leif Dahlin sees a trend toward “episodic” volunteerism.

“Folks want to do micro volunteering, where they do two, three hours” of service, Dahlin said. At the same time, there’s been a falloff among those who commit to “nuts and bolts organizing” and “getting fully engaged” in community activities. Dahlin, who oversees seven bureaus from parks and recreation to health and welfare, also sees challenges filling all of the boards and commissions in which people serve on a volunteer basis.

A number of other communities – Portland, Brunswick and Waterville to name a few – devote parts of their websites to call-outs for volunteers.

Of all of the areas served by volunteers, firefighting appears to be among the hardest hit by a lack of recruits. For starters, it’s important to know that most firefighters in Maine are paid something – full-time, per call, per diem or a stipend. Still, most are not full-time and all of them step forward – they volunteer – to do what they do.

The number of firefighters in the United States hit a 30-year low in 2011, according to Maine media reports. Figures reported by WCSH in 2016 showed Maine lost half of its firefighters during the previous two decades. The overall number of volunteer and professional firefighters slipped from 12,000 in the 1990s to 6,000 during that time frame.

The downward trend continues

WHERE DO THEY VOLUNTEER?

Volunteer Maine, a project of the state Commission for Community Service, lists these major volunteer activities:

- Sports teams (coach, etc.)
- Tutor/teach
- Mentor youth
- Religious (usher, etc.)
- Collect/distribute food
- Collect/distribute clothing
- Fundraising
- Emergency response/counseling
- Office services
- Professional management
- Music/art
- General labor

in Maine, said Saco Fire Chief John Duross, who is president of the Maine Fire Chiefs Association. He said staffing “is a challenge” in all three levels of firefighting: full-time, on-call and volunteer. Referring to on-call firefighters, Duross said, “We’ve been struggling to hold our numbers in the last 10 or 12 years.”

Elections staffs

Another area of chronic shortages of volunteers is in a fundamental function of democracy: voting. Municipal officials have long strained to staff elections adequately. The challenge

has grown as long-time election workers age, and was there as the 2018 elections approached.

According to the Secretary of State’s office, 88 percent of the 6,271 poll workers in Maine in 2016 were older than 40 and about 60 percent were older than 60. Those are slightly higher than national figures as compiled by the U.S. Election Assistance Commission.

Volunteer shortages have also touched agencies such as Sexual Assault Response Services of Southern Maine, which in 2018 sounded a call-out for volunteer advocates. Technology and shifting priorities are among the factors that have a lot to do with the trend, officials say.

Society is more mobile than it was several decades ago, and with people coming and going residents may be more likely to feel they lack longstanding ties with the community needed to volunteer, Rumford’s Cole said. Also, some volunteer boards are transferring duties they once held to profes-

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Select board members used to handle town administration, with some working 30 or more hours of their own time to do so. But over the past 75 years or so, some of that work's been transferred to professional managers, said Cole. Another factor is that people are busy and more concerned with their own obligations. For many of those, "every waking minute is filled," said Cole.

Augusta's Dahlin wonders whether pervasive social media have distanced people from civic service. And people in single-parent households are less likely to have the time to take on volunteer duties. Still, Dahlin maintains an optimistic outlook. He sees, for example, a lot of millennial involvement in Augusta's Downtown Alliance, which works to foster business growth in the city's traditional business center.

Reasons for optimism?

Just as 9/11 prompted an upsurge in volunteerism, the current grip of political polarization and poisonous atmosphere in government may mark a low ebb in the tide of bodies willing to offer their time and energy for the public good. That, in turn, may also bring about a positive change, says an expert in municipal governing.

The trigger may have been the strong turnout of voters last November who were frustrated with the way things were going. Writing in *The Hill*,

Marc Ott, executive director of International City/County Management Association, said voter participation "suggests that people care about the direction of the country and want to do something about it."

"As it turns out, the same civic impulses that drove people to the polls may also create the conditions for a renaissance in volunteerism," Ott's op-ed piece suggested. "Can we replicate the turnout of (November's) elections and revitalize interest in volunteerism?"

Ott offered some coaching, saying

that volunteering "requires an ongoing drumbeat of urgency." He noted a survey showing that one in four people say they don't volunteer because no one ever asked them to. He also suggested some target groups should include those most riled up before last fall's voting: rural, suburban and young voters.

There are some bright spots in the universe of volunteer-based agencies. With its army of more than 1,000 volunteers, Meals on Wheels delivered more than 589,000 meals across Maine

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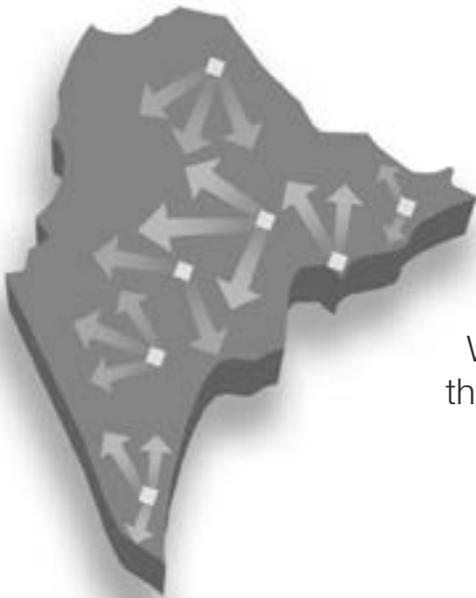
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in fiscal 2018, donating more than 63,000 hours to do so, according to the Portland Press Herald.

The five Agencies on Aging across Maine count on volunteers – including many senior citizens – who provide needed services such as Meals on Wheels.

The Southern Maine Agency on Aging, which serves York and Cumberland counties, alone has 612 active volunteers, said Mary Hadlock, director of volunteer services for Retired Seniors Volunteer Program, or RSVP, which is sponsored by SMAA.

The SMAA has had little problem attracting volunteers, said Hadlock. The most effective way to bring in volunteers is by word of mouth, but as seniors get more familiar with social media that is also a means to bring in volunteers, she added.

“We’ve been very fortunate,” Hadlock said.

Some of the volunteers work with municipalities. One is working as historian in Wells. In other communities, volunteers work in Aging in Place programs which help seniors to remain in their homes, and in school systems, Hadlock said. Wells, like a number of

other communities, devotes part of its website to a call-out for volunteers. Alna invites volunteer firefighters, Brunswick lists 20 boards and commissions that need or will need volunteers.

With the economy humming along and people finding jobs, shortages are hitting the ranks of paid workers as well as volunteers. Police departments are hungry for qualified applicants to fill openings, and town and city halls hope to draw new people into municipal government as they watch current staffers age out toward retire-

ment. School districts statewide have faced a critical shortage of bus drivers recently, forcing them to come up with creative solutions to fill the void.

Some have offered signing bonuses. A Norway school started “walking bus stops,” using volunteers who guide children across town on foot to free up a driver for another route.

Centenarian Barbara Bean asked what advice she’d offer to get people to volunteer.

“The thing is, you have to keep busy,” she said. ■



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Scenes from Revenue Sharing Hearing

Photos by Jill Brady

Augusta State House • March 20, 2019



More than 30 municipal officials assembled in Augusta on March 20 to participate in the Municipal Revenue Sharing funding hearing, which was held before the jointly convened Appropriations and Financial Affairs and Taxation Committees. The hearing was focused on Part H of Governor Mills' proposed FY 2020 – FY 2021 General Fund budget, which seeks to increase funding for the state/municipal program from the current 2% (\$72 million) of state sales and income tax revenue to 2.5% (\$89 million) in FY 2020 and 3% (\$116 million) in FY 2021. Funding for the program is currently on schedule to be restored to the 5% (\$174 million) level on July 1, 2019. The testimony provided by municipal officials was nearly universal. Although local leaders appreciate that the increase proposed in the budget is a step in the right direction, it is not enough. The state's property taxpayers need the promised relief sooner rather than later.

MMA's advocacy staff extends a sincere thank you to all the municipal officials who took the time to participate in the hearing or submit written testimony. Your efforts are greatly appreciated.

Municipal officials are urged to contact members of the Legislature to discuss funding for this important state/municipal program. Members of the Senate can be reached at 1-800-423-6900. Members of the House of Representatives can be reached at 1-800-423-2900.



Scenes from Revenue Sharing Hearing

Photos by Jill Brady

Augusta State House · March 20, 2019



Aroostook towns face challenges, show creativity as well

From micro-loans to recruiting a local bank, municipal leaders are pro-actively energizing their corner of the world. Underlying demographics remain trying.

By Susan Cover

The March sale of a struggling mall on the edge of Presque Isle has City Manager Martin Puckett optimistic that the once thriving destination will re-invent itself to serve the needs of many Aroostook County residents.

“We were happy to see that it did sell,” Puckett said. “We’re really looking forward to working with the new owner. As a service center community, retail is an important element for us.”

A New York company called Kohan Retail Investment Group purchased the mall for \$4.65 million and plans to get to work to bring in new tenants, according to the Bangor Daily News.

Like many rural cities and towns across Maine, Presque Isle faces the dual challenge of population loss and an aging workforce. Both require innovative thinking and a willingness to work for regional, rather than only local, development, Puckett said. Still the largest municipality in Aroostook County, Presque Isle has seen its population decrease from a high of 12,886 in 1960 to 9,078 in 2017, according to U.S. Census figures.

Just since 2010, the city lost 6.3 percent of its population. Filling municipal jobs is a challenge and private-sector employers struggle too, Puckett said.

“Five years ago, when we advertised for a position we’d get 30-40 applicants,” he said. “Now we get 12. The private sector is saying the same thing.”

The Aroostook Centre mall on U.S. Route 1 in the city’s northern

Susan Cover is a freelance writer from Augusta and regular contributor to Maine Town & City, mainefreelancer@yahoo.com.

ABOUT THIS SERIES

Through December, Maine Town & City writer Susan Cover will take us on a Maine journey along U.S. Route 1, starting with last month’s article about a bridge project in the Town of Madawaska. We will highlight municipalities and municipally related issues situated along Route 1 every month, ending with an article from York County. The series is intended to show the “connectedness” of municipal government in Maine, how current events and examples of public service often transcend precise locations. We hope you enjoy the project.

Eric Conrad, Editor

area does have empty storefronts, but also features a Harbor Freight, JC Penney, Dollar Tree and VIP auto parts store. Nearby is a Lowe’s and across the street, a Walmart. Puckett said residents hope the mall’s new owner will consider a mixed-use concept that could feature housing, hydroponic growing facilities and indoor activities such as go-carts, paintball or a trampoline park.

“More indoor, year-round recreational opportunities would be a fantastic fit up here,” Puckett said.

Downtown is a mix of old and new, with a movie theater, the Northeastland hotel, restaurants, nonprofits and an optometrist.

To help spur additional growth, Puckett said the city currently offers two loan programs to help new businesses get started. One gives out microloans, defined as \$25,000 or less

that can be used for expenses such as creating a business plan. Recent successes include a company that created a software platform for home inspections, he said.

The other economic development loan program provides up to \$200,000 that can be used as gap funding if a business needs more than what it can get from a bank loan.

Tom Powers, director of the city’s Industrial Council, manages Presque Isle’s 450-acre industrial park, which is the third largest in the state. With an airport, more than five miles of railroad and about 50 businesses, there’s still room for more development, he said.

Powers said he works to overcome the difficulties of population loss and location – what he described as an “extreme corner of the U.S.” – by emphasizing the clean air, clean water and the strength of the area workforce. Working with a seven-member board of local business leaders, Powers is charged with turning a profit for the benefit of the city.

“Anything we earn is a profit to Presque Isle,” he said. “The board allows me a lot of latitude and the work is done in conjunction with the city.”

New Guard facility

Another plus for Presque Isle is the ongoing construction of a new \$18.5 million Maine Army National Guard facility expected to be completed by the end of 2020.

When it comes to housing, the city offered a program five years ago to draw new residents, Puckett said. It awarded \$5,000 for people to relocate from another area and \$10,000 if they

were building a new home. The city used \$100,000 from a revolving loan fund and was able to hand out the money in less than six months, he said.

Although the city doesn't have statistics to track the new residents, Puckett said some of them volunteered for city boards, helping to fill vacancies. Part of Presque Isle's challenge is dealing with the ups and downs of being a place where a lot of people work, but fewer people live.

"That's one part of being a service center community," he said. "We do see a huge population increase during the work week."

Farther south in Houlton, Nancy Ketch, who serves as community development director and grant writer, said they've found success with a competition-style program that encourages



Martin Puckett

existing businesses to expand and new enterprises to come to town.

