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The magazine of the Maine Municipal Association

JUNE 2019

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Maine Town & City

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The Magazine of the Maine Municipal Association

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It's OUR Party



Towns and cities are encouraged to start planning for next year, when our state turns 200 – and looks great!

As Town Meeting season wraps up, MMA President Mary Sabins writes about her experience with Maine's special form of government. [Page 5](#)

2019 HR-Management Conference: Turn here for details about our annual conference aimed at managing people, hiring and recruiting. [Page 30](#)

Route 1 Series: Machias

Like many coastal towns, Machias confronts changing sea levels, weather and road drainage. It also weighs what's special about the area. [Page 17](#)

Ballfield Signs

As communities look to raise money – even modest amounts – advertising signs at sports fields are an option. There are issues to consider. [Page 13](#)

Town Meeting Roundup

Our annual, comprehensive coverage of Maine town meetings begins here. Many incumbents did well seeking re-election. [Page 25](#)

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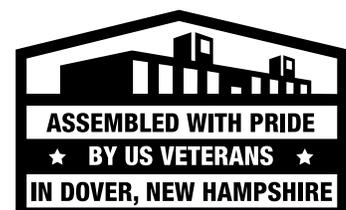
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A MESSAGE FROM MMA

BY MARY SABINS / MMA PRESIDENT

Reflections on town meetings past

Throughout my municipal career extending three decades now, I estimate that I have attended 50 or more town meetings, whether in my hometown or the town of my employment. Sometimes, I have visited the town meeting of a neighboring town as an observer. Each town meeting was unique in its way, and usually marked by the vocal residents who were in attendance.

Early in my career as the town clerk in my small hometown in the mid-coast Maine area, there were the self-proclaimed “old timers” who were the most raucous at the meeting and were quite opinionated about every article on the warrant. Even though they did not participate in town government functions or the preparation of the budget, they certainly had suggestions at town meeting on how things should be done, and questioned every proposal being made! Then, there were those who brought personality conflicts to the meeting, and chose the town meeting floor to share their dislikes for each other’s ideas when given the opportunity to speak by the unsuspecting moderator. Not all of the rebuke was mean-spirited though: Some of the criticism was delivered entertainingly by one skilled resident in particular, who had the ability to see the humorous side of every conflict. He delivered his comments with such character that made us all laugh and kept the mood light.

Even though disagreements and poking fun happened at the meeting, once the meeting was done, the residents

seemed to accept the decisions made by the majority, and left the meeting with civil discourse toward each other. Back then, in the late 1980s and early ‘90s, town meeting was a colorful event not to be missed, a time when many came to the meeting to see and get reacquainted with their neighbors. Those “old timers” are all gone now, but their impact at town meeting was very memorable for me.

June is a popular month for many municipalities in Maine to hold their annual town meetings. It’s a time when months of sometimes arduous budget preparation work are culminated into warrant articles to be presented to the voters for discussion and approval. For those of us who do the hard work to prepare the proposed budget that is contained within the warrant articles, it can be disappointing but not surprising when voter attendance is low. Over the years, I have decided that low meeting attendance is likely a sign of voter satisfaction with current town government operations, because I know the voters are capable of coming out to the meeting (and do come) in full force when an issue on the warrant fires them up! Whether your town meetings are well attended or not, or whether they are like the ones I described from my past experience, town meetings are a valued tradition and time-honored event in towns with town meeting form of government. Please, turn to P. 25 and check out the articles about 2019 town meeting season in this edition of the Maine Town & City magazine. ■

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Maine turns 200 next year, a 'once in a lifetime' experience for all

It's not too early to start planning bicentennial events in your community. In fact, from Presque Isle to Clinton, some events are already scheduled and being discussed.

By **Stephanie Bouchard**

It seems like Maine's bicentennial is far away until you realize that it isn't, and that's the realization cities and towns, nonprofits, companies large and small, and individuals are having all over the state right now. It's an unqualified, "Oh, wow! We better get busy!" moment.

No need to panic. Maine Town & City has your guide to all things (well, maybe most things) bicentennial: what's on tap so far; what your neighbors are planning (or more precisely, what they're thinking about planning); and even some advice from a state going through its own bicentennial celebration right now.

The kick-off

The bicentennial isn't until 1820, but Maine will start the celebration in 2019. By the time you read this, some events will already be under way or have taken place. For instance, the University of Maine hosted a statehood and bicentennial conference the first weekend of June to bring together scholars, experts and the public for a deep-dive on Maine's history and culture, and the Maine Historical Society opened "Holding Up the Sky," an exhibit that explores the 13,000-year history of the Wabanaki in Maine in April. It runs through Feb. 1, 2020.

The official start of bicentennial celebrations begins on Friday, July 26 of this year. Why July 26? That's the 200th anniversary of the day the District of Maine finally achieved enough votes to separate from Massachusetts.

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



Tall ships are part of Maine's bicentennial plans. (Photo by Foreside Photography)

AT THE 2019 MMA CONVENTION

Don't worry, the Maine Municipal Association would never forget our state's 200th birthday! Organizers of the Maine Bicentennial effort will outline their plans – and encourage municipal leaders to join the fun – on Wednesday, Oct. 2, starting at 10:30 a.m. MMA's 83rd Annual Convention will be held Oct. 2-3 at the Cross Insurance Center in Bangor. We will publish the convention schedule in next month's *Maine Town & City*.

A brief history lesson for those who don't know or have forgotten: The July 26, 1819 vote was not the first vote on separation. It was the culmination of

nearly 35 years of trying.

A series of campaigns to separate from Massachusetts began in the late 1700s, after the Revolution. A number of issues kept Mainers from approving a separation, but the biggest obstacle, the Coasting Law, was revised in 1819, clearing the way.

Created in 1789, the Coasting Law required all sailing vessels along the Atlantic seaboard to stop at a custom house in each state non-contiguous to its originating location and pay a fee at each stop both on the trip out and the return.

Most coastal communities, where much of the district's wealth, power and population was concentrated, opposed separation because as part of Massachusetts, Maine ships didn't have to stop and pay a fee until reaching New Jersey. As its own state, Maine

would only have been contiguous to New Hampshire and so Maine ships would have had to make multiple stops and pay a hefty price under the law.

Recognizing that victory was nearly certain if something could be done about the Coasting Law, William King, who would become Maine's first governor, campaigned for a revision to the law. Congress agreed to a revision. With the revision, Maine ships could sail to Georgia without stopping and without paying fees to multiple states, thereby removing opposition from coastal communities worried about their economic well-being.

When Mainers voted on July 26, 1819, it was a landslide: Separationists won with more than 10,000 votes.

So, it is fitting that Maine's bicentennial commission will kick off the official celebration of statehood on such a significant date in Maine's history.

What's in store for the kick-off on July 26? Gov. Janet Mills will head to four (maybe five) kick-off ceremony locations. First of the day is Presque Isle for an early morning celebration, where she will dedicate a tricentennial pine grove (more about that later) and there will be music and a breakfast of blueberry parfaits, coffee and juice.

The governor will also visit Bangor, Augusta and Portland, and possibly Lewiston-Auburn if transportation and timing work out, said David Cheever, the state archivist and member of the bicentennial commission.

While each community has its own spin on the kick-off event, each will have a flag-raising ceremony at which the bicentennial flag will be hoisted. Cheever said he hopes communities throughout Maine – with the definition of community being broad, from traditional towns and cities to religious and nonprofit organizations to neighborhoods and families – will time their own flag raising of their bicentennial flags to when the flag is raised at one of the kick-off ceremony locations.

Bicentennial year

Statehood Weekend: Sunday, March 15, 2020 is the official 200th birthday, but events will be held over both weekend days. Specific plans for Statehood Weekend are still in the works, but here's a taste of some of what will be going on:

- **Bicentennial community supper:** The bicentennial commission hopes

BICENTENNIAL ADVICE

Alabama has been celebrating its bicentennial for three years. No joke. The state became a U.S. territory in 1817 and a state in 1819, so when it came time to plan for the bicentennial, it just made sense to role the territorial and the bicentennial celebrations into one big party, said Jay Lamar, the executive director of the state's bicentennial commission. With almost three full years of celebrating completed, she has some good advice to share:

- **Use your celebration to engage young people in schools.** Alabama's celebration has placed an emphasis on citizenship and civics with the hope of promoting pride in their state and preparing students in how to be active citizens, said Lamar. They devoted funding to professional development for teachers so they could incorporate more Alabama history and culture into their curricula.
- **Make the bicentennial something for every community in the state.** Like Maine, Alabama, geography-wise, is a big state with distinct regions. Lamar said the commission wanted to make sure everyone felt involved; the bicentennial wasn't something that was happening only in the state capital. Commission members spent many months doing a kind of traveling show and workshops around the state to get people excited and involved.
- **Get some funding.** No surprise, having a bit of money to put into bicentennial projects and initiatives is a big help.
- **Be creative in your partnerships.** Not only did commission members reach out to "expected" organizations such as historical and genealogical societies ("It's not just a bicentennial for people who are history geeks," she said.), they contacted companies and organizations that may not have been top-of-mind, such as the Talladega Superspeedway, which is celebrating its 50th anniversary this year, and the Alabama Brewers Guild, which enlisted breweries from across the state to create a series of beers, each honoring one of the state's five historic capitals.
- **Interns!** Use high school and college interns on your bicentennial team or to work on bicentennial projects. They're a great resource and it's a terrific opportunity for them.
- **Have mementos.** Flags, t-shirts, postage stamps, license plates, coins, beer bottles, books, you name it. "People love stuff," Lamar said.
- **Leave a legacy.** Events are wonderful and build community in the here-and-now, but don't forget the future. Create something that will carry on. Legacy projects Alabama has done include a wetlands restoration on the Gulf Coast and a new bicentennial park with bronze plaques representing the breadth of the state's history.
- **Take risks.** This is a once-in-a-lifetime opportunity, said Lamar, so live large. "Dream big. It might not get there, but it's not going to hurt to try."

that the governor will designate Saturday, March 14 as Bicentennial Community Supper Day. Community suppers of all sorts – bean suppers, chicken pot pie suppers, pasta suppers, potluck suppers – happen all over the state throughout the year, most frequently on Saturdays. The commission hopes communities will give their community supper – either on Saturday, March 14 or another day during the year – a special focus in honor of the bicentennial, said Bradley Sawyer, the bicentennial commission's business manager.

One of the ways the commission

hopes to imbue community suppers with a bicentennial energy is to recognize the needs of community members and lend a helping hand in a simple manner.

"We recognize that for a lot of people in the state, they are not looking a hundred or 200 hundred years forward," said Sawyer. "They're trying to figure out tomorrow."

Given that, Sawyer said the bicentennial commission hopes organizers of community suppers on March 14 or on other dates will ask diners to donate nonperishable goods that will be col-

lected and distributed to community food pantries.

Another way the commission would like to see community suppers celebrate the bicentennial spirit is to have the “collecting” organizations in a community – historical societies, museums, libraries – take a look at their collections, figure out what is the item in that collection that would be worth risking life for in a disaster and then present that item to the community during a community supper to talk about what it is, what its story is, and why it’s valuable to the community, said Cheever.

The Portland Museum of Art has its own version of this idea. It is asking people to share items that embody what Maine means to them and that tell the stories of Maine. From the submitted objects, the museum will select the 20 most iconic items for an exhibit that will run from March to October in 2020. Go to www.portlandmuseum.org/maine if you have items to submit for consideration.

• Tall Ships Festival: Tall Ships Maine, a chapter of Tall Ships America, is planning a tall ships festival in Portland in the summer of 2020 to help celebrate Maine’s bicentennial. Alex

ONE MORE COOL THING

Portland resident Tonya Shevenell is working on her second feature length film, “Shape of Love: 200 Years in Maine.” In honor of the bicentennial, she’s exploring how love has been practiced and expressed over 200 years in Maine. And it’s not just love between people – love for animals, for the land, even love of doing, and how love for Maine is expressed during the bicentennial celebrations. She’s looking for letters, journals, objects and people to include in her film. She hopes the film will be released spring of 2021. Go to <https://shapeoflove.me> to learn more about the project and for contact info if you have a love story to share.

Agnew, president of Tall Ships Maine, said ships will be coming from a number of foreign countries. A formal announcement with more details will be made this July in Portland.

• Closing Weekend: Held the weekend of Oct. 10, 2020, early plans include the sealing of the time capsule chamber, an exposition in Bangor focused on technology and the future,



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and cultural activities and festivals.

- Community events: Many towns and cities are still in the early stages of tossing ideas around and reaching out to partners to see what can be planned, but here's a smattering of events that are in the works and that can possibly spark ideas for what you can do in your community:

The **Town of Clinton** will hold a tableau show on Feb. 28, 2020 (the founding date of the town). A tableau show intersperses staged, unspoken scenes, with narrated history segments. Clinton's show will cover historic events from 1620 to 1895.

The **City of Bath**, home of Maine's first governor, William King, is gearing up for a number of events, although most are not on the books just yet. Being talked about is a yearlong lecture series celebrating all of Maine's history; the creation of a walking tour map highlighting the city's historic places and history; creating learning materials for local schools; and having actors dressed up as historical figures from Bath roaming around downtown. Definitely on the schedule is an exhibit titled "I Lead" at the Maine Maritime Museum. The exhibit will highlight Maine's pioneers and leaders past and present. It opens in May 2020 and will run through the summer.

The **Town of Blue Hill** is working on an event taking place on Aug. 17 of this year. The Blue Hill Maritime Heritage Festival will focus on the community's connection to the sea and will feature boat building demonstrations, traditional boats on display, boat races, lectures, films and sea shanties.

In addition to its kick-off day event this July, the **City of Presque Isle** has a number of activities and events planned, including the Amazing (History) Race, based on the Amazing Race TV show concept in which all eighth-grade students at Presque Isle Middle School will go out in teams of five on mountain bikes answering history questions to get clues to go on to the next historic site in town. Elementary school students will also go on field trips to local historic sites to learn more about their local history. Eighth graders will dedicate their required three-week poetry module to interesting stories from Presque Isle's past. While the tall ships of Portland's Tall Ships Festival won't be in town, Presque Isle is capturing the spirit of that event by having a model

ship building contest for kids who will then race those ships on the water. And finally, for the closing weekend, fireworks and a Traditions Day with blacksmithing, lye soap making, fiddling, butter churning and more are on tap.

Bicentennial initiatives

The bicentennial celebration isn't just about looking at the past, said Cheever. "In 1820, we weren't just standing around saying 'Boy, haven't we had fun since 1620?'... We were trying to figure out 'What do we do now?'"

In thinking about the future, the commission is championing a few community initiatives that combine commemorative qualities with being forward-thinking and addressing here-and-now needs.

- Tricentennial pine groves: Trees are intrinsic to Maine's identity, its history, its present and its future, Cheever said, and that's why the commission is encouraging communities – again, of all types, from towns and cities to businesses to individual families – to create tricentennial pine groves with at least three of the state's official tree, the eastern white pine.

The idea of the pine groves is for communities to plant young trees (3 to 7 years old) and then imbue the groves with something that speaks to the community: lighting, signage, a meditative space. Then, commit to cultivating that grove. "Don't just stick it there and walk away," Cheever said. You want the trees in your grove(s) to be healthy and tall for Maine's 300th birthday (which is why they're called tricentennial pine groves).

Communities can purchase their trees from garden centers and nurseries all over the state (the commission can direct you to nursery resources).

- Maine200 Bicentennial sailors: Tall Ships Maine's mission is to educate young people in the art and craft of sailing. Each sailing season, young adults ages 14 to 18 spend a week sailing along the Maine coast learning things such as navigation; how to stand lookout and participate in a watch; how to handle sails and the science of sailing; and how to stay safe and handle themselves in an emergency. For the bicentennial sailing season, Tall Ships wants to recruit 200 Maine students to participate in the sail training program. Some of those participants will be able to sail on some of the ships taking part in the bicenten-

nial parade of sail during the Tall Ships Festival. Tall Ships Maine is still working out the details on the cost to participate. Anyone interested in participating should go to tallshipsmaine.org for contact information.

- Time capsule and capsule keepers: A multi-chambered time capsule will be located in the Cultural Building in Augusta, said Sawyer. Unlike a traditional time capsule, this one will have four chambers. One chamber will be filled and sealed in 2020; the second will be filled and sealed in 2045; the third in 2070; and the final chamber in 2095. The purpose for this arrangement is so that when the capsule is opened in 2120, future Mainers will get a panorama of the previous century rather than just a snapshot of 2020, said Sawyer.

The commission also plans on recruiting capsule keepers. These are Mainers whose birthday falls on March 15 of any year. The idea, said Sawyer, is that the shared birthday will bolster an enthusiasm for Maine and that the keepers will be a cheerleader of sorts for the time capsule and help recruit future generations of capsule keepers and keep the program moving forward. An application to become a keeper will be on the commission's website. Sawyer said the commission encourages communities to create their own version of the time capsule in their particular hometown.

- Community grants: The commission is committed to take at least half, if not more, of the bicentennial funding and put it into a community grants program, Cheever said. Cheever did not have specifics on how much the grants would be, but said that every county is guaranteed to receive one. The grants can be for whatever a community considers valuable to be done, he said. It could be your community would like to do a renovation or restoration project on a historic structure or would like to put up signage in multiple languages or restore a salt marsh.

"You are hemmed in only by your imagination," he said.

The commission, he said, hopes that communities will identify a project, apply for a community grant, and find partners to work with outside "your silo" to extend community bonds and tap into the know-how and creativity that are available throughout the state. ■



This map was submitted by James Ritter, Maine State Librarian

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Rec signs provide revenue, raise First Amendment issues

From Buckfield to South Florida, the issue of what is appropriate for advertising signs at ball fields and gymnasiums is one to approach with care, legally and otherwise.

By Steve Solloway

What does a town say to an elected state official who asks to pay for a sign bearing his or her name and displayed on the outfield fence at the town baseball field?

The question was posed by the revived Buckfield Recreation Committee to Joe Roach, the Oxford County town's new town manager. What do we do with "political" signs? Is this OK?

"My first response was – I need to look into it," said Roach. "This is my first year as town manager. I didn't know."

In fact, while Roach has worked in other areas of municipal government, the Buckfield position is his first as town manager. The recreation committee consisted of mostly new volunteers. While advertising signage has adorned fencing or buildings or walls of municipal recreation facilities for generations, a distant warning bell went off in the mind of at least one recreation committee member.

What is Buckfield's position on acceptance or denial of a sign from an elected official? It's not the same as ABC Hardware or XYZ Real Estate, or is it?

Roach found guidelines to the size of signs or banners, their placement, their purpose in raising funds for municipal recreation department uses. He learned where the money goes and that it's subject to audit. "I didn't find any policy spelling out content. I knew it was a First Amendment issue."

Roach sought legal advice from the Legal Services Department at Maine Municipal Association, asking if the town need to allow the ad – and Roach got his answer. In time there



Signs at a recreation field in Buckfield. (Submitted photo)

will be other questions regarding businesses, groups or individuals and their rights to free speech under the First Amendment. It's a constantly evolving issue but one that has essentially remained off the radar in Maine communities.

Voice of experience

"I don't know how many towns in Maine, or percentage of towns, have written policy regulating (recreation facilities signage), said Mitch Berkowitz. "But you don't think about (potential problems leading to litigation) until it hits you in the face. Then it becomes crisis management."

Mitch Berkowitz has spent more than 45 years in northern New England serving municipalities as town manager including the Maine communities of Gray and Bridgton. He was also a former trustee of the Cross Insurance Center in Portland. More recently, in his semi-retirement, he

has worked as a consultant and interim town manager in Jackman and Gorham, N.H.

Early in his career Berkowitz was a town recreation director, who many times is the first to approach prospective advertisers. He has a long view on a subject many take for granted.

"In the '60s, '70s, and '80s, as a country we discovered the First Amendment and how it gave us rights of free speech that we hadn't thought of before," said Berkowitz. People had to learn, he said, that if you open your town's facilities to advertising for one, those facilities are open to all.

Berkowitz learned early in his career the value of communication, although it had nothing to do with signage on a ball field fence. The situation occurred decades ago when second-hand tobacco smoke in public areas was tolerated, not banned.

"We had a successful coach who smoked a cigar during games," said

Steve Solloway is a freelance writer from Hallowell and regular contributor to *Maine Town & City*, ssolloway@roadrunner.com.

Berkowitz. Berkowitz asked the coach to refrain.

"You would have thought I was a Communist," said Berkowitz, laughing. "The coach wanted to know 'where was the policy on this.'" The incident taught Berkowitz the value of policy and the value of better communication. The relationship between him and the coach was strained afterward.

"Regardless of the town or organization I worked for, a policy ultimately reflects the levels of legal compliance and fairness for all, regardless of the message," said Berkowitz. "As an administrator, I am sensitive to both sides and attempt to find reasonable options. As an individual I keep my personal biases to myself.

"For the most part (from his experience), things can be worked out. Sponsors want to feel good. Ninety percent of advertisers understand why they're paying for signage," said Berkowitz. "Ten percent will use it for a bigger issue.

"When the message isn't right, I'd tell them they're missing the target group. But when you get beyond logic it gets emotional and you're looking at a possible lawsuit."