Using money donated by existing businesses, Ketch has run two "entrepreneur challenges." The most recent competition in 2017 awarded money to two new businesses and helped an existing business expand, she said. But even those who were not selected as winners received coaching from experts, were required to prepare business plans and had a chance to do a five-minute pitch.

Ketch said she hopes to help people with great ideas – but little business background – survive longer than three years.

"We felt it was important for them to do a business plan," she said. "We want them to be here long term."

'Hard to do business'

One of the challenges for rural cities and towns is the perception that businesses open and close within a matter of a few years because "it's hard to do business here," she said. The city works with the local chamber and the Southern Aroostook Development Corporation to help provide support to struggling businesses through things such as "strike teams." If a business is in trouble, local experts can help provide advice, she said.

Ketch said networking is important too and recommends that economic development officials take part in groups such as the Maine Community Development Association, which conducts meetings via telephone to save on travel time.

"Any of those networks you can partner with is so valuable," she said.

In Caribou, the city has undertaken a major project to clean up a long-abandoned vegetable processing plant on Route 1, said City Manager Dennis Marker. The 27-acre site is a "gateway property" to the city, with the potential to fill many different needs, he said.

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So far, the city has spent \$100,000 in grant money and \$75,000 in city money to tear down buildings and begin cleaning up asbestos and other hazardous substances found at the site. Total clean-up could exceed \$1 million, but the city is already thinking about the future and how the land could eventually be put to use, he said.

Residents have expressed an interest in new stores, an entertainment venue or a regional park. There's also a "growing need for newer housing" and it could be part of the city's overall effort to draw snowmobilers, ATV riders, birders, canoeists and those who like to fish to Caribou.

"The city's held a vision for a long time to be the year-round recreation place," he said.



Elizabeth Dickerson

Marker and local businesses are also looking for ways to work more closely with Canada, whether it's helping businesses expand over the border or drawing tourists from nearby New Brunswick.

"Being the north-east-most city in the U.S., we can't just look south, we need to look in every direction we can," he said.

Another area for potential growth is with cultural festivals that highlight the local heritage, whether it be celebrating those with Swedish or French roots or the Micmac Nation, he said. Storytelling festivals have become popular in other parts of the country and Caribou is poised to host similar events, he said.

When it comes to creating jobs, Marker said he also looks at the region as a whole and the nearby industrial park formerly known as the Loring Air Force base.

When it comes to creating jobs, Marker said he also looks at the region as a whole and the nearby industrial park formerly known as the Loring Air Force base.

Work in progress

To the east of Caribou lies Limestone, once known for the military base that closed in 1994. The base is now an industrial park – the town's website notes that it's the largest in Maine -- with its own development foundation, which just like in Presque Isle, works closely with the town, said Limestone Town Manager Elizabeth Dickerson.

The town and foundation share an economic development director. With opportunities at the industrial park and an active local chamber of com-

merce, Dickerson said many of the elements are in place for success.

As an example, Dickerson said a Masonic lodge in the downtown got much needed renovations when the Masons donated the building to a company called Manaus Books, which makes book jackets. Once the work was complete, the Masons were once again able to meet on the second floor, with a coffee shop, laundromat and bottle redemption center in other parts of the building.

The town does face one rather unusual situation – it doesn't have a bank, Dickerson said.

"Imagine you're a mom and you need to pay the babysitter," she said. "You can't just go get cash."

When the Dollar Tree opened in town, they ran out of change on opening day, but had no local bank to run to, she said. And when Dickerson needs to make deposits for the town, she has to drive to Caribou, which is 11 miles away.

It's a priority for Dickerson to get another bank in town and she's hoping the town can get some state block grant funding through the Department of Economic and Community Development. And she's hoping broadband expansion to rural Maine will mean industry and entrepreneurs will want to relocate to the area.

"There are efforts afoot to try to entice younger people to come to live in northern Maine," she said.

Dickerson, who took over as town manager in January, said despite aging roads and needed cell phone and electrical upgrades, she's bullish about the opportunity in her corner of Maine.

"Limestone was once an economic engine," she said. "It's a powerful little town. There's opportunity for northern Maine to become that economic engine again." ■

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Not always easy, but downtown development continues apace

From Norway to Bath to Augusta, downtown revitalization is recognized as paramount to a community's economic self-image and historic identity.

By **Stephanie Bouchard**

With its clock tower dominating the sky, the Norway Opera House has been the iconic center of the town's historic downtown since the late 1800s. In 1894, a fire all but eradicated the original 1882 wood structure. The community rebuilt it in brick.

In the years that followed, the opera house played host to businesses, graduations, dancing and theater programs – even traveling shows – but by the turn of the 21st Century, it was a serious mess on the verge of collapse. Thanks to the efforts of Norway Downtown, though, the building was not only saved, but is today once again the thriving center of the downtown.

Norway Downtown, a nonprofit focused on revitalizing the community's downtown, was then taking part in the Main Street America program originated by the National Trust for Historic Preservation as a staffed program. Today, it is an unstaffed, all-volunteer affiliate program.

The Main Street America program, which is coordinated in Maine through the Maine Development Foundation's Downtown Center, was created in 1980 to bolster and revitalize historic downtowns struggling in the face of economic activity moving out of downtowns.

It is through the Main Street America program and the Maine Development Foundation that many downtowns in Maine, like Norway's, have found new life.

As the Norway Opera House teetered on the edge, Norway's downtown, too, was wobbling. It was no longer the center of community life



Aerial view of downtown Augusta. (Photo courtesy of Augusta Downtown Alliance)

and economic activity. Downtown buildings fell into disrepair, or were left vacant. It wasn't a place where many people wanted to be.

That didn't mean, however, that community members didn't care.

With its roof collapsing, water damage and failing walls, the Norway Opera House was in danger. Maine Preservation, a nonprofit focused on preserving historic places statewide, put it on its Most Endangered Historic Places list in 2003.

Norway Downtown organized focus groups and meetings with community members to determine whether residents wanted to save the building, which was privately owned by someone living out-of-state.

Save it

Out of those meetings came a clear message: The opera house should be saved. Negotiations to buy the opera house fell through, but via a vote at annual town meeting, the town regained the building through eminent domain and the nonprofit Norway Opera House Corporation was formed.

Today, the opera house has been

stabilized, its mechanical systems updated, and its ground floor is fully renovated and rented out. A fundraising campaign to restore the theater on the second floor begins this spring, said Scott Berk, co-chair of Norway Downtown and vice president of the Norway Operate House Coalition.

"I give a lot of credit to Norway Downtown," he said. Berk owns Café Nomad and co-owns Fiber and Vine, two businesses located on Main Street. Since he opened his café in 2007, he has seen the positive impact of Norway Downtown's efforts. The high turnover that plagued Main Street properties has evaporated, he said, and all commercial space that is rentable on Main Street is rented.

By focusing on historic preservation and making the downtown environment visually appealing, the organization has created a space where people want to come, he said.

"People really want to be a part of the community, and you can't build community around strip malls and parking lots. You need this intact, dense downtown so people can come and they can see each other and they

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

can hang out and they can drink coffee or have a beer and plan and meet each other. Once you can get that sort of momentum going, it sort of builds on itself," Berk said.

Mari Eosco, the former executive director of Main Street Bath and current chair of Bath's city council, agrees. "You can get anything out of the Main Street program," she said. "It's what a community makes out of it."

Bath: A pioneer

Main Street Bath was one of the first Main Street America programs in Maine and in 2012 received national recognition for its downtown revitalization efforts.

Not having the geography necessary to accommodate big box stores and shopping malls meant that these businesses were not being constructed in the city, and that Bath wasn't seeing any revenue from the retail businesses that were opening in neighboring Brunswick and Topsham.

As Main Street Bath got up and running, it rallied the community to revision itself and make its downtown a "third place" – a term urban planners use to describe the places where people spend time other than where they live ("first place") and where they work ("second place").

The organization created community events, worked on beautification projects, provided resources for businesses, promoted the city and its downtown and educated residents on



Renovated opera house in downtown Norway. (Photo courtesy of Norway Downtown)

the importance of shopping locally.

"What I see the Main Street program able to do is, by using volun-

teers, get citizens involved with the different aspects of downtown," she said. "And ultimately, what that's do-

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ing is creating a thriving third place.”

Once a place with many vacancies, downtown Bath today has few, if any, empty storefronts and has a mix of businesses and community activities that attract people downtown all year long.

Part of what makes Main Street programs successful for a community is being a good partner and a connector, said Michael Hall, the executive director of Augusta Downtown Alliance, a staffed nonprofit organization of the Main Street America program.

Augusta's effort

Like in Norway and Bath, Augusta's downtown district had its struggles. Once home to large department stores, many of the historic buildings on Water Street, the heart of downtown, were converted to offices spaces in the 1980s and '90s when retailers moved to shopping malls. As businesses left those converted spaces, vacancies began building up and Water Street, once a bustling hub, looked ragged.

Through creative partnerships, the Augusta Downtown Alliance has helped to turn things around downtown. “We act as a sort of microscopic version of (an) economic development (department) for the downtown area,” said Hall.

The organization has helped to identify what sorts of businesses, and what mix of businesses, the community wants and needs and has actively recruited those businesses to move

into the downtown.

In recent years, the organization has been successful in getting new restaurants and bars, hair salons and fitness studios, retail, and professional services businesses to open and operate downtown. Hall is trying to recruit bakeries and deli/sandwich shops.

The Augusta Downtown Alliance also created a partnership program called the Tipping Point Initiative with the city of Augusta and Kennebec Savings Bank. The program offers grants and no-interest small business

loans to help businesses convert downtown buildings or make building improvements. The alliance offers grants to businesses for exterior signage and awnings.

The alliance also connects with businesses and organizations outside the downtown area. To celebrate Halloween last year, the organization hosted a street festival on Water Street. Hall expected 700 people to attend. Almost 4,000 thronged Water Street.

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was, the alliance partnered with Central Church and home improvement retailer Lowe's. Neither the church nor Lowe's is located in the downtown. "You have a lot of people, even if they're not downtown, (who) want to be involved with the downtown."

Many challenges

It may sound like all sunshine and rainbows for the towns and cities participating in the Main Street America program, but, as the directors and former directors of these programs will tell you, there are challenges.

Getting the right mix of people is one, said Hall. An organization that's all landlords or all municipal officials or all residents or all businesses won't be effective. What's needed for success is a good mix so the responsibility is spread around and a variety of perspectives and ideas and skill sets can be tapped.

Success, believe it or not, can be a double-edge sword, said Mari Eosco of Bath. It can be a challenge to get new residents or new business owners to understand the value Main Street programs have for their communities because they don't have the knowledge of what it used to be like there before the Main Street program revitalized things.

Coming up with funding is also a challenge for some.

Norway Downtown, for example, found it too much of a burden to come up with the resources to continue to support a staffed organization. Converting to an all-volunteer organization, though, has worked out, said Scott Berk.

"Generally, (it) works for us because we are a smaller community and we often don't need the same level of resources that, maybe, a larger community does."

Which brings up another point: There are many ways communities can benefit from the Main Street America program, even if they are not a part of the official program.

While the Maine Development Foundation's Downtown Center serves as the state's coordinator of the Main Street America program, it also is a resource for all cities and towns across the state – with or without a downtown – that want to think creatively about economic development and foster a vibrant community.

"There's a lot of transferable best practices about engaging people in conversations and (creating) a vision for a community," said Anne Ball, program director of the Downtown

Center.

Check out MDF's website, <http://mdf.org>, for ideas and resources for your community, or contact Ball at 512-4906 or at aball@mdf.org. ■

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The Municipal RISK MANAGER

SPRING 2019

A Publication of the Maine Municipal Association

Reduce Costs by Preventing Slips, Trips and Falls



Maintaining a safe environment for employees and visitors to your workplace is an essential element of risk management. Slips, trips and falls are among the most common and costly workplace accidents across all industries, accounting for 35% of incidents and 65% of lost work days.

Investing in employee education on preventing slip, trip and fall hazards and ingraining safety best practices into your workplace's culture can lead to substantial long-term cost savings. Consider that the average cost of a typical slip and fall injury is \$20,000 while the cost to defend a slip and fall claim is \$50,000. Additionally, an employee misses an average of 38 work days with a slip-related injury, costing your organization in lost productivity while driving up your insurance costs.

Slip and fall injuries are costly

These statistics stand true for the communities that are participating Members of the MMA Workers Compensation Fund. Over the past five (5) years, the MMA Workers Compensation Fund has incurred claims in excess of

\$14,830,000 from slip, trip and fall claims.