Which Berkowitz and the towns he represented didn't have to face.

Berkowitz, like anyone living in Maine, has been ready for the change of seasons. Winter's snow and ice always give way to green grass and the sight of fresh signs coming out of storage or workrooms, ready to be displayed. In North Berwick, the vinyl signs go up in the third week of April.

Green grass means signs

"It's one of our rites of spring," said Dwayne Morin, who has served North Berwick as its town manager for more than 20 years. "We make the signs, we hang the signs."

The advertising dollars help, especially after North Berwick moved from funding its youth leagues to a fee-based approach.

Morin says North Berwick had policy regulating signage in the town. When Morin became aware of litigation elsewhere in the country involving alleged free speech violations in connection of advertising on town recreation facilities, he saw the need to add written policy regulating that signage to North Berwick's town or-

FIRST AMENDMENT & MUNICIPAL PROPERTY

Does a municipality have the right to restrict public expression on municipal property? Yes, but the First Amendment of the U.S. and Maine constitutions imposes significant limits in this area. The extent to which a municipality may regulate speech on its property depends primarily on which of three basic types of municipal property is involved:

- **Traditional public forum:** An area traditionally used for public assembly and discourse, such as a public park, street, or sidewalk. Reasonable "time, place and manner" restrictions may be imposed on speech. Content restrictions are subject to "strict scrutiny" and will virtually always be held invalid unless supported by a compelling municipal interest and narrowly tailored to accomplish that interest. Viewpoint discrimination is prohibited.
- **Designated public forum:** An area not traditionally viewed as a public forum but which the municipality has intentionally opened to public expression, such as a community center, a website, bulletin board, or meeting space. The limits on municipal authority applicable to traditional forums apply to designated forums. The municipality may also close a designated forum to all speech.
- **Nonpublic/limited forum:** An area not by tradition or designation used as a forum for public expression, which the municipality has not opened to public expression, such as a facility, meeting space, website, or newsletter. A nonpublic forum may be reserved for its intended purposes; content-based restrictions on speech are allowed if reasonable given the purpose of the forum, provided that limits do not attempt to suppress expression based on viewpoint. The municipality must be able to articulate a basis for its limits.

Determining the type of "forum" involved is a complex exercise and depends on the type of property involved, its history, purpose, and previous use for public expression. In this extremely nuanced area of the law, careful review of all circumstances and legal consultation are needed before limits are imposed.

Government speech doctrine. Courts have also recognized that when the government acts as a speaker and not as a regulator of private speech, the First Amendment does not limit the government's right to select the views it wants to express. Several courts have held that when government speaks through a medium such as a sign, website or newsletter, it does not thereby create an open forum for the expression of other views. Note that government speech may be limited by other authorities including the Establishment Clause, state laws and local ordinances.

Sign Ordinances. Different and much stricter rules apply when a municipality regulates private speech in the municipality through a sign ordinance. A sign ordinance may not restrict expression based on its content. Courts use "strict scrutiny" to review sign regulations that single out specific content for differential treatment and usually hold them unconstitutional. See MMA's Information Packet on "Sign Regulation" for further discussion, located at the Members Area of our website (www.memun.org)

– Submitted by MMA Legal Services Department

dinances.

The lawsuits, said Morin, changed the way towns treated advertising.

Policy, most often part of a municipality's ordinances, is an effective guideline and defense, but it is not absolute.

"Written policy needs to make good sense and address the First Amendment," said Jon Pottle, an at-

torney with Eaton Peabody. "Policy can also open the door to liability if it's not applied uniformly."

Pottle noted that so many who work in town recreation departments serving on committees, for instance, are volunteers. "If you have policy, it makes sense to have training so everyone understands."

Pottle has no knowledge of any

Maine community facing or having faced litigation over alleged or proven violations of the First Amendment as it pertains to advertising and recreation facilities.

Agnieszka Dixon, an attorney with Drummond Woodsum, said placement is important. Meaning, people have freedom of speech in public squares and on public sidewalks, for instance. "If you want to say something, you have that right. Free speech is a very important right in this country."

Government speech doctrine

In places that are used primarily for other purposes, such as schools and ball fields, the right of free speech can be applied differently. Dixon referenced a 2015 case in Florida where a math tutor was praised for his work with students in a Palm Beach County school district. He was offered space at three schools to display a banner with his name, business and contact information.

The school district ordered him to remove the banners after it learned that he was a former porn star who owned a production company that for-

merly produced pornography. Both businesses used the same mailing address. The tutor sued, alleging that the school board violated his constitutional right to free speech. He lost in a local court and lost his appeal.

The Eleventh Circuit Court of Appeals held that the banners were government speech and not protected by the First Amendment. The school district, in its established policy, wrote that "it is not the intent of the School Board to create or open any Palm Beach County School District school, school property or facility as a public forum for expressive activity."

That selected passage is an example of government speech doctrine. "The government also has the right to speak," said Dixon.

Seemingly a world away from South Florida, Roach is happy to see the enthusiasm of Buckfield's recreation committee that rekindled the idea of selling advertising for the outfield fence at Buckfield Recreation Memorial Field. The first year's fee of \$110 pays for the creation of a 2-foot-by-4-foot sign. The fee for every year following goes to the Buckfield

Recreation Committee. Any funds the town collects are put into a designated account.

Currently, projected revenue for year two would be about 8 percent of the total operating budget of the committee. Buckfield, says Roach, is a town transitioning from mostly farming and forestry to being a bedroom community of Lewiston. The town does not have a large single taxpayer.

"I was told by the selectmen when I came that the town doesn't have a spending problem, it has a revenue problem. This is a good, frugal community."

Roach has given guidelines to the recreation committee regarding advertisers and issues of free speech.

"We're mindful not to allow any content that is defamatory, obscene or threatening," said Roach. "The Recreation Committee is the point of contact for sponsors. They have a good sense of what is appropriate to display at a public field where young people are playing ball.

"They know my door is open if they have any questions." ■

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Machias combines readiness with visitor appeal, sense of history

Like many waterfront communities, Machias has concerns about water levels and climate change. Drainage isn't exciting, 'unless you're standing in the middle of it.'

By Susan Cover

Higher tides, the anticipated rise in ocean water from climate change and more severe storms are raising concerns about flooding across the state's coastline.

And while Machias, a U.S. Route 1 town in Washington County, might not immediately come to mind when you think of severe storms and flooded streets, Town Manager Christina Therrien said recent studies and federal flood maps have warned of the consequences of not being prepared.

Therrien hopes that long term planning and some funding help from the state and federal governments will mean Machias is as ready as possible when the next flood arrives.

"What happens many times is you wait until you have a disaster and you have to reconstruct," she said. "You're stuck patching holes instead of planning ahead to begin with."

The anticipated continued rise in ocean water from climate change and more severe storms combine to raise concerns about flooding across the state. Recently, the state Department of Marine Resources announced that it had received a grant to study ways to protect cities and towns on Penobscot Bay including Belfast, Camden, Castine, Lincolnville, North Haven, Rockland, Searsport, South Thomas-



Christina Therrien

ton, Stonington and Vin-alhaven, according to the Bangor Daily News.

When the federal government released new flood maps in 2017, Machias was singled out.

"Machias is the most vulnerable community with a downtown impacted in Washington County from rising flood waters," Therrien said.

In particular, the downtown is in a low-lying area – Therrien described it as a bowl – with water on both sides. To further study the issue, Machias applied for and got a grant from Coastal Communities, which was matched by Machias Savings Bank and tax increment financing money Machias had left-over from another project.

Machias select board member Josh Rolfe said with multiple downtown businesses in the flood plain, the town needs to consider what it can do to help, especially considering increases in insurance costs for those in the designated areas.

"I believe a seawall or retaining wall could hold back those waters," he said. "Even without an increase in tidal level, anything we can do as a municipality would be beneficial in my opinion."

Seawall as an attraction

In addition, town leaders are considering whether the seawall could do double-duty. In addition to holding back water, they are looking at designs that would create a river walk for residents and tourists alike.

"It would be great to get people

ABOUT THIS SERIES

Through December, Maine Town & City writer Susan Cover will take us on a Maine journey along U.S. Route 1, a series that started last March. We will highlight communities and municipally related issues situated along Route 1 each 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

here to see the beauty of the river," Rolfe said.

For other nearby towns, concerns about dealing with spring runoff and heavy rain focus on maintaining infrastructure to channel the water way away from roads and bridges.

Down Route 1 in Milbridge, Town Manager Lewis Pinkham has worked since his arrival in 2004 to upgrade culverts, improve roadside ditches and raise road beds by several inches to deal with flooding. He now describes it as a "very small issue."

"In 2004 when we had ice and bad storms, I got enough grants to upgrade culverts," he said. "We've been doing a tremendous amount of roadside ditching. I've been planning it into every road budget to stay ahead of it."

In Steuben, coastal flooding isn't typically a problem, but brooks and streams in town do occasionally over-

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

flow their banks, said Julie Ginn, the town's clerk, treasurer and tax collector. Typically the culverts are large enough to handle the load, but ditches and a large marsh in town can sometimes be a problem, she said.

"Most of our flooding problems come from ditches," said Ginn, who is appointed to her positions with the town by a three-person select board.

Defining the problem

Machias' proactive approach to potential flooding was sparked in part by a 2014 study that identified the town as particularly vulnerable because of the location of its downtown buildings, the way storms such as hurricanes are likely to hit the area and because of its low elevation, said Judy East, executive director of the Washington County Council of Governments.

Working with the University of Maine at Machias GIS Service Center, East prepared a report called Climate Vulnerability Assessment for Washington County. The goal was to help decision-makers plan for changes to the coastline,



Josh Rolfe

be aware of impacts on local industries such as agriculture and fishing and to offer strategies to adapt to or mitigate the effects of climate change.

"Many industries important to Washington County show signs of change, including altered forest types and shifting ranges for commercially important fish species," the report said.

It listed stronger, more frequent storms, erosion, and damage to culverts, piers, roads and drinking water supplies as "key climate concerns for Washington County."

Since then, Machias hired engineers, surveyors and scientists to conduct the Waterfront Resilience Study, a thick document that examines the possibility of a seawall system to protect the downtown. While it could cost more than \$10 million to build, East said the key is to understand what types of costs could be avoided

by building a wall. Beyond damage to downtown buildings, she said it's important to consider lost wages, the cost of repairs and the cost to fix roads and bridges that might be damaged.

In Machias, the sewage treatment plant is considered "very vulnerable" and the town office can be damaged in a flood as well.

Therrien said the project has unfolded with three phases. The first was a feasibility study to establish a plan to add to the existing seawall in the downtown; the second, an economic analysis to see how enhanced flood protection will help businesses; and finally, an examination of how improvements can be tied in to a town's historic wharf and river walk.

History on the water

"That river walk was part of our downtown plan," she said. "Part of that was also that we would incorporate the history."

That history includes the first naval engagement of the Revolutionary War when in 1775, Machias townspeople defeated the HMS *Margaretta*, an armed sloop that accompanied two merchant ships sent to the town for supplies to support British troops under siege in Boston, according to "Hidden History of Maine" by Harry Gratwick.

In addition, like other Maine seaports, Machias once had a booming lumber and shipbuilding industry that relied on moving goods down the river.

"The whole community and history here was built along the waterfront," Therrien said. "The whole economy was centered around the river."

There were log drives down the river, mills at the head of the Bad River Falls, and ships waiting to load the lumber to get it to market, she said.

The town has asked for federal money for phase two, which will be to gather more specific information. Machias sent application materials to the Maine Emergency Management Agency, which will then go forward to the Federal Emergency Management Agency. Therrien anticipates that it could take seven to 10 years to complete the flood protection project.

"This is nothing a small community can do without federal assistance," she said.

The town office itself is in a vulner-

able position with regard to flooding. Therrien, whose been with the town since 2015 – her second stint following time as manager from 2001 to 2006 – said she did have sandbags placed outside the office one time because of her concern for the building.

"We are probably, hopefully a year and a half ahead of some communities just getting started," she said.

Being prepared – just in case

When the owners of the popular Machias restaurant Helen's rebuilt after a devastating fire in 2014, they worked with a local surveyor to ensure that they complied with all flood zone requirements, said Helen's co-owner Julie Barker. That included making the grade higher than the previous building and adding underground propane tanks in case of a future flood, she said.

As part of its five-year plan, the restaurant will also upgrade the banks of the Machias River behind the building to help prevent erosion. And while the building may seem vulnerable with its Route 1 location near the Machias River Inn, Barker said she doesn't worry about major flooding.

"In all my years working here and living in Machias, it has never touched the building," said Barker, who started working at the restaurant in the early 1980s. "Not even close."

Betsy Fitzgerald, a former Machias town manager who now serves as deputy director of the Washington County Emergency Management Agency and Washington County manager, said she's convinced that planning for severe storms and 500 year floods is more important now than ever. In Machias in particular, driving rain and an astronomical high tide could present "severe issues" leaving a large part of the downtown under water, she said.

As an emergency management agency official, Fitzgerald said she's heartened city and town leaders across the state are more aware of the potential for damaging floods and storms. And while Machias and other coastal cities and towns grapple with the financial challenges of building seawalls, she hopes less expensive solutions to some types of flooding are part of the conversation as well.

"Talking about culverts and rising water is not very exciting stuff unless you're standing in the middle of it," she said. "It can't be left until last." ■

Senior tax-lien law may bring changes to poverty abatement

A Portland attorney outlines the process towns and cities must follow to communicate with elderly property owners and review poverty abatement applications.

**By Benjamin T. McCall, Attorney,
Jensen Baird Gardner Henry, Portland**

Recent legislation created a “special sales process” meant to protect the interests of elderly residents whose houses were acquired by a municipality due to the automatic foreclosure of a tax lien mortgage. See 36 M.R.S. § 943-C. But this new law also requires municipalities to alert taxpayers of the ability to apply for a poverty abatement *before* a tax lien certificate is filed. 36 M.R.S. § 942.

It seems reasonable to expect that receiving additional notification of the ability to apply for a poverty abatement will lead to the submittal of more applications. This presents the perfect opportunity for general assistance officials and municipal officers to review the basics of the poverty abatement application process and legal fundamentals of the same.

The application process

Any person “indicating an inability to pay” their property taxes due to “hardship or poverty” must be given the opportunity to apply for a poverty abatement up to three (3) years after the taxes were committed. 36 M.R.S. § 841(2). However, it’s difficult for the municipal officers to correctly determine whether an applicant qualifies for a poverty abatement if they don’t have the right information to analyze.

This makes having the right application form indispensable.

In a typical poverty abatement application, the applicant must detail

his/her current sources of income, *e.g.*, wages, investments, gifts, or certain public benefits like food stamps, veteran’s benefits, Social Security, or municipal general assistance *and* their current assets, including vehicle(s), additional real property, valuables, etc.

The application should also seek information on an applicant’s typical expenses, including: mortgage or rent, credit card payments, food and gas expenses, medical expenses (*e.g.*, insurance premiums, co-pays, and costs of medications) and household utilities, including water, electricity, internet, telephone, and home heating fuel.

Because the financial analysis for General Assistance (“GA”) eligibility is similar to that of a poverty abatement analysis, the same specific categories of information – income, assets and liabilities – should also be used in crafting a poverty abatement application. The trick, however, is to make sure that information on income and liabilities is *annualized*, rather than shown on a month-to-month basis. The author is happy to provide a sample form on request; a sample form is also available on the website of the Maine Welfare Directors’ Association.

A “reasonable” abatement of property taxes is due to any person “who, by reason of hardship or poverty, is in [the municipal officers’] judgment unable to contribute to the public charges.” 36 M.R.S. § 841. This is the *entire* legal standard for granting a poverty abatement – a standard that leaves many unanswered questions. As such, when deciding whether an abatement should be granted – and how much that abatement should be

– municipal officers should keep these key questions (and answers) in mind:

How much?

The term “reasonable” can mean many things, and the statute does not provide any guidance. However, the Law Court has held that the purpose of a poverty abatement is to prevent a municipality from “forcing the sale of property in order to collect taxes from those otherwise unable to pay.” *Macaro v. Town of Windham*, 468 A.2d 604, 606 (Me. 1983).

Determining what is “reasonable” involves two different “periods of inquiry.” The first is the taxpayer’s financial status during the tax years for which a poverty abatement is sought. But the municipal officers must also consider the applicant’s financial situation *when* the poverty abatement is applied for. See *Gilmore v. City of Belfast*, 580 A.2d 698, 700 (Me. 1990). Put another way, if the applicant couldn’t pay their property taxes in 2016, but since then has financially recovered and has sufficient assets in 2019, then his/her eligibility for a poverty abatement is likely lost.

Coming to the proper conclusion also requires looking at the totality of the applicant’s information in an objective manner – comparing the sum total of that person’s income and assets to the applicant’s typical household expenses. The municipal officers may also look beyond the tax year in question and take a more holistic view to determine whether the applicant is unable to contribute to the public charges. For instance, did the taxpayer incur an extraordinary expense recently that will affect his or her financial ability for years to come?

Benjamin T. McCall is an attorney with the firm of Jensen Baird Gardner Henry in Portland who specializes in advising municipalities on drafting ordinances, zoning, land use enforcement and appeals. He is a South Portland native who serves on Portland’s Zoning Board of Appeals. You can reach him at: bmccall@JBGH.com or 207-775-7271.

Poverty abatements may only be granted on an applicant's primary residence, defined as the applicant's home, all appurtenant structures, and however much land is necessary to meet the municipality's minimum lot size. 36 M.R.S. § 841(2); *see also Hustus v. Town of Medway*, 2004 ME 41, 845 A.2d 563. This means that poverty abatements are not available for, among other things, summer camps or commercial properties, or for taxes owed on land above and beyond an applicable minimum lot size imposed by a municipal zoning ordinance.

Municipal officers *must* review the application and provide a written decision within 30 days. 36 M.R.S. § 841(2)(C). This means that municipal staff should review a poverty abatement application *immediately* upon receipt to ensure that it is complete (or else contact the applicant to inquire about additional necessary information). Then, because municipal meetings sometimes have a tendency to be cancelled or rescheduled at the most inopportune times, the municipality should strive to schedule the poverty abatement hearing as soon as possible,

POVERTY ABATEMENT CHECKLIST

- ✓ Draft an application form that details applicant's complete financial situation: sources of income, assets, and liabilities.
- ✓ Assist potential applicants with filling out application if requested.
- ✓ Give each submitted application a unique, anonymous case number.
- ✓ Municipal officers must review the application in executive session.
- ✓ Municipal officers determine whether applicant is "unable to contribute to public charges" due to "hardship or poverty."
- ✓ Municipal officers either grant or deny poverty abatement in public session using anonymous case number.
- ✓ Written decision adopted and issued by the municipal officers within 30 days of application being submitted. Decision must include amount of abatement (if granted) and details on applicant's appeal rights.

leaving additional time before the 30-day window expires, in case the need arises.

Access, confidentiality issues

By law "all applications, information submitted in support of the application, files and communications relating to an application for [a poverty abatement] and the determination on

the application for abatement *shall be confidential*." 36 M.R.S. § 841(2)(E) (emphasis added). This means that from the moment a poverty abatement application is received, municipal staff and municipal officers must ensure that the identity and personal information of the applicant is protected.

Here, municipalities should follow these tips:

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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.

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Separate, Case Numbered Files: All application materials and documents collected as part of a poverty abatement application should be segregated from other municipal records (even after the abatement request has been reviewed and decided). Furthermore, municipalities should avoid labeling these files with the name or address of the applicant. Instead, assigning a case number, *i.e.*, "Poverty Abatement Application 2019-001," will both help keep files organized and avoid unintended disclosure of protected, confidential information.

Applications Reviewed in Executive Session: Poverty abatement applications must always be reviewed in executive session, as the information involved is expressly designated confidential by statute. 1 M.R.S. § 405(6)(F); 36 M.R.S. § 841(2)(E).

As in all other instances, the municipal officers must first, while in public session, entertain and pass a motion (with at least 3/5 support) to enter *into* the executive session.

For example, "I move that the Board of Selectmen enter into executive session to deliberate an abate-

ment request, Case # 2019-X, pursuant to 36 M.R.S. § 841(2)."

Action on Application in Public Session: Once the municipal officers have reviewed the poverty abatement application and deliberated, the ultimate vote on whether or not to grant the poverty abatement (based on the factors discussed below) **must** be held in public session, while still remaining anonymous.

For example, after leaving execu-

tive session, a member of the municipal officers makes a motion: "I move that the Board of Selectmen grant a poverty abatement in the amount of \$X,XXX in taxes for the 2018-19 tax year, pursuant to Title 36 M.R.S. § 841(2) in case # 2019-X."

Or, alternatively,

"I move to deny the poverty abatement application for the 2018-19 tax year in case # 2019-X, because the taxpayer has not provide that s/he

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is unable to contribute to the public charges.”

Written Decision Required: After the municipal officers vote on the poverty abatement application, a formal decision must be issued in writing. This decision should be drafted and adopted during the same meeting, instead of leaving the task to a single municipal officer for completion *after* the meeting. At a minimum, the decision must: (1) make findings of fact regarding the applicant’s financial situation, (2) state whether the applicant has met their burden of proving an inability to pay their taxes due to “poverty or hardship” (3) state whether an abatement is granted, and if so, for which tax years and for what amount, and (4) that the decision may be appealed to either the municipality’s board of assessment review, or if one does not exist, to the county commissioners.