When we examine the root cause of slip, trip and fall claims we find that the most common causes of slip and fall accidents are poor walking surfaces (55%) and inadequate footwear (24%), accounting for 79% of incidents.

The good news

The majority of slips, trips and falls in the workplace are preventable as long as we work together. All of these hazards can be addressed and mitigated through the implementation of slip, trip and fall prevention best practices.

Workplace and Work Process Design

Designing your workplace and processes to prevent potential exposure to hazards will keep your employees safe while reducing your potential liability and costs. Your organization should:

- Contain work processes to prevent discharge, splatter or spillage of liquids, oils, particles or dust onto the floor.
- Use drip trays to contain leaks of lubricant from machinery and perform regularly scheduled maintenance.
- Use adequate ventilation to avoid smoke, steam and condensation of water and grease.

Story Continued on Page 24

Understanding Independent Contractors

Definition of "Independent Contractor" for Workers' Compensation Act

On January 1, 2013 a new law went in effect defining who qualifies as an independent contractor for purposes of workers' compensation.

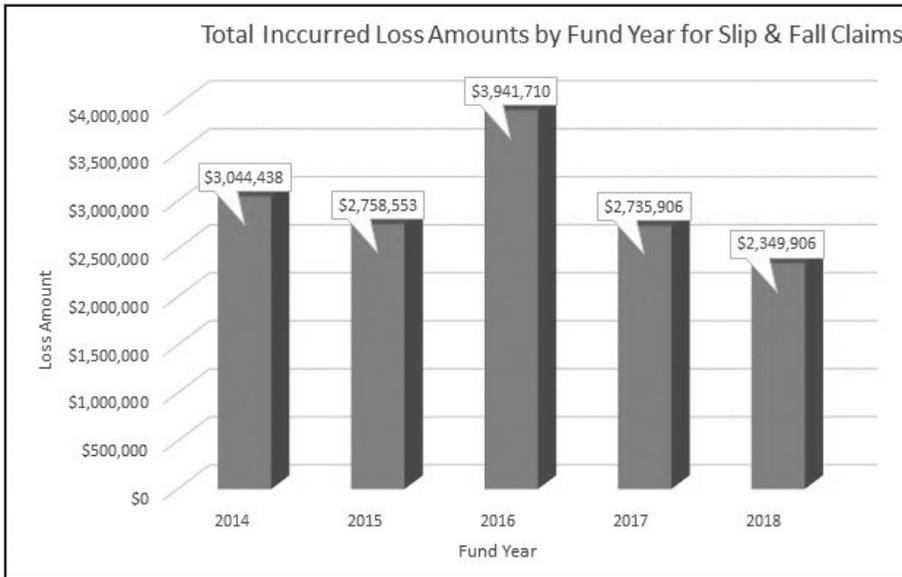
An important goal of the new law is to make it easier to determine who is, and who is not, an employee. For the first time, all workers will be presumed to be employees for purposes of workers' compensation. The employing entity will be responsible for proving an individual performing services for remuneration is not an employee. The new law creates a uniform definition of independent contractor for the Workers' Compensation Act and the Maine

Department of Labor (MDOL). The Board's predetermination process remains in effect.

It is important to remember that predeterminations (except for landowners who hire wood harvesters) are "rebuttable." This means that the Board can still find that the person is an employee in a later proceeding before the Board. Also, MDOL cannot rely on a Board predetermination as evidence of employment status for proceedings with MDOL. Individuals hiring and those seeking work as independent contractors should become familiar with their rights and responsibilities under Maine law to make informed

Story Continued on Page 25

Reduce Costs by Preventing Slips, Trips and Falls *(cont'd)*



- Provide adequate lighting to keep work areas, aisles, stairwells and other paths of travel well-lit.
- Make sure stairs have sufficient hand rails.
- Provide effective drainage and work platforms.
- Install slip-resistant floors in high risk areas.

Good Housekeeping

Maintaining work areas free of clutter and obstacles will greatly reduce hazards and exposure to accidents. Good housekeeping should start at the top and filter throughout the organization. Instilling cleanliness and organization in your company will ensure accountability and send a message to your employees that management is committed to a safe environment.

Instilling this behavior within the culture of your business will allow it to become second-nature to your employees.

Assess high-risk areas

Conducting proactive and regular assessments of high-risk areas is an effective preventive measure. The areas that should be assessed regularly include:

- Transition areas
- Building entrances
- Doorways
- Parking lots
- Common areas

Maintain Mats and Runners

When it comes to mats and runners, attention to detail can reduce accidents.

- Select the appropriate mat based on location and performance needs. For example, a kitchen may require a different mat than an entrance way.
- Limit the difference in height between floor surfaces and mats to

no more than ¼ to ½ inch.

- Inspect mats and runners so they are not curled.
- Inspect regularly for deterioration or build-up of contaminants.

Pay attention to footwear

A simple yet commonly overlooked aspect of your prevention program is requiring the use of proper footwear. Either provide or hold your employees accountable for wearing slip-resistant footwear. Features of footwear that should be taken into account include:

- Tread design
- Harness and shape of sole and heel
- Abrasion, oil, chemical and heat resistance

Footwear that becomes damaged or worn out should be replaced immediately.

Learning To “Walk” Again

Walking is an activity that most of us do not put any thought into; however, adjusting how you walk in certain situations and being cognizant of your surroundings can prevent injuries. Some useful tips include:

- Avoid “distracted walking,” including walking while texting or emailing.
- Turn sideways and take short steps when walking on slopes.
- Shorten your stride when hazards are present or when walking on slippery surfaces. Point your toes slightly to the sides i.e. “the penguin walk.”
- If possible, keep your hands free for better balance.
- Turn slightly toward the wall on stairs and use the handrail. 🏠

MM The Municipal Risk Manager

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

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Understanding Independent Contractors *(cont'd)*

decisions and avoid future problems.

Who is an independent contractor?

Independent contractors are individuals who perform services for remuneration (pay or some other form of consideration) under a verbal or written contract, but who are not under the essential control or superintendence of the other person, both under the contract and in fact. The worker must also meet specific criteria (*see What does the Board consider* below).

If I have a written contract of service does that mean I am an independent contractor?

The existence of a contract—written or verbal—is one of the factors the Board uses to determine whether a worker is an independent contractor. However, the Board is required to consider additional factors, and having a written contract will not, by itself, make an individual an independent contractor.

Does the Board define independent contractor the same as the MDOL, MRS or IRS?

The new law creates a uniform definition of independent contractor for the Board and MDOL only. The Maine and Internal Revenue Services could not be included due to differences in federal law. However, the new definition contains tests used by the IRS, so individuals determined to be independent contractors for workers' compensation or unemployment will likely be treated as independent contractors for tax purposes. If you have questions you should contact a tax professional.

Is an independent contractor required to have workers' compensation insurance?

No, however an independent contractor is required to have workers' compensation insurance for any employees hired by the independent contractor.

Who determines whether a worker is an independent contractor?

The Maine Workers' Compensation Board determines whether a person is an independent contractor for purposes of maintaining mandatory workers' compensation insurance and/or claims

by injured workers.

Can a worker and the employing entity agree the worker is an independent contractor?

No. The Board will decide if the worker meets the requirements to be an independent contractor in a claim for benefits or during an investigation into whether an employer should have workers' compensation insurance coverage. A written contract or verbal agreement that a worker is an independent contractor will be considered but does not control a final decision by the Board.

How can I find out whether I am an independent contractor?

Anyone may request that the Workers' Compensation Board make a "predetermination" of their employment status; that is whether they likely are or are not an independent contractor. Applications for predetermination of Independent Contractor Status are available on the Board's website <http://www.maine.gov/wcb/Departments/>

[coverage/independentcontractor.html](#) (Maine Workers' Compensation Board) or by contacting Lisa Bachelder at (207) 287-7071 or 1-888-801-9087.

Does a predetermination apply for any work I perform?

Generally yes (with the exception of landowners who hire wood harvesters). However a predetermination is rebuttable (meaning the Board can still find that the person is an employee in a later proceeding). If there is a claim for benefits or investigation regarding coverage, the individual performing services is presumed to be an employee and the employer has the burden of proving an individual is an independent contractor both under the contract of hire and under the actual specifics of the work performed.

For more information regarding the INDEPENDENT CONTRACTORS & WORKERS' COMPENSATION, contact [Lisa Bachelder](#) at (207) 287-7071 or visit www.maine.gov/wcb. 🏠

Top 10 Driving Distractions Involved in Fatal Car Crashes



Of the more than 65,000 people killed in car crashes in 2010 and 2011, one in 10 involved instances where at least one of the drivers was distracted, according to the Fatality Analysis Reporting System (FARS), a nationwide census of fatal motor vehicle traffic crashes maintained by the National Highway Traffic Safety Administration.

Distracted driving is any activity that takes a driver's eyes off the road, hands off the wheel or mind off the primary task of driving safely.

Below are the top 10 distractions involved in fatal car crashes:

1. Generally distracted or "lost in thought"
2. Cell phone use
3. Outside person, object or event
4. Other occupants in the car
5. Using or reaching for a device that was brought into the vehicle
6. Eating or drinking
7. Adjusting audio or climate controls
8. Using other devices/controls integral to the vehicle
9. A moving object in the vehicle, such as a pet or insect
10. Smoking-related

Distracted driving is dangerous and all too common, as it is one of the leading causes of motor vehicle crashes in the United States. Dedicating ourselves to and reinforcing safe driving practices will make them second nature and save lives in the process. 🏠

Need a Lift? – Here is Help

Despite availability of machinery and equipment, lifting, moving and carrying are still requirements of many job tasks. Back injuries and muscle strains often result from cumulative trauma due to poor lifting techniques. That is why it is important to use safe lifting and materials handling techniques.

Practice the following safe lifting techniques:

Get a sense how heavy the object is by lifting one corner or side. Try moving the object by pushing it with one foot. If you cannot move it with your foot, you should ask for help in moving the object.



Make sure that there is room to lift the object without twisting or turning. Identify the most direct route to where you are taking the load and putting it down. Consider obstacles, trip hazards, wet/slippery or uneven surfaces, doorways or stairs, and any equipment or vehicular traffic you may encounter.

Stand with your legs about shoulder-width apart and with one foot slightly in front of the other, and make sure you have good, secure footing.

Bend at the knees and get a good grip. Heels should be slightly off the floor; you should be as close to the object as possible. Palms should be against the object, do not use fingertips. If using gloves, make sure they are on securely and you have a firm grip on the object.

Lift slowly using your leg muscles while keeping your back straight. Do not bend the back or twist or turn at the waist. Your leg muscles should do the work. When starting the lift, tense your stomach and buttocks muscles, keep your head and neck straight.

Keep the load close to your body; that way less stress is placed on your back.

If you have to change direction while carrying the load, pivot on your feet instead of twisting at the waist. Keep your body straight and in-line with the load you are carrying.

If you feel any pain when trying to lift an item, put it down immediately! 🏠

Property & Casualty Pool Renewal Reminder

We would like to thank our Members for their cooperation with the completion of the Property & Casualty Pool Renewal Applications. The Property & Casualty Pool renewal application were due March 31, 2019 and we want our Members to know that help is available. If you would like assistance with the completion of your application or just have a question, please contact Marcus Ballou (mballou@memun.org) at 1-(800) 590-5583, so we can help.

Serving Maine Communities Is What We Do And All We Do

FREQUENTLY ASKED QUESTIONS:

Question:

What Is Agreed Value Coverage

Answer:

Are you aware that your municipality has the option of adding Agreed Value Coverage to your Fire Department and Emergency Medical Services vehicles through the MMA Property & Casualty Pool? Agreed Value coverage grants your municipality the ability to plan for the future and actually specify the auto physical damage value that you need to replace your existing vehicle with a new like kind and quality vehicle in the event of a loss. Agreed Value Coverage removes the questions and the “what ifs” and ensures that your department and your community is protected.

How Agreed Value Coverage Works:

With respect to the vehicles listed on your vehicle schedule, we will provide physical damage coverage for these scheduled vehicles on an Agreed Value basis.

In the event of a physical damage loss, we will pay the lesser of:

- a) The cost to repair the vehicle; or
- b) The cost to repair or replace a damaged part with a part of like kind and quality without a deduction of depreciation; or
- c) The cost to replace the vehicle with a comparable new vehicle manufactured to current specification set by NFPA, the U.S. Department of Transportation or similar organization; or
- d) The Agreed Value shown on the vehicle schedule.