Like all other documents related to a poverty abatement, this decision must remain confidential, and segregated from all other abatement

records kept by the municipal assessor. This ensures confidentiality within town hall, but will also prevent inadvertent disclosures of confidential information that falls outside of the public records requirements of Maine’s Freedom of Access Act.

What about GA?

Applying for general assistance is another option available to an individual who is having trouble paying his or her property taxes. However, while a poverty abatement applicant should be informed of the availability of GA, applying for GA *is not* a pre-requisite for receiving a poverty abatement.

And often times such relief may not be available to an applicant, as GA can only be used to offset property taxes when a municipal tax lien mortgage is set to foreclose within sixty (60) days.

Conclusion

Because of new changes to the tax-lien foreclosure process, municipalities should expect to see an uptick in poverty abatement applications. While the legal standard governing poverty abatements is far from clear, the procedural steps and tips outlined above should help municipalities navigate the process as smoothly and efficiently as possible. ■



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For more information visit the MMA website: www.memun.org

Crisis communication: Talking to the public, when heat is on

Taking steps now will help your municipality perform well, when an inevitable, and often sudden, major event happens. Here are five key things to consider.

**By Tracy Burrows, Executive Director,
Municipal Research and Services Center**

Local governments are finding themselves under a higher level of public scrutiny than ever before, and the stakes are high when a challenging event occurs.

The day a significant crisis begins and the public spotlight is trained on your government agency, your staff and elected officials likely will not yet have all the facts regarding the issue. At this same moment – working with incomplete information and under high levels of stress – your agency may be pulled between advice from legal counsel to say nothing and the instinct to get out in front of and control the story, even in advance of having all the facts. Adding to the challenge are social media networks, which allow members of the public to jump in to the void and take control of the narrative before an official response is released.

Taking all of these elements into consideration, it isn't a surprise that most organizations respond poorly when the spotlight hits them in a crisis. Fortunately, you can prepare for such an event. In fact, it doesn't take a great deal of time and effort to become prepared, and by doing so, empower your team with a path when a crisis does arise.

As MRSC's Executive Director, Tracy Burrows seeks out innovations in local government, tracking trends in management and technology that impact your work. Burrows has over 20 years of local government and non-profit experience, specializing in growth management, transportation, and general city management issues. You can reach the Seattle-based MRSC at: (206) 625-1300 or (800) 933-6772. This article originally appeared as an MRSC blog post. It is reprinted with permission. J. Vander Stoep, of Sound Counsel Crisis Communication in Seattle, is the article's co-author.

OTHER RESOURCES

Additional templates for crisis communications can be found via these links:

- The Crisis Communication Checklist for the Center for Public Issues Education
- A Checklist for Crisis Communication Planning from ICMA
- The Crisis Communication Plan Template for the American Public Transit Association
- A general Crisis Communications Checklist adapted from an article authored by SAE Communications and appearing the League of California Cities print magazine, *Western City*

Planning ahead and creating an organization-wide crisis communications plan should be seen as a good investment. It's just like insurance: You hope you don't need a plan but it's a mistake not to have one. Creating a crisis plan can cost very little, and a well-considered plan can mean the difference between an agency thriving through adversity and one that loses the community's trust on a long-term basis.

Here are five steps a local government can take right now to help with crisis readiness:

Establish chain of command

A clear chain of command related to organization communications is the most important thing you can do to improve its readiness. This means establishing which staff will make communications decisions during a crisis – including back-up staff – and which staff should be consulted.

It's likely, for example, that your local attorney will want to vet com-

munications during a response. It's essential, then, that the attorney understands some of the exigencies of crisis communications, including the need for a speedy response and that saying "no comment" might work in a legal context but not in the world of communications.

Failing to clarify this chain of command in advance will increase the already sizable amount of chaos that accompanies a crisis.

Identify (and prepare) your spokesperson

In a crisis, the highest ranking elected or appointed official will likely make an initial statement, but he or she might not be speaking continually with the press. Who will that person be? And will that person be trained to work with the media? If your agency has a professional communications team or staff in place, the answers to these questions may be obvious. If not, have a plan in place for who will become your agency's spokesperson

throughout a crisis situation.

Training can make a huge difference to a spokesperson's performance during a crisis. Practice can help a spokesperson understand what messages are appropriate to share and how best to answer difficult questions from the media and your constituents.

Prepare response

If a crisis hits an agency on a weekend, the communications team, whether professional or ad hoc, should be able to post an announcement from anywhere, at any time. Similarly, an agency should ensure that its website is capable of handling a dramatically enlarged amount of traffic without crashing.

Compile contact information

Every organization has unique audiences that it needs to communicate with during a crisis – neighborhood groups, the business community, media contacts, neighboring jurisdictions, local service providers, the Governor's Office, regional emergency management coordinators, employees, third-party experts, and so on. Who will you reach out to? Compiling this contact information in advance helps your agency make sure it reaches the right people immediately and saves precious time on administrative tasks, all when it matters most.

Understand, use social media

If a high-profile crisis hits your organization, scores of people will use various social media sites to talk about the event. Ideally, a local government should be able to respond to this increased scrutiny using its own social media presence.

We suggest that local governments start their Facebook and Twitter presence now, especially if you haven't already. Among other things, this will

ensure that good information about the agency will be included on these channels, that the agency has an opportunity to listen and track public sentiment, and that constituents have a venue for voicing their support of your efforts.

These days, a crisis can unfold entirely in the world of social media, and what you don't know can hurt you! ■



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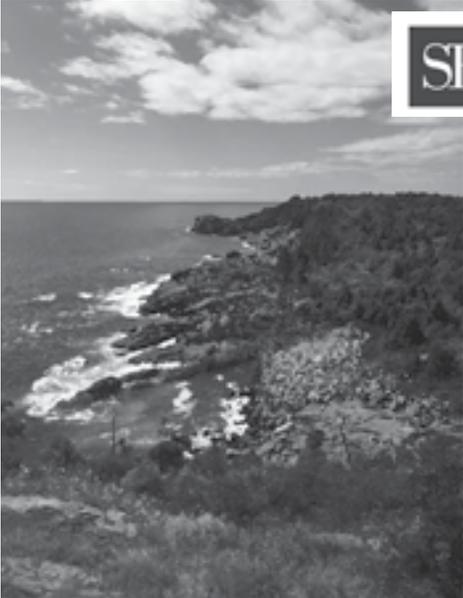


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Town meeting voters decide projects, worry about tax bills

As usual, many issues were addressed this spring, ranging from balloon releases to road construction and from property-tax discounts to library financial support.

By Liz Mockler

Flat budgets, minor and major infrastructure projects, faster internet and using surplus to hold down property taxes are a few of the municipal budget highlights from March and April annual town meetings.

Despite a robust national economy, voters in many of Maine's smallest towns rejected a number of projects and cut spending requests. In others, residents ponied up for public safety trucks, community centers and road work.

In many towns, even with a proposed slim or modest budget increase, taxpayers said they worry about their ability to pay taxes. What has become routine now, taxpayers dipped into savings, sometimes known as "surplus," to maintain the tax rate or to mitigate any increase.

Rotten spring weather made the trek to town meeting unpleasant for many folks. Residents in towns with lots of dirt roads were discouraged as storms brought snow, then ice, then sleet, then more snow and rain.

In northwest and northern counties, there was plenty of snow that nearly drained many plowing accounts. In some cases, the last penny was spent.

Roads, roads, roads

One of this spring's biggest investments was made by Durham voters, who agreed to allow the select board to borrow \$2.1 million to rebuild nearly six miles of road. Taxpayers will begin making payments in 2020 on the 10-year bond.

Durham voters approved the \$2

million bond even though they are already paying off other road bonds, as well as buying a new fire truck paid in large part with reserve money.

"We were very pleased," said Ruth Glaeser, administrative assistant to the Durham Select Board. "I was a little bit skeptical" since voters endorsed a \$2 million bond last year and \$1.1 million in 2016 – all for road reconstruction.

In fact, last year voters reduced the road bond request from \$4 million to \$2 million and authorized the second half this spring.

Residents of the town of 3,900 in Androscoggin County were reminded by town leaders that they are already paying on other road bonds, as well as for a new \$220,000 fire truck. But voters still concluded the roads are in such a condition that they could not wait.

"Our roads were neglected for 20 or 30 years," Glaeser said. "A lot of them are impassable. Maintenance would not be enough."

Just the same, the commitment to fixing the town roads is impressive.

The first bond of \$1.1 million in 2016 paid for the reconstruction of 3.73 miles of road. The second bond in 2018 financed rebuilding 6.19 miles, and this year's bond will complete the multi-phase project with another 5.78 miles, for a total of 15.7 miles. The roads are being completely rebuilt, from the base up.

Durham is a "bedroom community" to both Greater Portland, Lewiston and Auburn and Gray.

In addition to the bonds, voters



Ruth Glaeser

socked away \$380,000 a year for road maintenance. Glaeser said the town maintains three to five miles of road a year, such as ditching and overlays.

"Our board is very aggressive on this," Glaeser said of the road work.

The town will seek the \$2 million bond from the Maine Municipal Bond Bank – as it did for the

previous two bonds. The first bond was for seven years; the final two for 10 years each. The interest rate has been 2% or 2.5% and Glaeser is eager to learn the 2019 interest rate.

Persistent concern

In many communities, voter turnout is a stubborn challenge. City and town leaders want residents to come and ask questions and head off problems in the future. School officials are no different.

But some local officials feel that voters spend little or no time reviewing schools' multi-million-dollar budgets that can eat up 60% to 70% of their tax bills, depending on the size of the towns.

Under Maine's educational system, each town in a regional district usually elects two people to serve on the district school committee. They take weeks to draft the budget and must have it approved by voters in all the district towns.

Attendance at the hearing leading up to the secret vote is no better than for municipalities.

In Gardiner, a single person showed up for the mid-May budget presentation. Gardiner is part

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

of MSAD 11, which also serves West Gardiner

“While the school board members and I were disappointed more community members did not attend, we understand this time of year is a busy time for families,” said Patricia Hopkins, superintendent of MSAD 11.

Hopkins expected a better turnout for the follow-up hearing, which preceded a referendum vote on June 11.

John Myers Jr., Buxton town clerk, said he expected more voters at the June town meeting; last year the turnout was less than 1% of registered voters.

He expected a high volume for the June 11 election since six people were running for two select board seats.

“If you want (voters) to come out, put a barking ordinance on the warrant,” said Myers, who has served the town for 33 years.

Spending savings

In many towns, even with a pro-



Patricia Hopkins



John Myers

posed slim or modest budget increase, taxpayers said they were worried about their ability to pay their taxes. Surplus was used in many towns.

In Surry, voters approved taking \$125,000 from surplus and reserve account money to knock down the budget increase from 4.54% to 1.25%. The school and municipal budgets totaled \$38.7 million, an increase of \$168,000. Schools took \$92,000 of the increase; officials said a half-dozen new students from Surry are attending school this year.

Surry officials cautioned that the surplus account has been used so much there won't be much left after this year's withdrawal. One problem with using surplus on operations rather than one-time projects or emergencies is that taxpayers eventually have to pay the higher taxes they have avoided with surplus funds.

Meanwhile, Island Falls residents agreed to withdraw \$80,000 from surplus after learning the lowest bid for renovations to the community center

was \$235,000. Town officials had budgeted \$155,000.

The cost was not attributed to higher bids, as some construction costs have soared and local and state projects get canceled for now. Rather, the price of renovations ballooned after an engineer inspected the building and found more deficiencies.

Not all projects won approval. New Sharon residents, for example, opposed replacing the town office roof at an estimated cost of \$240,000, although the cost could be higher in the future.

Franklin voters rejected a \$15,000 request for broadband internet planning, despite the issue being a top priority for the state and many municipalities. Meanwhile, Penobscot voters increased their investment in broadband from \$10,000 to \$100,000, with the difference taken from surplus.

The broadband money will be put in a reserve account, town meeting voters were told, evidence of residents' commitment to bringing faster and better broadband access to the town of 1,200.

In Canaan, residents were concerned enough about the tax rate that they cut the municipal budget by nearly \$117,000, mostly from reserve accounts for a fire truck and a new public works garage. Residents also cut \$30,000 budgeted for road repairs.

Norridgewock voters approved an \$879,000 municipal budget, a drop of 18% from the 2018 spending plan because the select board didn't include any money for major road reconstruction projects. Last year, the town invested \$250,000 in taxes and another \$250,000 from landfill fees for road work.

Other business

Other highlights from March and April meetings:

Bingham: The ambulance service's "overly optimistic" budgeting resulted in voters raising an extra \$85,800 for the service – a 48.7% increase over 2018. Ambulance officials said they over-estimated how much money insurance companies would pay.

Carrabassett Valley: Residents agreed to use \$80,000 in surplus funds for a storage shed that will be located next to the town park.

Canaan: Residents rejected a prop-



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Pittston citizens vote to support Gardiner library. (Photo by Liz Chapman)

erty maintenance ordinance intended to compel homeowners to clean up their properties. Some residents favored the idea, hoping to improve the overall look of the town, but others considered it unnecessary government control. The vote was 37 to 71. Voters did pass an ordinance to prohibit flashing, electronic signs.

Chesterville: Voters endorsed an article providing a 3% discount on property taxes paid early. They also narrowly agreed, by a vote of 21 to 17, to a lease-buy purchase agreement for a new plow truck.

Cushing: Residents continued their historic resistance to local regulations. After dumping the town's site plan review ordinance in 2018, they defeated a proposed new one this year by a vote of 101 to 148.

Greene: Voters turned down two proposals that would have allowed licensing and operation of marijuana storefronts. Residents heard from Town Manager Charles Noonan, who said he fears any trouble would be hard to address by police since the town is covered by the State Police and Androscoggin County Sheriff's Office – and response times are hard to pinpoint.

Minot: After some debate over the wording of an article, voters approved a request to borrow up to \$425,000 for a fire truck. The loan will be paid off over five years.

Norridgewock: Voters agreed to seek a federal grant that would help finance two full-time firefighters – the town's first. The grant would be for three years, with 75% of the cost of the firefighters paid with grant money, and then 65% in the third year.

"We are seeing a dramatic decrease in volunteering," firefighter Aaron Gordon told the meeting. "People don't have the time, the energy and they don't want to do it for free."

Orono: Voters passed all eight proposed town charter amendments. The charter has not been updated in 50 years, officials noted. One of the changes made in secret balloting was to increase the threshold from \$50,000 to \$100,000 to trigger a town-wide vote on capital improvement projects. The vote was 426 to 200.

Pittston: After weeks of word-of-mouth debate over continuing the town's membership at the Gardiner Public Library, the article in support of paying a flat annual fee for library privileges based only on population passed overwhelmingly.

A small group of people who opposed the increase from \$23,878 to \$24,574 kept the debate going a full hour before the vote. The overwhelmingly positive vote surprised many residents, considering all the pre-meeting debate. Even an argument by a member of the town's parent-teach-

er group that parents do not have the time and money needed to take their kids to the library held no sway over the vast majority.

Roxbury: The select board was authorized to borrow up to \$300,000 to build a salt/sand shed, to be repaid over seven years. The shed will hold more than one year's supply.

Sidney: Voters rejected an ordinance change that would allow for "cluster" housing projects. Under the plan, home lots could be as small as a quarter- or half-acre, instead of the current one-acre minimum. Developers would have been required to leave half the land in the development for agriculture or green space.

Southport: Voters rejected a proposal to take \$270,000 from the Central School's surplus to finance a new heating system.

Unity: Residents can no longer release a bunch of balloons after a warrant article passed. Under the new "Mass Balloon" ordinance, residents cannot release more than 10 balloons within 24 hours.

The town, known for being "down to Earth" (Re: Common Ground Fair, Maine Organic Farmers) and environmentally sensitive, apparently hopes to set a precedent for other Maine cities and towns.

The select board chairwoman, Penny Sampson, got the idea from Facebook. The new ordinance will not affect kids having balloons at their birthday parties. The rule is meant to stop people from releasing large numbers of plastic balloons to honor a loved one, hoping the balloons will go to heaven. They don't make it that far, instead deflating and ending up in oceans and forests and communities.

A violation of the new balloon ordinance is punishable by a fine of \$250 per incident.

Weld: Voters rejected a proposal to move the annual town meeting from March to June. The select board chairman was disheartened by the 2019 town meeting attendance and thought holding the meeting on the second Tuesday of June, primary Election Day, could increase the number of people who approve the town budget. ■

Across the state, incumbents do well in municipal balloting

By Liz Mockler

Following are among the municipal election results from March and April annual town meeting voting. For space considerations, unopposed incumbents are not included in the listings, with rare exceptions.

The names of challengers also are not included, unless they are former select board members or other former municipal officials. However, former selectpersons are included, regardless of whether they won.

The results are based on news reports and interviews with town clerks. The results are listed in alphabetical order by municipality.

Alna: Outgoing Third Selectman **Douglas Baston** defeated former Selectman **Les Fossel** by a vote of 180 to 58 for the second selectman's seat. Newcomer **Gregory Shute** was unopposed to take Baston's third selectman seat. He received 208 votes.

Athens: Two incumbent select board members easily held off challengers to win two-year terms. **Guy Anton** defeated his opponent by a vote of 106 to 58, while **Charles Rotondi** outpaced his challenger by a vote of 128 to 34.

Blue Hill: **James Dow** received 464 votes to hold off a challenger, who collected 335 votes, to take the select board seat held for 24 years by **James Schatz**, who did not seek re-election.

Canaan: All three select board incumbents held off a challenger to win re-election. **Daniel Harriman** won the most votes with 152, followed by **Jeffrey Clarke** with 141 and **Garrett Buzzell** with 131. The challenger received 81 votes.

Chesterville: **John Archer** defeated a challenger to win a two-year select board seat. Archer received 80 votes to his opponent's 40 votes. Archer replaces **Maitland Lord Jr.**, who did not seek re-election.

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

Eustis: **Jeffrey Lecander** won election to replace Selectman **James Brochu**, who moved out of town. Incumbent **Jedediah Whiting** held his seat against three competitors.

Frankfort: Longtime Selectwoman **Evelyn Adams** defeated a challenger by a vote of 111 to 64. Adams has served since 1991.

Gilead: **Freeman Corriveau** defeated incumbent Selectman **Stephen McLain** by a vote of 22 to 9 for a three-year term. McLain, who has served on the select board since 2007, also lost his bid for a one-year term to fill the seat vacated early by **Byron Stevens**. He lost to **James Bourque** by a vote of 22 to 10 for the one-year term.

Hebron: Newcomer **Curtis Smith** received 24 votes to defeat former Planning Board member **Fred Greenwood**, who garnered 22 votes, to win a select board seat. Smith replaces longtime Selectman **Daniel Eichorn**, who resigned with one year left on his term. Meanwhile, **Richard Deans** was unopposed for a 12th straight term.

Island Falls: **Anthony Binotto** received 57 votes in his uncontested run to replace **Darrell Hartin**, who did not seek re-election.

Knox: Incumbent **Galen Larrabee** defeated **Basil Wentworth** by a vote of 61 to 55, while newcomer **Bruce Grass** squeaked by Wentworth by a vote of 57 to 53 to win the second selectman's seat. Grass replaces **Lucas Bryant**, who did not seek re-election.

Mercer: Incumbent **Jesse Crandall** initially defeated opponent **Gary Mosher** by one vote, 46 to 45, but after a recount, Mosher was declared the winner by a vote of 47 to 46.

Merrill: **Thomas Goff** did not seek re-election after serving 40 years on the select board. **Ralph Bartman III** was unopposed to succeed Goff.

Monticello: Five candidates ran for a single three-year term on the select board, with **Lawrence Goff** drawing

the most votes with 66 to replace **Michael Swimm**, who served for 44 years. **Max Upton** ran unopposed, collecting 109 votes, to replace **Maxwell Good**, who moved out of town.

New Sharon: **Paula Nason** collected the most votes in a three-way race to replace **Robert Neal**, who did not seek re-election. Nason won 62 votes, while her challengers picked up 55 and 22 votes.

Nobleboro: **Jon Chadwick** edged out incumbent Selectman **Harold "Bud" Lewis** by a vote of 100 to 88.

Norridgewock: All five incumbent selectpersons were re-elected, holding off a challenge by Planning Board member **Charlotte Curtis**. Board Chairman **Ronald Frederick** received 127 votes, **James Lyman** collected 125 votes, **Matthew Everett** ended with 121 votes, **Josh Chartrand** garnered 105 votes and **Sara Wilder** received 102 votes. Curtis won 78 votes.

Orono: Selectwoman **Laurie Osher** was the only incumbent in a four-way race for a pair of three-year seats on the select board. Osher received 407 votes, followed by **Terry Greenier**, a former Fort Fairfield town councilor, who received 389 votes to win the second seat. Their opponents collected 338 and 77 votes. **Daniel LaPointe**, who placed last with 77 votes, wanted to create a militia as part of the assessor's office to run some town services. Greenier replaces **Thomas Spitz**, who did not seek re-election.