Please look for this new Frequently Asked Questions section of the Municipal Risk Manager each quarter. If you have a question you would like to ask please email Marcus Ballou at mballou@memun.org

Build Maine conference offers practical ideas that really work

Coming in June, the sixth annual event offers hands-on advice that has left some past attendees wondering why they hadn't thought of the improvements before.

By **Stephanie Bouchard**

No matter what their size, cities and towns across the state grapple with how to nurture vital economic development, meet the livability needs and desires of residents and do both of those things in a financially manageable and sustainable fashion. For six years, Build Maine has endeavored to address these challenges by fomenting innovation in community planning.

What is Build Maine? “It’s a state of mind – just kidding!” joked cofounder Kara Wilbur, a Portland-based planner and urban designer. She’s only sort of kidding, though, she acknowledged.

On paper, Build Maine exists to host and organize an annual conference that brings together nationally and internationally recognized experts in urban planning and design, transportation, economic development, housing – in any area relates to planning, building, maintaining and designing cities and towns – to talk about how to plan, build, maintain and design communities using common sense and in economically sensible ways.

In a more existential sense, Build Maine is an incubator and instigator of ideas, enthusiasm and community building – community building not in terms of actual buildings and streets and sewer and water lines, but rather in people-to-people connection.

“We’re in the hands of people who are doing amazing things around the country and they talk with us and share with us these things that are working in other places like Maine. We can go back home having a common frame of reference about what’s



possible and that helps these sometimes difficult conversations about zoning and municipal investment go a little bit more smoothly,” said Nate Rudy, Hallowell’s city manager. Hallowell is a city sponsor of Build Maine.

Being able to have those conversations is crucial, Rudy said. Municipalities must be able to talk honestly and openly with all the stakeholders involved in community building in order to weave together new development with what is great about the places where we live in such a way that municipalities can afford to sustain both without raising property taxes to unaffordable levels.

Presenting effective, low-cost solutions so that municipalities and builders of communities can achieve those dual goals is one of the missions of Build Maine.

“Honestly, every year I’ve gone, I’ve walked away with a couple of just amazing, like, oh-my-God-that’s-great (ideas),” said Ben Frey, a selectman from Newcastle who also is the vice-chair of his town’s board of assessors.

Frey has attended all the Build

Maine conferences (this year’s, in June, will be the sixth). He, and others from Newcastle, have been able to use some of the ideas they learned about at the conferences.

Comp plan assistance

For instance, as the planning committee was getting started on the town’s new comprehensive plan a few years ago, everyone on the committee attended the conference and left excited and energized. It set the tone for the comp plan process, and the new comp plan (it was passed last summer) incorporates some of ethos and ideas they learned about at Build Maine, he said.

One of the ideas Newcastle has already put into practice is called tactical urbanism. Tactical urbanism is a sort of DIY practice that lets communities test out potential improvements without spending huge amounts of money.

Newcastle has used tactical urbanism to test out potential changes to two problem traffic areas: by the fish ladder and local swimming hole on Route 215 that marks the town line between Newcastle and Nobleboro; and, at the intersection of Main Street, Route 215 and Academy Hill that confounds tourists in the summer and is a year-round hazard to pedestrians.

In both cases, Newcastle temporarily changed the traffic patterns of these areas to see if the changes they were testing would work. They used what they had on hand to do the testing. In the case of the intersection, they closed off the slip lane and put staffers on the road to direct traffic in the new pattern, and by the swimming hole, Frey and the town’s road commissioner set up some plastic bollards to create a temporary sidewalk to sepa-

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

rate pedestrians and passing vehicles and to slow down traffic.

The intersection pilot ran for a handful of hours and the swimming hole pilot ran for about a week. The town got amazing feedback from residents (some of it heated!), said Frey, and got to see what the proposed changes would be like without dropping a ton of (or no) money. While no permanent road changes have been made yet, the pilots led to more conversation about what can be done, should be done and how to do it and afford it.

Topsham traffic changes

The Town of Topsham, which also is a municipal sponsor of Build Maine, has done similar things to address issues there, said John Shattuck, the town's economic and community development director. Topsham has worked with various professionals he met at Build Maine conferences, including Tom Errico, a Falmouth-based traffic engineer with TY Ling International Group, an infrastructure consulting firm, who has helped on a number of traffic congestion solutions. For example, with traffic snarls at a section on Main Street where there was a left turn on the northbound approach to a hill.

Similar to the tactics Newcastle used, Topsham made temporary, low-cost adjustments to model how the traffic flow would change if left turns were only allowed at the traffic light at the top of the hill. The town gathered feedback from drivers, residents and business owners in the area. The town got its fill of irate responses, but ultimately, 2:1 were in favor of the changes, Shattuck said.

By doing that monthlong test, Topsham was able to document that traffic backups were substantially mitigated when left turns were restricted to a traffic light up a hill and eliminated as an option on the hill's northbound approach. The town eventually made the temporary change permanent, Shattuck said, and traffic flow is much better along that heavily-traveled section of the town's roadways.

Topsham's efforts may lack the glamour (to a planning nerd like Shattuck, anyway) of a "brand new, shiny roundabout," he noted, but they have had "demonstrable, real positive effects."

BUILD MAINE CONFERENCE 2019

Celebrating its sixth year, the Build Maine conference takes place in Lewiston on Wednesday, June 5 and Thursday, June 6. The Maine Municipal Association is a promotional partner of the two-day event. The main conference featuring keynote speakers takes place on June 6. Hands-on workshops take place on June 5, as does the beer garden networking event in the evening. Continuing education credits are available.

Tickets for individual attendees are \$130 for both days; \$83 for the main conference program on Thursday, June 6; \$53 for the workshop day on Wednesday, June 5.

Municipal sponsorships of \$515 (for towns) and \$1,030 (for cities) entitle sponsoring municipalities to unlimited tickets for municipal employees, select board/council members, and planning board/commission members as well as acknowledgements in the conference's promotional materials.

For information and registration, go to www.build-maine.com.

Practical approach

In Maine, where flashiness often doesn't count for much, the ordinariness of some of the ideas presented at Build Maine is part of their appeal.

Some of the ideas Frey, of Newcastle, has gotten from presenters have been so obvious as to be "ridiculous," he said. "Sometimes it takes going to a conference like Build Maine for the very obvious thing to be stated in such a way that it can be heard," he said.

Which takes us back to Kara Wilbur's half-joke that Build Maine is a state of mind. By grounding people in the educational and experimental

environment of the conference and giving people a safe place to talk about thorny community issues, they gain the headspace that allows them return to their communities with renewed energy.

"It's exciting to be exposed to new ideas and see how they can be applied to your town," Frey said, even if those new ideas may not be able to be implemented right away or may not work in your community. "For me as a municipal officer, it's one of the great ways of getting refreshed into thinking there are ways that we can do things better." ■



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If you want to revive civility, choose mediation over litigation

The authors, both attorneys, encourage municipal officials to consider advantages of a mediator-led approach. One, they write, stands out: It saves a lot of money.

**By Rebekah Smith
and Peter Schroeter**

Managing town affairs can be challenging. Mediation is an effective tool that can be used in a myriad of town government situations to alleviate conflict and chart a plan for moving forward.

The recent increase in the popularity of mediation signifies a dramatic shift in how disputes are resolved. In former U.S. Sen. George Mitchell's recent article in this magazine, he noted that a key to leading our democracy towards more civil discourse is redoubling "our efforts to hear and understand the view of those who think differently from us. We need to ask: *Why do they believe as they do? Why do they act as they do? Is there something in their position that I don't understand or that I've been wrong about?*"

Mediation is a process that allows the parties to examine those important questions, in a facilitated and controlled setting.

A mediator is tasked with helping the parties to not only describe their experience in the situation that is at issue but also in helping parties to envision opportunities for resolution to move beyond the conflict at hand. A mediator doesn't decide who

is right or who is wrong, but does try to help the parties fully evaluate their positions and the potential avenues of resolution. Because the process is non-binding, the parties are better able to focus on how to resolve their dispute rather than winning a favorable decision.

Useful in many ways

Mediation is increasingly being utilized in administrative contexts within state government and has proven to be useful to municipalities too. For example, a municipality could refer warring neighbors to a mediation process to avoid continued use of town resources to address an issue not within the town's purview. Or a mediator could be utilized when a developer has proposed a development and neighboring citizens are voicing concerns to help resolve these before the two sides become entrenched. A mediator or a facilitator can be helpful in facilitating a forum on larger issues facing a town, such as whether to expand public transportation or how to address the closure of a large employer in the municipality. Mediation is also often a useful tool in resolving employment issues that can occur within town government. Eminent domain cases are an area of law where mediation is often used, and mediation can be particularly helpful in resolving other property disputes as well.

A mediation session typically starts with a group session where the mediator explains the process and his or her role and the parties, or their attorneys, make statements about the case that outline what they consider to be the important factors in evaluating the case. The parties are often separated into private conference rooms to meet

confidentially with the mediator. In those sessions, called caucuses, the mediator helps the parties consider the strengths and weaknesses of their positions, identify their interests and goals, and develop settlement proposals. The mediator goes back and forth between the parties relaying offers and counter offers while continuing to assist the parties with analyzing the important elements of their case. The meetings typically last for a few hours up to an entire day until the parties reach an agreement or it becomes clear that an agreement cannot be reached in which case the mediator adjourns the meeting. If an agreement is reached, a settlement document is prepared with the help of the mediator for signing by the parties.

In the past, settlement efforts in the litigation arena were limited to direct negotiations through the attorneys, usually after engaging in time-consuming and expensive adversarial litigation tactics. As litigation has become increasingly, sometimes prohibitively, expensive and courts are increasingly requiring mediation to accommodate an overburdened legal system, there is a growing demand for experienced, skilled mediators to help the parties evaluate their cases and facilitate negotiations. Mediation, or some other form of alternative dispute resolution, is now a required step in many cases within Maine's civil court system.

Three key advantages

Mediation has three important benefits: confidentiality, control and costs. Mediation is confidential, unlike litigation, which is a public process where court filings and proceedings are generally available and open to the

Rebekah Smith, Esq., is principal at Seven Tree Solutions and Chair of the Board of the Maine Association of Mediators. She has been providing a range of neutral legal services – including mediation, arbitration, and independent investigations to state and municipal entities for over a decade. She may be reached at: rsmith@seventreesolutions.com.

Peter Schroeter, Esq., is a mediator and arbitrator with the firm of Shaheen & Gordon and Chair of the Maine State Bar Association Alternative Dispute Resolution Section. He is a member of the National Academy of Distinguished Neutrals and recognized by Best Lawyers in America and New England Super Lawyers in Mediation. He may be reached at: pschroeter@shaheengordon.com.

public. The confidentiality of the process covers statements made during the mediation, positions taken by the parties on various issues, information disclosed to the mediator and settlement proposals. Based upon court rules and standard confidentiality provisions in mediation participation agreements, the parties are precluded from introducing evidence related to the mediation in any pending or subsequent court proceeding.

The confidentiality protections of mediation help the parties speak freely and openly, including the acknowledgment of uncertainties and risks of their case, without fear that any information discussed with the mediator or exchanged with the other side will be used against them in any court proceeding if the case is not settled. This helps the mediator identify the real interests of the parties, assist them with the evaluation of their case, and focus on how to achieve resolution rather than adopting positions based on gaining advantage in litigation.

Control over both the process and the outcome is another important advantage of mediation over litigation. In mediation the parties decide the entire process, including selecting the mediator, timing of the mediation and information to be exchanged. Litigation, on the other hand, subjects the parties to court mandated schedules and procedures which force the parties to focus on compliance with those mandates at considerable expense. The flexibility of mediation enables the parties to focus on their interests and the merits of the case and the most expedient and cost-efficient way to resolve their dispute.

Just as important as the process, is the control that the parties have over the outcome. In litigation the parties give complete control and decision-making authority to a judge or jury. In doing so, they give up the ability to fashion their own remedy, which can include creative solutions that a court bound by legal principles cannot achieve. The satisfaction of achieving a mutually agreed upon resolution instead of having a decision imposed upon them by a third party can't be overstated.

Mediation saves money

Probably the most tangible benefit of mediation is the tremendous

cost savings that can be achieved. Because of overburdened court dockets and the increasing complexity of legal disputes, attorney's fees for each side can be prohibitively expensive and often exceed the amount in controversy. Litigation that goes all the way to trial typically costs each party \$20,000 to \$50,000 in attorney's fees. In cases involving complex business and legal issues, fees can easily reach six figures for each side. Employment cases can cost employers \$100,000 or more in legal fees and, if they lose the case, subject them to paying an equal amount for the prevailing employee's attorney. Because mediation can take place before litigation is initiated or, if litigation has started, early in the process, the cost savings are dramatic and greatly enhance the parties' ability to

achieve a resolution that is financially favorable to the litigation alternative.