Penobscot: **Sylvia Tapley** won a three-year term on the select board, receiving 139 votes to outpoll two challengers, who received 36 votes and 15 votes. Tapley replaces **Paul Bowen**, who did not seek re-election after serving as selectman for 26 years and previously as a school board member for nine years.

Pittston: **Rodney "Woody" Hembree III** edged incumbent Selectman **Gregory Lumbert** by a vote of 224 to 208 to win a three-year term. Lumbert was elected as a write-in candidate in

2016. Former Selectman **Roger Linton** resigned just before the town meeting, so his seat will be filled in June 11 balloting.

Poland: Former Selectmen **Stephen Robinson** and **Stanley Tetenman** received 123 votes and 102 votes, respectively, to win three-year terms on the select board. They each held off a challenger, former budget committee member **Arthur Berry**, who garnered 101 votes, and former Planning Board member **Bruce Uldall**, who received 59 votes. Berry, who was present at the polling station for the entire day, did not seek a recount, according to Town Clerk Judith Akers. Robinson and Tetenman replace **Walter Gallagher** and **James Walker Jr.**, who did not seek re-election.

Searsport: Longtime Planning Board member **David Marceau** defeated former Selectman **Chuck Weser** by a vote of 55 to 20 to replace **Donald Corcoran**, who did not seek re-election after serving for eight years. Weser is a former Northport selectman.

Sidney: **Andrew McMullen** was unopposed to serve the final year of former Selectwoman **Laura Parker's** term, while **James Pinkham**, also unopposed, will replace **Timothy Russell**, who did not see re-election.

Smyrna: **Andrew McCluskey** was unopposed to fill the final two years of former Selectman **Ross Crandall's** term. Crandall served on the select board for 40 years before moving to Oakland.

Surry: **Betsy Armstrong** edged out former Finance Committee member **Ralph Topsham** by a vote of 93 to 87 to replace Selectwoman **Rebecca Col-lison**, who did not seek a second term.

Waterford: Newcomer **Todd Sawyer** defeated incumbent Selectman **Wyatt Andrews** by a vote of 124 to 29. Andrews was elected as a write-in candidate in 2010. ■



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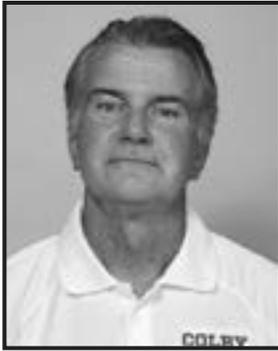
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KEYNOTE SPEAKER: Jack Cosgrove



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!

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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; Ben Thomas, Website and Social Media Editor, MMA; Victoria Forkus, Manager, Town of Jackman

MTCMA Certification – 1 point Human Resources category

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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.

ADA Message: In order to ensure your complete participation, we would appreciate your informing us of any special requirements you may have due to a disability.

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.

PEOPLE



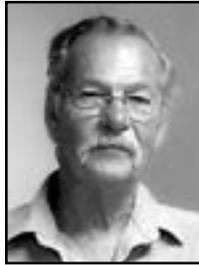
John Bridge

Former Augusta Mayor **John Bridge** died April 30 at the age of 86, ending a life filled with public service, love of family and success in business. Bridge was a veteran of the U.S. Army and joined the family business when he returned. He eventually became president and chief executive officer of The Bridge Construction Corp. He sold the family business in 2004 after serving 40 years before shuttering the 129-year business that was renamed Bridgecorp. Bridge lived in Augusta for more than 50 years before moving to Manchester. Bridge served as mayor of Augusta in 1997 and 1998, as a city councilor from 1989 to 1990 and again in 1995 and 1996. He served on the school board in-between his council service. Bridge was involved in the YMCA, United Way, Kents Hill School and the Boy Scouts, to name a few of his efforts. One of his greatest achievements was leading the effort to raise \$10 million to build the YMCA's current facility, which opened in 2006. His family chipped in \$1.25 million for the project. Among the multiple awards he received over his lifetime, he was named Maine Philanthropist of the Year.

Thomas Goulette retired as Guilford town manager, effective May 10, after serving the Piscataquis County town for 18 years. A Guilford native, Goulette earned a bachelor's degree in English from the University of Maine. After realizing he did not like teaching, he owned and operated an insurance office and real estate agency before taking the job in 2002. He sold the insurance business, but retained the real estate firm for several years until he was sure he would be an effective manager.

Houlton Town Councilor **Terry "Joe" McKenna** resigned, effective June 1, to move back to his native Florida. His wife, **Marty "Mary" McKenna**, resigned from the planning board. McKenna was elected to the council in November 2018, so his term does not expire until 2021. The council plans to name an interim councilor until voters can replace McKenna in November voting. McKenna has

worked in law enforcement for more than 40 years. He and his wife moved to Maine five years ago.



John "Jack" Merrithew

Searsport Selectman **John "Jack" Merrithew** died May 3 at the age of 73. He continued serving on the select board even as he fought an aggressive strain of cancer. Merrithew was known for being very active in community events and celebrations and came from a seafaring family so he loved the ocean. Merrithew also loved being a Civil War reenactor, acting out historic battles at Fort Knox in Prospect. Merrithew served two stints on the select board, having to step down because of his shift work at the former Bucksport paper mill. He was serving the 10th year of his second stint when he died. A veteran, Merrithew served as a volunteer firefighter for the town for 15 years.



Sandra Mitchell

In a town of 1,200, it's practically impossible not to know the town office staff that collects taxes, issues hunting and fishing licenses and performs many other duties. **Sandra Mitchell** is well-known in Strong for her dedication to the community and its residents. In May, the Strong Select Board surprised Mitchell with a bouquet of flowers and a

plaque marking her 25 years of service. Her town office jobs include deputy clerk, tax collector, treasurer and director of General Assistance.

Cape Elizabeth police last month welcomed the first female officer to serve on the force in 15 years. Officer **Tammy Schafran** was one of seven candidates for the job and moved from New York to Gorham when she landed the job. Schafran graduated from the State University of New York at Brockport in 2010 and served as a security officer at the university's Buffalo campus after her graduation. She was sworn in during a May 7 ceremony.



Mary-Anne Szeniewski

York Town Clerk **Mary-Anne Szeniewski** was named the 2019 Lorraine M. Fleury Award winner for outstanding service, dedication to her work and her contribution to the election process, both in York and in many other communities. The Fleury award is presented annually by the Secretary of State in honor of the late director of Maine elections. The award was presented during the yearly clerks' conference on May 28. Szeniewski has worked for the town for 37 years and helped the municipality transition from an open town meeting to secret ballot voting for the budget and candidates. She also is often called for help from other clerks with questions about Election Day and balloting. She said she loves her job, helping other clerks and the public. ■

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BIDDEFORD

Motorists who park in the downtown began paying higher fees in May, after the city gave them a six-month grace period to adjust. The new parking plan, endorsed last September by city council, included placing parking kiosks in areas where parking had been free. The rates have increased significantly since the first, short-term rates were charged. Effective May 2, the new rates are: \$2 an hour; \$50 for a Monday through Friday pass, up from \$30; \$35 for passes for overnight and weekend parking, up from \$20; and \$65 for a 24/7 pass, an increase from \$40. Nine parking lots are affected.

BOOTHBAY

The Plastic Free Peninsula (PFP) group is pushing to get rid of the three worst items that litter Greater Boothbay towns and end up polluting the ocean: single-use plastic bags, polystyrene and cigarette butts. Group members said they know not all plastic can be removed, but want to eliminate as much plastic and other junk that ends up on the shore, in the water or in recreational areas as possible. Gov. Janet Mills recently signed a bill making Maine the first state in the nation to ban all foam, Styrofoam food containers and cups. The Boothbay group's plan to rid the area of the top three items includes lobbying the Legislature, initiating local ordinances; and recognizing businesses that have taken the initiative themselves to eliminate plastic items.

CARIBOU

The city expects to save nearly \$100,000 a year by converting streetlights to LED. The council in mid-May voted in favor of acquiring 596 streetlights from Emera Maine and then have the firm Real Term Energy convert them. The cost estimate is \$305,724, all of which city officials say they will recoup within three years of the conversion. Some councilors noted that many streetlights had been turned off because of the cost of electricity. The fire chief said the non-operational lights have been removed. Under the plan, the city will be able to add more lights to rural areas of the city that have no street lighting.

DOVER-FOXCROFT

The town's fire department crew has bestowed the rank of honorary junior

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.

Affordable Housing. MaineHousing will hold five forums around the state this summer on affordable housing, examining issues such as community development, affordability and homelessness.

MMA Executive Committee. Maine Municipal Association's Nominating Committee has put forth a new slate of officers for 2020. There is also a petition process for nominations. Petition forms are due by July 5, 2019.

Senior Tax Lien Notices. MMA's Legal Services Department updated its 30-day demand lien forms to comply with the law enacted last year that helps qualified, low-income senior citizens avoid foreclosure.

firefighter on Brayson Dunton, a 10-year-old battling cancer. Dunton's dream has always been to be a firefighter. When the department found out about the boy, they gave him an escort by police and firefighters after his last round of chemotherapy; previously he underwent surgery to remove a brain tumor. He will be eligible to become an official junior firefighter when he turns 14. A crew of firefighters and top department officials invited Dunton's family to the fire station for the presentation of a plaque. They call the fourth-grader their hero.

ROCKLAND

During budget discussions in early May, the city council agreed it would prefer to ask voters for a bond in November ranging from \$5 million to \$10 million to complete repairs and paving of all city streets. Voters approved a \$2.7 million bond referendum two years ago, but the council did not borrow the money so the city could pay off its other bonds. Fifteen streets would be paved should the council send another road bond to voters.

OGUNQUIT

Following months of turmoil, an effort to recall all three select board members failed May 9. One member held on by 24 votes, while recalling the other two failed by 28 votes and 82 votes. Board members were visibly relieved. Their supporters said the recall election failure indicated a majority of residents are satisfied with the job being done by the town manager and board. The controversy leading up to the town's first recall petition started when the fire chief was fired last fall.

SANFORD

The city has been awarded a \$300,000 Community Development Block Grant (CDBG) from the state to be used to improve the privately owned Mid-Town Mall on Main Street. The mall owners intend to contribute at least \$75,000 toward the city's 25 percent match requirement. They also plan to spend another \$40,000 to beautify the mall. The project is among many the city has made or has planned to revitalize the downtown. ■

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MUNICIPAL BULLETIN BOARD

SPECIAL SESSION!