Although the focus of this article has been mediation, other alternative dispute resolution processes as well as meeting facilitation by a training mediator, are variants that can also be helpful to municipal governments. Given this magazine's recent focus on reviving civility, mediation is one of the best ways to return civility to a challenging conflict and move the parties through entrenched positions to mutually agreed-upon outcomes. We would be happy to serve as a resource to any municipality seeking to learn more about how mediation could be employed within town government. Feel free to contact us if you would like further information or a training on mediation processes. ■



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2019 Keynote Speaker

The State of Maine, Technologically Speaking

Come hear Brian Whitney, president of the Maine Technology Institute, give his assessment of Maine's preparedness for the technology demands of 2019 and beyond and how we must rise to the challenge of working and competing in a more complicated and technically focused global marketplace. Brian will also explore how the Maine Technology Institute can play a key role in helping to grow the economies of Maine's towns and cities through their funding and support of innovative new products and companies, in turn leading to the creation of quality jobs for Maine people.

2019 Municipal Technology Conference - Preliminary Program

8:00-8:45 a.m. – Registration & Continental Breakfast/Visit with Partners

8:45-9:00 a.m. – Welcome

Stephen W. Gove, Executive Director, Maine Municipal Association
Sarah Nichols, Mayor, City of Bangor

9:00-9:45 a.m. – Keynote Address

Keynote Address – The State of Maine, Technologically Speaking

Come hear Brian Whitney, president of the Maine Technology Institute, give his assessment of Maine's preparedness for the technology demands of 2019 and beyond and how we must rise to the challenge of working and competing in a more complicated and technically focused global marketplace. Brian will also explore how the Maine Technology Institute can play a key role in helping to grow the economies of Maine's towns and cities through their funding and support of innovative new products and companies, in turn leading to the creation of quality jobs for Maine people.

*Presenter: Brian Whitney, President, Maine Technology Institute
MTCMA Certification – .75 points Leadership and Finance/Budget categories*

9:45 a.m. – 10:00 a.m. Morning Break/Visit with Partners

10:00 a.m. – 11:00 a.m. Concurrent Sessions

Using Partnerships to Get Energy Projects Done (Well)

Learn how municipalities can work together to mitigate the worst impacts of climate change and transition to clean, efficient, renewable energy. Municipal energy projects done in partnership – from LED street lights to efficient buildings and solar power – can help us reach these goals, reduce energy costs and be economically competitive.

*Presenters: Julie Rosenbach, Sustainability Coordinator, City of South Portland; Tex Haeuser, Director of Planning & Economic Development, City of South Portland
MTCMA Certification – 1 point Leadership and Finance/Budget categories*

Municipal Banking in the 21st Century

Are you tired of paper checks, multiple deposit slips and manual payment processing? During this hour, attendees will learn about remote check scanning, electronic payments, handheld devices and credit card swipes – and much more. Today's technology can make municipal banking faster, easier, more secure and less time-consuming. It can also require updating controls and improving risk management. If you want to run an efficient and secure town office, taking advantage of what today's technology offers, this is the presentation for you.

*Presenters: Barbara Rath, SVP, Government Banking, People's United Bank; Lucie Hannigan, SVP, Treasury Management, People's United Bank
MTCMA Certification – 1 point Finance/Budget category*

Generating a 3D Point Cloud from UAV Images

These days, it seems that more and more people are discovering creative uses for UAVs or drones. Whether it's Amazon's plans to deliver packages, film makers looking for that perfect shot, or law enforcement officials keeping an eye on the bad guys. The GIS industry is eagerly jumping on this proverbial band wagon, with the rapid proliferation of UAVs opening the broad field of remote data collection and processing to an ever wider audience. In this presentation we will explore how overlapping geotagged images are processed to create a high-density 3D point cloud. We'll also address the challenge of calculating the volume of a landfill represented in a surface model derived from a photogrammetrically-generated point cloud.

*Presenter: Katrina Schweikert, Blue Marble Geographics
1 CMA/CAT re-certification credit through Maine Revenue Services*

GIS & Drones: An Easy (and Free) Way to Marry the Two (30-minute session)

This session will provide a brief introduction to drones and their application to municipal projects as well as demonstrate how to use DroneDeploy to automate flight plans, collect aerial data and process it into a product usable in ArcGIS Online mapping.

*Presenter: Sue Bickford, Wells Research Reserve
.5 CMA/CAT re-certification credits through Maine Revenue Services*

Generating Individualized Tax Assessment Maps (30-minute session)

For the past several years, an innovative product has been delivered to taxpayers outlining the basis for their tax assessment. This product includes individualized maps depicting recent sales near the taxpayer's parcels as well as comparables and other useful information designed to help the parcel owners understand their assessment. Mr. White will describe the development and production of these mailers, which was awarded the 2017 IAAO Public Information Award.

*Presenter: Mike White, Global Information Systems
.5 CMA/CAT re-certification credits through Maine Revenue Services*

11:00 a.m. – 11:15 a.m. Morning Break/Visit with Partners

11:15 a.m. – 12:15 p.m. Concurrent Sessions

The Essentials of Data Back-Up and Disaster Recovery

In municipal government, critical data is everywhere: property assessments, mil rate calculations, license applications, permits, zoning codes, etc. Naturally, it only makes sense to back up that data. Not so long ago, merely having back-up tapes stored off-site was enough of a safeguard. But times – and the rate of data proliferation -- have changed. The cloud and high-speed fiber connectivity afford more sophisticated ways to store, back-up, and recover data. And backing up data is only part of the battle. Municipalities need a clear and detailed disaster recovery plan to ensure the right data is restored in the event of a natural disaster, human error, or cyber-attack – and management within the organization is on the same page. Join Rob Williams, as he reviews the basics of back-up and recovery, disaster recovery planning, and how to protect critical municipal data.

*Presenter: Rob Williams, Director of Product Marketing, FirstLight
MTCMA Certification – 1 point Finance/Budget category*

The Law and Protecting HIPAA Data

Learn about the laws that govern the retention and disclosure of a public entity's electronic records. What electronic records are public records under Maine's Freedom of Access Act and what electronic records are confidential under Maine law or federal law, such as the Health Insurance Portability and Accountability Act (HIPAA)? This session will also cover best practices for maintaining such records and providing access to them when appropriate under the applicable laws. This topic is important for all municipal officials and may be of particular interest to human resources professionals, public safety officials, public access officers and General Assistance administrators.

*Presenters: Mark Bower and Natalie Burns, Attorneys, Jensen Baird Gardner & Henry
MTCMA Certification – 1 point Legal and Human Resources categories*

The Future for Maine GIS Data (30-minute session)

This session will address the need to increase state support for data acquisition and distribution, what those data acquisition needs are and how communities benefit from having access to accurate data, how to reduce project costs, support economic development, and plan for improving resilience to climate change and mitigating exposure to natural disasters. It will also address pending legislative initiatives.

Presenter: Joe Young, GIS Consultant

All Those Darn Data Collection Devices! (30-minute session)

There are so many devices out there on the market it today – which one is right for you? What the heck is survey-grade? Is there any free part? This talk will center around enlightening you as the data collector about devices that exist, services that are out there, and other various facets of devices on the market.

*Presenter: Bradford Folta, Honey Badger Analytics
.5 CMA/CAT re-certification credits through Maine Revenue Services*

Integration: Documents Made Interesting, Connected to a Map (30-minute session)

Over the last 10 years, the Town of Hampden has employed part time help to scan in vast amounts of property record documents – basically any document that can be tied to a parcel or parcels (over 150,000 documents and 4000 parcels). These documents are public record – available to anyone that comes in the office – so why not make them

available online? Not only would this cut down on calls and office traffic, it can provide a powerful, easy-to-use tool for staff and public alike. Find out how Hampden was able to implement this and now has a town full of GIS users!

Presenter: Kyle Severance, GIS/IT Specialist, Town of Hampden
.5 CMA/CAT re-certification credits through Maine Revenue Services

Equity, Social Justice and GIS (30-minute session)

How does GIS intersect with issues of equity and social justice? What are the responsibilities of GIS professionals? What do our maps say about us? How do the boundaries of our maps matter? How does the way we provide data make a difference? What data do we use, what data do we reject? We will have an open discussion about how we can be thoughtful about the impacts of our work as GIS professionals.

Presenter: Judy Colby-George, GISP Spatial Alternatives

12:15 p.m. – 1:30 p.m. Buffet Luncheon

12:45 p.m. – 1:30 p.m. Luncheon Address

Assets, Maps and Data – Oh My!

Pete Coughlan and Nate Kane will discuss the various resources available to support transportation asset management, including local road inventories for funding assistance, emergency response, sign/drainage asset inventories, locally-funded road repairs and planning capital/maintenance repairs. They will also provide an overview of Geographic Information Systems at MaineDOT and show capabilities of the MaineDOT Map Viewer.

Presenters: Pete Coughlan and Nate Kane, Maine DOT

1:30 p.m. – 1:45 p.m. Afternoon Break/Visit with Partners

1:45 p.m. – 2:45 p.m. Concurrent Sessions

Cybersecurity for Elections

In a connected world, cybersecurity is a concern for every industry, and our Elections Infrastructure is not immune. This session will review the threats our elections systems face as well as the tools and resources available to state and local elections offices. In particular, we will focus on a no cost, elections-focused cyber defense suite available through the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC) and Center for Internet Security (CIS), including sector-specific threat intelligence products, incident response and remediation, threat and vulnerability monitoring, cybersecurity awareness and training products, and tools for implementing security best practices.

Presenter: Kateri Gill, Elections Program Manager, Multi-State Information Sharing and Analysis Center/ Elections Infrastructure Information Sharing and Analysis Center
MTCMA Certification – 1 point Elected Relations and Leadership categories

Municipal Broadband – Public/Private Partnerships

Are they working? Where will the money come from? Community perspectives! What does the future hold? Join Brian Lippold and Mike Edgcomb as they share their views on the state of broadband in Maine.

Presenters: Michael Edgcomb, Franchise Consultant; Brian Lippold, President, Casco Bay Advisors, LLC
MTCMA Certification – 1 point Leadership and Finance/Budget categories

New Geospatial Technology for Local Government

Governments of all sizes want to share information and data about themselves in meaningful ways. In this session we will cover three areas of developing technology showing how agencies can inform and engage the public about government initiatives through data, maps and apps. Using an open data approach with focused apps for one, how planners can easily show proposed zoning/building changes and analysis on city projects in 3D second, and a new way to for mapping and navigating large campuses and buildings.

Presenters: Matt Deal and Timothie Biggs, Account Managers, ESRI

Municipal Benefits of Terrestrial LiDAR

Utilization of LiDAR for municipal projects allows for data extraction of almost limitless value. When implemented into existing municipal records, scan data can provide invaluable insight when analyzing condition, location, variability and other factors. Consumers of LiDAR data are only beginning to understand new uses for LiDAR scanning and the value it provides. The robust amount of information contained in the data can be leveraged for

planning and removing major obstacles before they cause delays in a project, thereby saving money on your projects.

Presenter: Levi Ladd, GISP, James W. Sewall Co.

2:45 p.m. – 3:00 p.m. Afternoon Break/Visit with Partners

3:00 p.m. – 4:00 p.m. Concurrent Sessions

Mobile Device and the Internet of Things (IoT) Security

This session will focus on common cybersecurity threats that many municipalities face and introduce the concept of the Internet of Things (IoT). We will look at the risks and vulnerabilities of mobile devices and other devices that are connected to the internet, methods to secure these devices within the workplace, and methods and practices to mitigate these common threats.

Presenter: Henry Felch, Associate Professor, Cybersecurity, University of Maine at Augusta
MTCMA Certification – 1 point Human Resources and Leadership categories

Status of the Public Safety Broadband Network (FirstNet) in Maine

The wireless public safety broadband network in Maine is operational and is in the third year of a five-year build-out. Learn more about the status of the project and what work remains to be completed in order to provide required coverage in Maine by 2022.

Presenters: David Maxwell, Program Director, FirstNetME, State of Maine Office of Information Technology; Bruce Fitzgerald, Principal Consultant, AT&T FirstNet
MTCMA Certification – 1 point Leadership category

Municipal Broadband: Mapping, Money, and Models

Municipal broadband projects are happening all over Maine. There are many models for funding, build out and delivery that are being tried. This panel will explore some of the GIS foundations of municipal broadband, as well as the Open Access fiber model.