July 22

Verbal Judo: Saco

One of MMA's most popular programs – Verbal Judo: Tactical Communications for the Contact Professional – returns on July 22. The all-day workshop will be led by Joel Francis, National Director/Trainer for the Verbal Judo Institute. It begins with registration at 8 a.m. and will be held at the Ramada Inn and Conference Center in Saco. It is scheduled to conclude at 4:30 p.m.

Boiled down, Verbal Judo teaches employees who have contact with the public how to calm difficult people who may be acting out of emotional stress or other influences. Cost is \$110 for MMA members and \$205 for non-members.

July 30

Planning Boards/Boards of Appeal: Bethel

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on July 30 at the Bethel Inn in Bethel.

The workshop is designed as an introduction for new or less experienced members, but veteran board members may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members.

July 30

New Clerks: Waterville

The Maine Town and City Clerks' Association will hold a new clerks' workshop on July 30 at the Waterville Elks Banquet and Conference Center in Waterville. The day-long course is designed to familiarize newly elected and appointed clerks to the duties and responsibilities of this important office.

The instructors include: Kim McLaughlin, Town Clerk in Old Orchard Beach; and, Patty Brochu, City Clerk in Old Town. The course covers an array of topics, and is valuable to clerks from large and small municipalities. Registration begins at 8:30 a.m. The workshop concludes with a Q&A session at 4 p.m. Cost is \$60 for MTCCA members and \$80 for non-members.

SPECIAL SESSION!

Aug. 21

MMA's Legal Update on Marijuana: Saco

Staff from Maine Municipal Association's Legal Services and State & Federal Relations departments, plus the Director of Maine's Office of Marijuana Policy, will provide a valuable update on the status of legal marijuana use in Maine, a public and regulatory issue that is still evolving. The afternoon workshop begins with registration at 1:30 p.m. and will be held at the Saco Ramada Inn and Conference Center. Cost is \$45 for MMA members and \$90 for non-members.

IMPORTANT NOTE: This workshop will not provide criminal investigatory or arrest advice for police. The class is designed to update municipal leaders and department heads about commercial, retail and medical marijuana establishments in their communities.

Aug. 22-23

MMTCTA Basic Accounting: Waterville

The Maine Tax Collectors' and Treasurers' Association will hold a two-day workshop on basic accounting functions, starting with registration at 8:30 a.m. on Thursday, Aug. 22. The workshop will be led by Marc Roy, audit manager at the Berry Talbot Royer CPA firm in Falmouth.

New municipal treasurers are highly encouraged to attend. Attendance on both days is mandatory for MMTCTA cer-

tification. Cost for the workshop is \$110 for MMTCTA members and \$140 for non-members.

Aug. 28

Elected Officials Workshop: Jay

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Aug. 28 at LaFleur's Restaurant on Main Street in Jay. 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.

Sept. 12

Planning Boards/BOA: Orono

An attorney from MMA's Legal Services Department and Kristin Collins, attorney with Preti Flaherty in Augusta, will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on Sept. 12 at the Black Bear Inn and Conference Center in Orono.

The workshop is designed as an introduction for new or less experienced members, but veteran board members may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members. ■

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

Use the following link:

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

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LEGAL NOTES

Student Interns & Municipalities

Question: Are college or grad student interns with municipalities required to be paid?

Answer: No, not if there is no promise, expectation, or receipt of compensation.

According to federal Fair Labor Standards Act (FLSA) rules, a person who works for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation, is considered a volunteer (see 29 CFR § 553.101). Consequently, the FLSA's minimum wage and overtime pay requirements do not apply.

To prevent manipulation or abuse of the FLSA's requirements, the rules also state that individuals will be considered volunteers only if their services are offered freely and without pressure or coercion, direct or implied, from their employer.

Finally, the FLSA's rules state that an individual will not be considered a volunteer if otherwise employed (paid) by the same public agency to perform the same or similar type of services.

Maine wage and hour laws do not specifically address volunteers or unpaid internships, but we have no reason to believe the Maine Department of Labor differs from the federal view.

To help ensure that there is absolutely no expectation of compensation, we recommend that the employer's written description of the internship explicitly state that it is unpaid. We also recommend, before the internship starts, that the employer and the intern (and ideally the school) sign a written agreement expressly acknowledging that there is no expectation of compensation and no promise of future employment.

Of course, we should note that there's nothing wrong with paying an intern if that's what the employer wants to do. If the employer chooses to pay an intern, though, it should be at least the minimum wage.

For more on the federal Fair Labor Standards Act and municipal employers, see MMA's "Information Packet" on the subject, available free to members at www.memun.org. (By R.P.F.)

Maine's Data Breach Law

Question: What is a municipality re-

quired to do if it discovers a data breach involving personal information of employees, customers, or others?

Answer: Maine's Data Breach Law (aka Notice of Risk to Personal Data Act, 10 M.R.S. §§ 1346-1350-B) requires any entity that maintains computerized data that includes personal information, such as social security numbers, driver's license numbers, account or card numbers, or account passwords or access codes, to investigate promptly if it suspects or becomes aware of a data breach.

If the investigation reveals that a Maine resident's personal information has been misused by an unauthorized third-party or it is reasonably possible that misuse will occur, the entity must notify in writing all affected individuals as soon as possible, consistent with any law enforcement investigation. The Maine Attorney General's office must be notified as well. If more than 1,000 individuals are affected, consumer reporting agencies must also be notified.

The Act does not specify the contents of notice except for notice to consumer reporting agencies. Good practice, though, would be to summarize the type and timing of the breach, the type or types of information breached, how the breach is being or will be addressed, appropriate precautions, and where to go for more information.

Maine's law is enforceable only by the State. A violation is punishable by a civil fine of not more than \$500 per violation, up to a maximum of \$2,500 for each day of violation.

For a helpful set of FAQs on data breaches, go to https://www.maine.gov/pfr/insurance/faq/data_breach_faq.html.

For an equally helpful primer on Maine's law, go to this webpage courtesy of the Preti Flaherty law firm <http://www.preti.com/publications/what-to-do-after-a-data-breach-a-primer-on-maines-security-breach-law/>. (By R.P.F.)

Fees Versus Taxes

Question: What's the difference between a permissible fee and an unauthorized tax?

Answer: The Maine Supreme Court has answered this question in two separate cases in recent years. In *City of Lewiston v. Gladu*, 2012 ME 42, the Court upheld an annual stormwater fee as a fee, not a tax,

MUNICIPAL CALENDAR

JULY 4 — Independence Day — A legal holiday (4 MRSA §1051).

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

ON OR BEFORE JULY 31 — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit payment as prescribed by the State Tax Assessor (36 MRSA §5253).

BETWEEN MAY 1 AND OCTOBER 1 — Municipal officers may initiate process to close certain ways during winter months (23 MRSA §2953). For further information, see the MMA Municipal Roads Manual.

BY JULY 31 — Supply certification to the Maine Department of Transportation that Local Road Assistance Program (LRAP) funds will be used consistent with the requirements of the law (23 MRSA §1804). ■

where the revenues paid for only stormwater-related expenses and the fee was based on the amount of impervious surface area of each property. And in *State v. Biddeford Internet Corp.*, 2017 ME 204, the Court upheld a broadband sustainability fee as a fee, not a tax, where the revenues paid for broadband infrastructure expansion and the fee was assessed only on broadband service providers.

In both cases the Court employed a four-part test: (1) whether the primary purpose is to raise revenue or further regulatory goals, (2) whether there is a direct relationship between the assessment and the benefit conferred, (3) whether the assessment is voluntary in that it can be avoided, and (4) whether the assessment is a fair approximation of the government's costs and the benefit conferred.

The distinction between fees and taxes is critical because, while municipalities can (and do) assess fees for a wide va-

LEGAL NOTES

riety of things, the power to tax rests exclusively with the State Legislature, and municipalities have no “home rule” authority to impose or collect a tax unless expressly authorized by statute (see Me. Const. art. IX, § 9).

As for the permissible amount of a fee, a State statute expressly limits fees for land use permits to the reasonable costs of administration and enforcement (see 30-A M.R.S. § 4355). Otherwise, the common law (see, e.g., *Gladu* and *Biddeford Internet Corp.* cited above) limits fees to an approximation of the government’s costs and the benefit conferred.

For more on fees, including user fees, impact fees, ambulance fees, and so on, see our “Information Packet” on the subject, available free to members at www.memun.org. (By R.P.F.)

Is There a Local ‘Hatch Act’?

Question: The federal “Hatch Act” prohibits federal employees from engaging in partisan political activities while at work or in any official capacity, and there’s a state-law equivalent for Maine State employees. Is there also a similar law for municipal employees?

Answer: No, but a municipality could adopt analogous prohibitions on its employees by municipal charter, ordinance, or ethics policy.

The Hatch Act bars most federal employees from engaging in partisan political activities while on duty or in the workplace or in any official capacity at any time. It also prohibits federal employees from soliciting or receiving political contributions at any time. It also applies to some state and local government employees who work in federally funded programs. For more details, see the following website: <https://osc.gov/Pages/HatchAct.aspx>

The state-law equivalent for Maine State employees is located in 5 M.R.S. § 7056-A. It contains provisions similar to the Hatch Act but, like the federal law, it does not prohibit state employees from engaging in personal political activities such as voting, expressing opinions on political subjects, contributing time or money to political organizations or causes, or any other protected First Amendment activities.

As we noted, a municipality could adopt similar restrictions in a charter,

ordinance, or ethics policy. A charter of course would require a popular referendum vote, while an ordinance would need a vote by the municipal legislative body (town meeting or town or city council). An ethics policy governing the conduct of elected and appointed officials, however, may be adopted by the municipal officers (selectmen or councilors) alone, without either a popular vote or a vote by the municipal legislative body (see 30-A M.R.S. § 2605(7)).

We recommend that interested municipalities work closely with competent legal counsel to ensure that any restrictions on political activities by local officials and employees are carefully balanced and avoid infringing on constitutionally protected individual rights.

For a Whitman’s Sampler of municipal

codes of ethics in Maine, see our “Information Packet” on ethics and conflicts of interest, available at www.memun.org. (By R.P.F.) ■

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2019 FALL BOND ISSUE SCHEDULE

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

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

Thursday, August 1st
Application Deadline.

Wednesday, August 28th
Application approval (Board Meeting).

Thursday, September 12th
Preliminary opinions and loan agreements due from bond counsel of each borrower.

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

Friday, September 13th
Last date for signing school contracts and rates in place for water districts. PUC approvals due.

Monday, September 30th & Tuesday, October 1st
Maine Municipal Bond Bank Pricing.

Wednesday, October 2nd
Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Wednesday, October 16th
Final documents due from bond counsel.

Wednesday, October 30th
Pre-Closing.

Thursday, October 31st
Closing - Bond Proceeds Available (1:00 PM).

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

If you would like to participate in or have any questions regarding the 2019 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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