Panelists: Representatives from VETRO, Neighborly and others TBD

Remember How Long It Took Before We Had GIS? (30-minute session)

Municipalities large and small are embracing the value of using GIS to increase staff efficiency. Today's available technologies allow for faster creation and deployment of affordable applications focused to meet particular needs. See examples of how some are using online GIS services and mobile Apps for distributing data, managing/improving workflows, inventorying/tracking assets, as well as for planning and making more informed decisions.

Presenter: Aaron Weston, CAI

.5 CMA/CAT re-certification credits through Maine Revenue Services

Assessing the Impact of Rising Sea Levels on Maine's Coastal Communities (30-minute session)

The Coastal Risk Explorer, a tool customized for Maine, ties the projected impacts of rising sea levels on the transportation lifeline for emergency services with the social vulnerability of Maine's coastal communities. In this talk, you will get an introduction to this web-based tool, the data behind it, and will leave understanding how to use it.

Presenters: Jeremy Bell, The Nature Conservancy; Elizabeth Hertz, Blue Sky Planning Solutions; Eileen Johnson, Bowdoin College

4:00 p.m. – 5:00 p.m. Maine GIS User Group Board Meeting

CERTIFICATION:

MTCCA (Maine Town & City Clerks' Association) is offering 5 points for attending the full conference toward MTCCA certification. Certificate of attendance or proof of registration and payment required.

MTCMA (Maine Town, City and County Management Association) is offering points toward MTCMA certification for attending select sessions. See session descriptions for more information. Certificate of attendance or proof of registration and payment required.

MMTCTA (Maine Municipal Tax Collectors' and Treasurers' Association) is offering 10 points for attending the full conference toward certification as treasurer. Certificate of attendance or proof of registration and payment required.

Maine Revenue Services is offering CMA/CAT re-certification credits for attending select sessions. See session descriptions for more information. Attendees must sign-in to receive credit.

Pay by credit card when you register online here: <https://www.memun.org/2019-Technology-Conference/Registration>

2019 Municipal Technology Conference

Friday, May 10, 2019 – Cross Insurance Center, Bangor, ME

(Sponsored by: Maine Municipal Association & Maine GIS User Group)

ATTENDEE REGISTRATION FORM

Registration Type *(please check ONE):*

MMA Member Municipality/Patron/Non-Profit/State Agency-\$75.00 Non Member Municipality-\$150.00 MEGUG Member-\$75.00 Business Representative-\$100.00

Billing Information:

Full Name: _____

Employer: _____

Billing Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

Name Badge Information *(Name badge will read as indicated here):*

First Name: _____

Last Name: _____

Primary Title: _____

Employer: _____

Payment Options: Send invoice* Check will be mailed** Payment Enclosed** PO #: _____

*(*You will be invoiced after the Conference – **Please send a copy of this registration form with payment)*

→ Credit card payments accepted with online registration only. ←

Fax registration form to: (207) 626-5947 **Mail form to:** Municipal Technology Conference Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Please make check payable to: Maine Municipal Association.

Overnight Rooms: An overnight room block has been setup at the Hollywood Casino Hotel for \$94/night plus tax & amenity fee for Thursday, May 9, 2019. Group code is MTECH. Call 1-877-779-7771 for reservations.

Questions/Cancellations: Cancellation notification must be given in writing at least 3 business days before the session begins. Any cancellation received within that 3 day window will be charged the full registration fee. All cancellations are subject to a \$10 administrative fee for processing. Please go to <http://www.memun.org/TrainingResources/WorkshopsTraining/Cancellations.aspx> to cancel. If you have any questions please contact the Educational Services Office at (800) 452-8786 or (207) 623-8428.

Dietary Requirements: We do our best to plan meals according to general dietary guidelines. If you have a specific dietary restriction, please call our office at least 5 business days prior to the start of the event. Please note that we are not able to accommodate onsite requests, as catering planning happens in advance of the event.

In order to ensure your complete participation, we would appreciate being informed of any special requirements you may have due to a disability.

5th Annual **Municipal** **HR** & Management Conference

June 27, 2019

Thomas College **Waterville, ME**

ATTENDEE REGISTRATION



Maine Municipal Association

Presented by: Maine Municipal Association

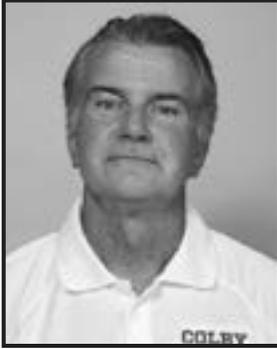
In Cooperation with: Maine Local Government Human Resources Association



Accepting credit card payments with online registrations.

www.memun.org

KEYNOTE SPEAKER: Jack Cosgrove



A Coaching Life: How to Connect With Young People – and Win!

It's hard to think of anyone who has recruited more young people – professional staff and student-athletes – to Maine in recent years than this year's keynote speaker, Jack Cosgrove. The former University of Maine head football coach (and quarterback), currently head coach at Colby College, will talk about connecting with young professionals and college students, amplifying your community's strengths and getting people to perform at the highest levels once they come on board. Please join Jack Cosgrove for this upbeat assessment. Learn how to reach out to tomorrow's leaders – and still win today.

Conference Agenda:

8:00 am: Registration

8:45 am: Welcome (Summit Rm)

Welcome by Stephen W. Gove, Executive Director, Maine Municipal Association

9:00 – 10:00 am: Keynote Presentation (Summit Room)

A Coaching Life: How to Connect With Young People – and Win!

It's hard to think of anyone who has recruited more young people – professional staff and student-athletes – to Maine in recent years than this year's keynote speaker, **Jack Cosgrove**. The former University of Maine head football coach (and quarterback), currently head coach at Colby College, will talk about connecting with young professionals and college students, amplifying your community's strengths and getting people to perform at the highest levels once they come on board. Please join Jack Cosgrove for this upbeat assessment. Learn how to reach out to tomorrow's leaders – and still win today.

Presenter: Jack Cosgrove, Head Football Coach, Colby College

MTCMA Certification – 1 point Leadership category

10:00 – 10:15 am: Break/Visit with Sponsors

10:15 – 11:15 am: Block 1

True Colors (Auditorium)

This interactive class will allow you to learn more about yourself, your family members and your co-workers by answering these questions: Why do you handle things the way you do at work, at home, and in relationships? How does the color of your personality affect the way you interact with others? What are your strengths, habits, likes, dislikes, working styles, and hidden talents?

Presenter: Abby DiPasquale, Health Promotion Coordinator, Maine Municipal Employees Health Trust

MTCMA Certification – 1 point Leadership and Human Resources categories

Recruiting and Retaining First Responders (Summit Room)

It's no secret that recruiting local paramedics, EMTs and firefighters is difficult today. Yet, no one doubts the importance of these critical safety positions. Professionals in this line of work can literally

make a difference between life and death. Attendees at this session will learn what is required for people to enter the EMS and fire service fields, what ongoing training is required, what training assistance is available – and, why being a first responder still remains a valuable, and rewarding, public-service career.

Presenters: Fire Chief John Duross, City of Saco and President, Maine Fire Chiefs' Association; Fire Chief Thomas Higgins, City of Bangor and 2nd Vice President & Professional Development Committee Chair, Maine Fire Chiefs' Association; Fire Chief Scott Susi, City of Caribou and Board Member, Maine Fire Chiefs' Association; Fire Chief Darrell White, City of Presque Isle and 1st Vice President, Maine Fire Chiefs' Association

MTCMA Certification – 1 point Leadership, Human Resources and Finance/Budget categories

Recruiting Dos in Today's Tough Market (Rooms 103/104)

Frustrated with your current employee recruitment strategies? We all know how hard it's been to recruit people to certain positions in municipal government. Come and learn effective ways to reach talent using current marketing strategies and techniques.

Presenters: Rachel Knight and Richard Dyer, Destination Occupation

MTCMA Certification – 1 point Leadership and Human Resources categories

11:20 – 12:20 pm: Block 2

Employee Accommodation and Leave: Assessing the Tough Issues (Auditorium)

Fixed vs. estimated return-to-work dates, undue hardship, alternatives to leave, attendance as an essential function, the interplay between third-party leave administrators and employers, how much inconvenience is too much, extending leave beyond FMLA, disparate treatment of leave requests, proving reasonableness, reinstatement rights and more all-present vexing questions that come up in real life and in the cases. Navigating the Americans with Disabilities Act and other intersecting statutory frameworks, understanding the rights and obligations at play and advising clients can be challenging, to say the least. This session will explore recent developments in case law and real world examples from the workplace.

Presenter: Mark Franco, Attorney, Drummond Woodsum

MTCMA Certification – 1 point Legal, Human Resources and Ethics categories

(Cont'd on next page)

Conference Agenda:

Wage & Hour Pitfalls: Common Mistakes Municipalities Should Avoid (Rooms 103/104)

The U.S. and Maine Departments of Labor will join together to address wage and hour mistakes for municipalities to avoid. The presenters will review common issues with volunteers, hours worked, overtime calculations, and exemptions. They will also address certain aspects of the law that pertain specifically to public agencies, such as compensatory time, employees working for two agencies, and different exceptions that may pertain to employees engaged in fire suppression or law enforcement activities.

Presenters: Scott Cotnoir, Wage & Hour Director, Maine Department of Labor; Steven McKinney, Community Outreach & Resource Planning Specialist, U.S. Department of Labor

MTCMA Certification – 1 point Human Resources and Finance/Budget categories

How Employers Can Help Workers with the Cost of College (Summit Room)

These days the cost of higher education and student loan indebtedness dominate the national discussion about college affordability and the value of a college education. Learn what you can do to support your employees who are dealing with the stress of paying back student loans, looking to continue their own higher education, and/or preparing to finance a child's education after high school. FAME will review resources available to help pay for higher education, ways that employers can assist employees with the cost of higher education and student loan debt management. We'll also discuss how to feature this assistance as you look to recruit and retain talented individuals to your organization.

Presenter: Martha Johnston, Director of Education, Finance Authority of Maine

MTCMA Certification – 1 point Human Resources and Finance/Budget categories

12:20 – 1:20 pm: Lunch

Cafeteria style, "picnic" stations, can sit in cafeteria or outside.

1:20 – 1:30 p.m. Break/Visit with Sponsors

1:30 – 2:30 pm: Block 3

Enhancing Your Change Agility (Auditorium)

Change is inevitable, but there are skills you can hone that will help you adapt more readily during times of change. Join Ann Burrill with Androscoggin Bank as she helps you identify triggers that influence your adaptability to change, improve your change agility and create action plans to assist yourself and others with transitions during organizational change.

Presenter: Ann Burrill, VP, Learning & Development, Androscoggin Bank

MTCMA Certification – 1 point Leadership and Human Resources categories

Avoiding Disability Discrimination Claims (Rooms 103/104)

Find out what you, as employers, need to know about discrimination, retaliation and Whistleblower laws. Sarah Newell and Ryan Dumais from Eaton Peabody will provide you with an overview of federal and state protections and exceptions. They will also cover the protected classes included in the law for purposes of sex dis-

crimination, race discrimination and the creation of hostile work environments. And most importantly for any employer, they will cover the top five strategies for avoiding lawsuits.

Presenters: Sarah Newell and Ryan Dumais, Attorneys, Eaton Peabody

MTCMA Certification – 1 point Legal, Human Resources and Ethics categories

Thinking Outside the Box – Recruiting & Retaining Talent in a Red-Hot Economy (Summit Room)

Attracting, recruiting and retaining talent in this tight-as-ever labor market takes some creative thinking and work. David Ciullo, CEO of Career Management Associates, will discuss how to rethink your recruiting and retention efforts to help you become a more desirable employer. David will provide tips on how to differentiate yourself from other employers and explore the idea of job flexibility.

Presenter: David Ciullo, CEO, Career Management Associates

MTCMA Certification – 1 point Leadership and Human Resources categories

2:30 – 2:45 pm: Break/Visit with Sponsors

2:50 – 3:50 pm: Block 4

Enhancing Your Change Agility – cont'd (Auditorium)

Presenter: Ann Burrill, VP, Learning & Development, Androscoggin Bank

MTCMA Certification – 1 point Leadership and Human Resources categories

Municipal Leadership: How to Achieve Results When Your Teammates Can Tackle You (Summit Room)

Local government leadership, regardless of the role, requires a different set of skills than private or non-profit leadership. The technical skills to manage a department or community is not enough to achieve success. This session will provide attendees insight and valuable lessons to avoid being tackled. A seasoned veteran City Manager who has served several communities throughout the state, will share his insight - including the ones he learned the hard way - that will increase your (and your community's) success.

Presenter: Jim Bennett, City Manager, City of Biddeford

MTCMA Certification – 1 point Leadership category

Hometown Careers: Summary and Update (Rooms 103/104)

Come hear more about MMA's Hometown Careers project, which was launched more than two years ago to help towns and cities recruit employees across many important professional fields. Presenters will explain the reason behind the project, the results to date and how it has spurred some young people to consider careers that they'd never thought of before.

Presenters: Stephen Gove, Executive Director, MMA; Eric Conrad, Director of Communication & Educational Services, MMA; Carol Weigelt, Web Publishing Technician, MMA; Victoria Forkus, Town Manager, Town of Jackman

MTCMA Certification – 1 point Human Resources category

Pay by credit card when you register online here: <https://memun.org/Municipal-HR-and-Management-Conference/Registration>



Attendee Registration

June 27, 2019 – Thomas College, Waterville, Maine

Presented by: Maine Municipal Association

In Cooperation with: Maine Local Government Human Resources Association

Registration Type *(please check ONE):*

- MMA Member Municipality/Patron/Non-Profit/State Agency-\$75.00
 Non Member Municipality-\$150.00 / Business Representative-\$100.00

Billing Information:

Full Name: _____

Employer: _____

Billing Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

Name Badge Information *(Name badge will read as indicated here):*

First Name: _____

Last Name: _____

Primary Title: _____

Employer: _____

Payment Options: Send invoice* Check will be mailed** Payment Enclosed** PO #: _____

*(*You will be invoiced after the Conference – **Please send a copy of this registration form with payment)*

→ Credit card payments accepted with online registration only. ←

Fax registration form to: (207) 624-0128 **Mail form to:** HR Conference Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. **Please make check payable to: Maine Municipal Association**

Dietary Requirements: We do our best to plan meals according to general dietary guidelines. If you have a specific dietary restriction, please call our office at least 5 business days prior to the start of the event. Please note that we are not able to accommodate onsite requests, as catering planning happens in advance of the event.

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Maine Municipal Association

NOTICE

Seeking Nominations for MMA Executive Committee

Nominations

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

What Is Involved?

The Executive Committee is the Maine Municipal Association’s corporate board, consisting of twelve elected and appointed municipal officials representing the interests of member municipalities throughout the state. The Committee has overall governance and fiduciary responsibility for the Association, its annual operating budget, and the development of policy and priority initiatives. The Executive Committee meets 10-12 times per year and has a required attendance policy in place. The Association reimburses municipal officials or their municipality for travel related expenses incurred for attending meetings or authorized activities to represent the Association’s interests.

Who Should Apply?

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

What are the Qualifications?

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

Timetable

COMPLETED	Appointment of MMA Nominating Committee (<i>The MMA President, with recommendations of the Executive Committee, appoints 2 MMA Past Presidents; 2 Elected Municipal Officials, and 1 President of Affiliate Group or Town/City Manager or Chief Appointed Administrative Official</i>)
March 12, 2019	1st Meeting of Nominating Committee — <i>Review of Nominating Committee Process</i>
March/April 2019	Notice in monthly magazine, <i>Maine Town & City</i>, and electronic newsletter, <i>MMA This Month</i>
March 18, 2019	1st Electronic Mailing to Municipal Officials — <i>Seeking Interested Candidates</i>
May 6, 2019	Deadline for Receipt of Statement of Interests & Support Letters of Recommendation <i>The Nominating Committee will then hold its 2nd Meeting by Conference Call to review all Statements of Interest and select candidates to be interviewed.</i>
May 9, 2019	2nd Meeting of Nominating Committee by Conference Call – <i>Review of Statements of Interest</i>
May 15, 2019	Final Meeting of Nominating Committee <i>Interviews with Selected Candidates and put forth Proposed Slate of Nominees</i>
May 17, 2019	2nd Mailing to Key Municipal Officials — <i>Proposed Slate of Nominees and info on Petition Process</i>
July 5, 2019 — 4:30 p.m.	Deadline for Receipt of Nominees by Petition
July 17, 2019	3rd Mailing to Key Municipal Officials — <i>MMA Voting Ballots</i>
August 16, 2019 — 12:00 noon	Deadline for Receipt of MMA Voting Ballots
August 16, 2019	MMA Election Day — <i>Counting of Voting Ballots</i>

For Further Information:

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

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

Deadline for Receipt — 12:00 p.m. on Monday, May 6, 2019

Please answer each question & submit your Resume and Letter(s) of Recommendation.

Name of Candidate: _____
Municipal Position: _____ Years in Position: _____
Municipality: _____ County: _____
Preferred Mailing Address: _____
Work or Office Phone _____ Home Phone: _____
Mobile/Cell Phone _____ E-Mail: _____

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

Other Information Not Included on Resume — other activities of interest, awards, etc.

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

Please provide a Municipal Reference that we may contact:

Name	Municipal Position	Telephone #
------	--------------------	-------------

For an understanding of the attendance policy please see the MMA Executive Committee job description which is located on the MMA website. Based on this, do you believe that the time commitment meets your availability? Yes No

I attest that the information contained above and within the attached resume is true and accurate to be best of my knowledge.

Signed: _____ Date: _____

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

FAX: (207) 626-3358
E-mail: tchavarie@memun.org

WHEN YOUR IRON FITS YOUR CHECKLIST, YOU KNOW YOU'VE FOUND YOUR DEALER.

- Meet lifecycle costing and get peace of mind.
 - All the options – new, used and returned-from-rent.
 - The inventory you need is here, now.
 - A complete work tool range expands your choices.
 - Experienced sales staff doesn't waste your time.
 - Parts availability never an issue
 - Unbeatable resale value.
-

Scarborough, ME
207-883-9586
16 Pleasant Hill Rd.

Brewer, ME
207-989-1890
79 Robertson Blvd.

Milton 

www.miltoncat.com

PEOPLE

Thousands of first responders from 11 states attended the funeral last month of Berwick Fire Cpt. **Joel Barnes**, who died while fighting a March 1 downtown apartment building fire. He was 32 and well known for the passion and dedication he brought to his job. Family members said when Barnes was a toddler, a neighbor gave him a red plastic firefighter helmet. Whenever he heard a fire truck siren he would put on the hat and watch excitedly for the truck. He joined the Berwick department in 2016 after working in Massachusetts and South Carolina. He was promoted to captain one year after his hiring. In another tragedy for firefighters, Oxford Fire Chief **Gary Sacco**, 63, died suddenly of a medical emergency while attending Barnes' funeral. He was 63 and had served as New Gloucester fire chief for more than 10 years before joining the Oxford department in 2017.

Lincoln County regional Planner **Robert Faunce** retired in March after assisting municipalities with comprehensive planning, shoreland zone issues and grant writing for 20 years. He worked with the new planner, **Megan McLaughlin**, for a month before retiring. Although Faunce focused on mostly inland residential and commercial development in the early years, in recent years he has spent much time helping coastal towns who want to begin planning for the effects of climate change. He plans to finish work on pending grant projects.

Former Dresden Selectperson **Inge Foster**, who died in May 2011, has willed the town a gift of \$105,000 to finance the restoration of the town landing on the Eastern River. Town meeting voters in June must vote to accept the money. The funds have been held in a trust by two trustees. The project would begin stabilizing the landing at "dead low tide." The plan calls for the landing to be rebuilt to its original dimensions and to use larger granite rocks that can withstand ice flow. The board wanted residents to approve accepting the money before seeking state approval for the project. Foster wanted the landing rebuilt so traditional uses, especially fishing, would continue into the future.

The Warren Select Board named Finance Director **Sherry Howard** interim



Sherry Howard



Brenda Kurr

town manager, effective April 1, after Town Manager **Bill Lawrence** resigned to take a city manager's job in Florida. Howard has worked for the town since 1993, beginning her career as a counter clerk. She has worked for five town managers. The board plans to begin a search for a new manager. Lawrence, Warren manager for three years, advised board members to not limit their decision to someone's resume, but rather how passionate they are about public service.

Rockport town employees, select board members and residents met at the town's opera house in late February to celebrate the retirement of **Brenda Kurr**, deputy town clerk for 18 years. Her official last day of work was March 4. She was hired in April 2001 as assistant town clerk and was promoted to deputy in 2008. Kurr's family also attended the party, including a surprise visit from her daughter, who traveled from Wisconsin to attend the celebration.

Cyr Martin, Ashland town manager and police chief, has agreed to help the town of Washburn as its part-time police chief. Ashland is 17 miles from Washburn. **Robert Thibeault** resigned as Washburn police chief on March 21 without citing



Cyr Martin

an exact reason. He was hired as chief in August 2017. Martin will take care of the Washburn department's administration and management duties. The department includes one full-time officer, three reserve officers and one full-time position which is presently vacant. The two towns already share one reserve officer.

Cape Elizabeth councilors hired **John Quartararo** last month as the town's first finance director. Quartararo has 40 years of experience, working as Ogunquit treasurer for five years after serving as finance director for the cities of Saco and Bangor. Previously, the town's finance work was conducted by the school business manager. Quartararo, an Alfred resident, also will work as Cape Elizabeth's deputy tax collector. ■

CLASSIFIED

Maine Water has an opening in our **Corporate - Maine** location for a **Director of Administrative Services**. This is an opportunity to serve in a new role delivering world class, life sustaining, high quality service to our customers and communities. Embrace progress through development and growth and inspire success with a new role on the team.

For more information please contact Madalyne Longfellow at mlongfellow@ctwater.com or visit our Careers webpage on: www.mainewater.com ■



Photo from Orono Town Council's kids night. (Photo courtesy of Cheryl Robertson)

BANGOR

City officials plan to seek bids soon for the installation of solar arrays on city-owned property, with estimated electricity cost savings of \$4 million over four decades. The city's finance director recently presented the findings of a Re-Vision Energy study, which showed the cost of solar technology has plummeted 80 percent over the last 10 years. An increasing number of Maine municipalities, schools and universities and private businesses are studying solar arrays, and many projects have been completed. The Bangor Finance Committee last fall approved Re-Vision's bid to complete the study. Several properties have been identified as possible or probable sites for the arrays.

COASTAL MAINE

The Maine Coastal Program, part of the state Department of Marine Resources, received a \$200,000 federal grant to study which communities in the Penobscot Bay area are most in danger of rising sea levels. Some Maine communities are already taking action and making plans to protect shoreland resources and structures, having decided not to wait any longer to get going. The state program will assess the coastlines of Belfast, Camden, Castine, Lincolntonville, North Haven, Rockland, Searsport, South Thomaston, Stonington and Vinalhaven. Monitors in the Gulf of Maine already indicate slowly rising sea levels. A 2017 National Oceanic and Atmospheric Administration (NOAA) report estimated at least a six-inch sea level rise in the next 30 years. Extreme estimates increase that number to as much as two feet by 2050. By 2100, experts predict at least a two-foot increase in sea levels, and up to eight feet, which would have a major impact on the Maine coast. Other communities up to be affected include Kennebunkport, Lubec and Portland, to name a few.

COLUMBIA FALLS

The town of 560 residents in Washington County will welcome hundreds of visitors in mid-April to celebrate spring and the tiny smelt. The annual Downeast Federation Smelt Fry and Fisheries Celebration features lots of local food and information displays about the area's fisheries and conservation efforts. The

NEW ON THE WEB www.memun.org

Highlights of what's been added at www.memun.org since the last edition of the Maine Town & City.

Executive Committee Nominations. MMA is accepting nominations for three seats on its 12-member Executive Committee, which guides the organization on policy and budgetary matters. The deadline to apply is May 6.

Caution: Revenue Sharing Numbers. MMA is advising members that new Municipal Revenue Sharing Program numbers from the Office of the Maine Treasurer are based on current statute, which puts state revenue sharing at 5 percent of income and sales taxes collected. Gov. Janet Mills' proposed biennial budget, however, calls for 2.5 percent in FY 2020-21 and 3 percent in FY 2021-22.

menu will include fried smelts, smoked mackerel, moose stew and local blueberries. It is an annual opportunity for out-of-towners to experience a full-throttled small-town coastal celebration.

NEW GLOUCESTER

For the first time, the town last month started charging fees for public use of the community center and other recreational facilities. The fees took effect immediately after the select board made its decision in mid-March. Users will be charged depending on category: community groups such as ball teams from both Gray and New Gloucester; community groups from outside Gray-New Gloucester; and groups such as private individuals, organizations or commercial enterprises. The new fees are meant to cover costs the town now pays for use of the facilities, saving money for taxpayers.

PATTEN

Residents who needed new smoke alarms were in luck last month: The American Red Cross teamed up with the Penobscot County town's fire department to install alarms free of cost to homeowners. They also collaborated to help residents create escape plans and other safety tips in the event of a house fire. The March 17 effort was part of a national Red Cross campaign, which debuted in 2014, to reduce fire deaths. Officials say the program has saved at least 526 lives, including at least nine in Maine. In 2017, 15 Maine citizens died in fires, with most causes unknown. One fatal fire was caused by smoking, another when a meth lab exploded and two were ruled accidental. No statistics were available for 2018.

SOUTH PORTLAND

Communities across Maine continue to grapple with the problem of residents "contaminating" recycling materials, such as mixing plastic with paper, making the recyclables unwanted by many buyers. The towns of Falmouth, Scarborough, Windham and South Portland will hire two summer interns to supervise materials being dumped at their transfer stations or recycling centers. The interns were expected to begin work on April 1. Recycling can dramatically reduce the cost of solid waste disposal for cities and towns – one of the most expensive annual budget items for municipalities. If buyers won't take mixed recyclable materials, they must be included in the solid waste loads. The interns will monitor recycling centers in all four communities, label bins that are not in compliance with recycling rules and collecting data. ■



**2019 MMA Essay Contest Winner:
Eva Carlezon with Windsor Town
Manager Terry Haskell**

MUNICIPAL BULLETIN BOARD

APRIL 22, 23

MWDA Spring Training Seminar: Bangor

The Maine Welfare Directors Association will hold its 2019 Spring Training Seminar, a two-day event, at the Hollywood Hotel & Conference Center in Bangor, on April 22 and 23.

Many topics will be covered, including: child support and enforcement; veterans' housing; establishing fact patterns; and, legislative updates and updates from the state Department of Health & Human Services. Cost varies based on number of days in attendance, lodging and other factors.

SPECIAL SESSION! APRIL 24

Regulating Vacation Rentals: Belfast

We all know that short-term vacation rental websites like AirBnB and VRBO are transforming the tourism industry. This afternoon workshop looks at how municipalities can regulate short-term rentals and educate citizens about them, if they choose to do so.

Presenters will be: Kristin Collins, an attorney with Preti Flaherty; and John Root, code enforcement officer with the City of Rockland. Cost is \$45 for MMA members and \$90 for non-members. Registration begins at 1 p.m. The workshop, to be held at the Belfast Hutchinson Center, will end at 4:30 p.m.

APRIL 30

Vital Records: Augusta (video to Caribou)

The Maine Town & City Clerks' Association will hold a workshop on Vital Records on April 30, at the Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta. Registration begins at 8:30 a.m. The workshop will end at 4 p.m.

Topics include the history of vital records, duties of municipal clerks, how to assure the integrity of, and access to, vital records and more. Training material is provided as a handout, but attendees should have the most current Municipal Clerk's Handbook, which has a revision date of 2012. Cost is \$60 for MTCCA members and \$80 for non-members. The workshop will be shown live via videoconference to the Northern Maine Development Commission office in Caribou.

MAY 2

Personnel Practices: Augusta

This workshop is a must for elected and appointed municipal officials who manage staff, and need to know about personnel laws. Topics include discipline and discharge, family medical leaves, disability, discrimination and much more.

The workshop – to be led by attorneys from the Bernstein Shur law firm – will be held at the MMA Conference Center in Augusta. Cost to attend is \$85 for MMA members and \$170 for non-members. Registration begins at 8:30 a.m.

May 16

MMTCTA Annual Conference: Waterville

The Maine Municipal Tax Collectors' and Treasurers' Association will hold its Annual Conference at the Waterville Elks Banquet and Conference Center on May 16. There are many timely topics planned: Property tax relief; tax fairness and the Homestead Exemption; property tax abatement; developing a senior citizen tax deferral program, and more.

The event will start with registration at 7:30 a.m., and it will last until 4:15 p.m. Cost is \$100 for MMTCTA members and \$130 for non-members.

June 18

New Managers Workshop: Augusta

A workshop for new municipal managers will be held on June 18 at the MMA conference center in Augusta. The workshop will feature numerous

speakers from MMA staff and from the Maine Town, City & County Management Association, including MMA Executive Director Stephen Gove and MTCMA President Perry Ellsworth, manager in the Town of South Berwick.

The workshop will provide information about the roles of municipal managers, the rights and protections offered to public employees in Maine, the International City/County Management Association Code of Ethics and the variety of services offered at MMA.

June 20

Elected Officials Workshop: Fort Kent

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on June 20 at the Fort Kent Outdoor Center. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members. ■

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**All of the upcoming workshops can
be found on the MMA website.**

Use the following link:

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

LEGAL NOTES

Food Sovereignty Ordinance: MMA Sample Now Available

MMA now has a sample Food Sovereignty Ordinance that fully complies with all of the provisions of the Maine Food Sovereignty Act (7 M.R.S. §§ 281-286).

We've decided to make this sample ordinance available because we're often asked for one and because a widely-promoted alternative contains, in our opinion, some serious legal flaws (see "Food Sovereignty Revisited," *Maine Town & City*, Legal Notes, March 2018).

Most municipal attorneys agree, for example, that the statute as enacted applies only to face-to-face sales between producer and consumer *at the farm or facility where the food or food product was produced*, and that an ordinance cannot legally redefine these sales to include off-site farmers' markets, fundraisers, and community social events as well. In our view, ordinances that purport to do so are not consistent with or supported by the law as actually written.

For municipalities interested in a food sovereignty ordinance, we recommend MMA's sample over any other. It was generously provided by Sally J. Daggett, Esq., of the Portland law firm of Jensen Baird Gardner & Henry. For a copy, go to the MMA website at www.memun.org and look under "Recent Announcements." (By R.P.F.)

Balloon Ordinances

A new front has been opened in the growing public "war" against plastics and similar pollutants (a just war, in our opinion).

The town of Unity – home to the Maine Organic Farmers and Gardeners Association, the annual Common Ground Fair, and environmentally-focused Unity College – last month adopted what is believed to be a first-of-its-kind ordinance in Maine banning mass balloon releases. The ordinance cites the threat such activities pose to the environment, especially wildlife and marine animals. Exempted are government research balloons, hot air balloons that are recovered after launching, and biodegradable and photodegradable balloons. A violation is punishable by a \$250 fine.

Unity's ordinance is similar to laws enacted across the nation and is intended to halt the popular practice of mass balloon releases to celebrate a life or an event, such as a wedding or a birthday or a grand opening. Critics point to studies documenting the mortal hazard that balloons create for wildlife on land, sea, and air. (Animals often ingest balloons, leading to starvation.) There are also more environmentally friendly alternatives that are just as suitable and fun, such as kites, streamers, or pin-wheels, or planting a tree.

For a comprehensive resource on balloon laws, including educational materials, links to balloon ordinances and statutes around the country, and alternatives to mass balloon releases, go to <https://balloonsblow.org/>

We have written here before about the "war" on plastics (see "Plastic Bag Ordinances," *Maine Town & City*, Legal Notes, July 2018; "Foam Container Ordinances," *Maine Town & City*, Legal Notes, August 2018).

Unity's Balloon Release Ordinance is available at <https://unityme.org/>. (By R.P.F.)

The Ditech Bankruptcy – What About Taxes & Liens?

Many tax collectors and treasurers have received notice recently that Ditech Holding Corp. has filed for bankruptcy protection. Ditech holds mortgages on properties across the nation. The notice includes a list of affiliated companies that have also filed for bankruptcy. If you've received one of these notices, it's probably because Ditech or its affiliate holds a mortgage on property in your municipality. What should you do?

First, check the list of affiliates to determine if Ditech or its affiliate owns property in your municipality or owes your municipality money. If so, you should file a proof of claim with the Bankruptcy Court to preserve your right to collect. See MMA's *Guide to Municipal Liens* on how to file a proof of claim.

The Ditech bankruptcy also impacts the tax lien process for properties on which Ditech or its affiliate holds a mortgage. Remember that mortgage holders are entitled to a true copy of the lien certificate and the notice of im-

MUNICIPAL CALENDAR

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

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

MAY 27 — (Last Monday in May) Memorial Day observed. A legal holiday (4 MRSA §1051); a school holiday (20-A MRSA §4802). Municipal officers shall direct the decoration of veterans' graves. (30-A MRSA §2901).

pending foreclosure. If either a taxpayer or a mortgage holder is in bankruptcy, a 30-day notice of lien can be sent and a lien certificate can be recorded, but a notice of impending foreclosure cannot be sent to the bankrupt party until the bankruptcy case is closed.

If Ditech or its affiliate holds a mortgage on property, you cannot send the notice of impending foreclosure to it until the bankruptcy case is closed. You can still send the notice to the taxpayer and other parties in interest. The lien will foreclose on everyone's interest except the bankrupt party's (this will prevent the municipality from tax-acquiring the property for the time being).

Once the bankruptcy case is closed, you can send notice of impending foreclosure to Ditech or its affiliate, and it will then have 30 days within which to pay all taxes, interest and costs. See 36 M.R.S. § 943. If you received notice of Ditech's bankruptcy *after* you sent the notice of impending foreclosure, the lien foreclosure will still occur, but the redemption period will be extended for 60 days after the bankruptcy filing, pursuant to section 108(b) of the bankruptcy code.

All of the above discussion also applies to sewer and water liens.

Our thanks to F. Bruce Sleeper, Esq., of Jensen Baird Gardner & Henry, for his

LEGAL NOTES

guidance on this matter. (By S.F.P.)

More Charter Info Available

Since last month's feature article on municipal charters ("To Charter or Not to Charter: A Legal and Political Primer," *Maine Town & City*, March 2019), we've received several inquiries about whether a charter is necessary or advisable and, if so, how exactly can a municipality adopt a charter.

We've addressed many of these issues here before. For example, whether a municipal charter is necessary (see "Are Charters Required?," *Maine Townsman*, Legal Notes, May 2014; "Why a Charter?," *Maine Townsman*, Legal Notes, April 2009).

Also whether a municipality already has a charter and, if so, where to get a copy ("Got a Charter?," *Maine Townsman*, Legal Notes, May 2010).

And we've explained why a charter is required if a municipality wishes, for example, to mandate all-referendum voting, or to disqualify felons from holding office, or to impose term limits (see "Charter Required for All-Referendum Voting," *Maine Townsman*, Legal Notes, October 2012; "Felons, Litigants & Tax Delinquents," *Maine Townsman*, Legal Notes, May 2011; "Municipal Term Limits," *Maine Town & City*, Legal Notes, January 2019).

We also have a detailed "Information Packet" on municipal charters that explains the concept of "home rule" charters and the process for preparing and adopting a charter, along with some sound practical advice on the subject. All of our packets are available free to members at www.memun.org.

MMA's attorneys are also available to answer questions and offer advice on municipal charters. Local officials can contact us at legal@memun.org or at 1-800-452-8786. (By R.P.F.)

New & Updated Info Packets

Over the past several months MMA Legal Services has published new or updated "Information Packets" on the following topics: adult use (recreational) marijuana, medical marijuana, drones, harassment and sexual harassment in the workplace, sign regulation, telecommunications facilities, tax-acquired property, animal control, and charters.

All of our almost 70 "Information Packets," from A (aircraft excise taxes) to Z (zoning variances), are available free to members at www.memun.org.

There are also new supplements to our *Guide to Municipal Liens* and *Municipal Roads Manual*. And anticipated in 2019 – new editions of MMA's *Municipal Assessment Manual* and *Town Meeting & Elections Manual*. Like our "Information Packets," all of our manuals are available free online to members. Hardcopy and CD versions are available at cost to members. An order form is on our website.

Keeping MMA's legal publications current and relevant is one of our legal

staff's top priorities and represents a major commitment of our time. (By R.P.F.) ■

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Do you think we need "municipal civics" in Maine high schools?



Do you know about MMA's Municipal Literacy Project?

Working with Jobs for Maine Graduates, MMA has established municipal civics curriculum in more than 80 high schools across the state. The project encourages interaction between high school students and municipal leaders.



To learn more, and to encourage your high school to use the tools that are available, please visit MMA's Citizen Education website at:

<https://www.memun.org/Training-Resources/Local-Government/Citizen-Education>

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