

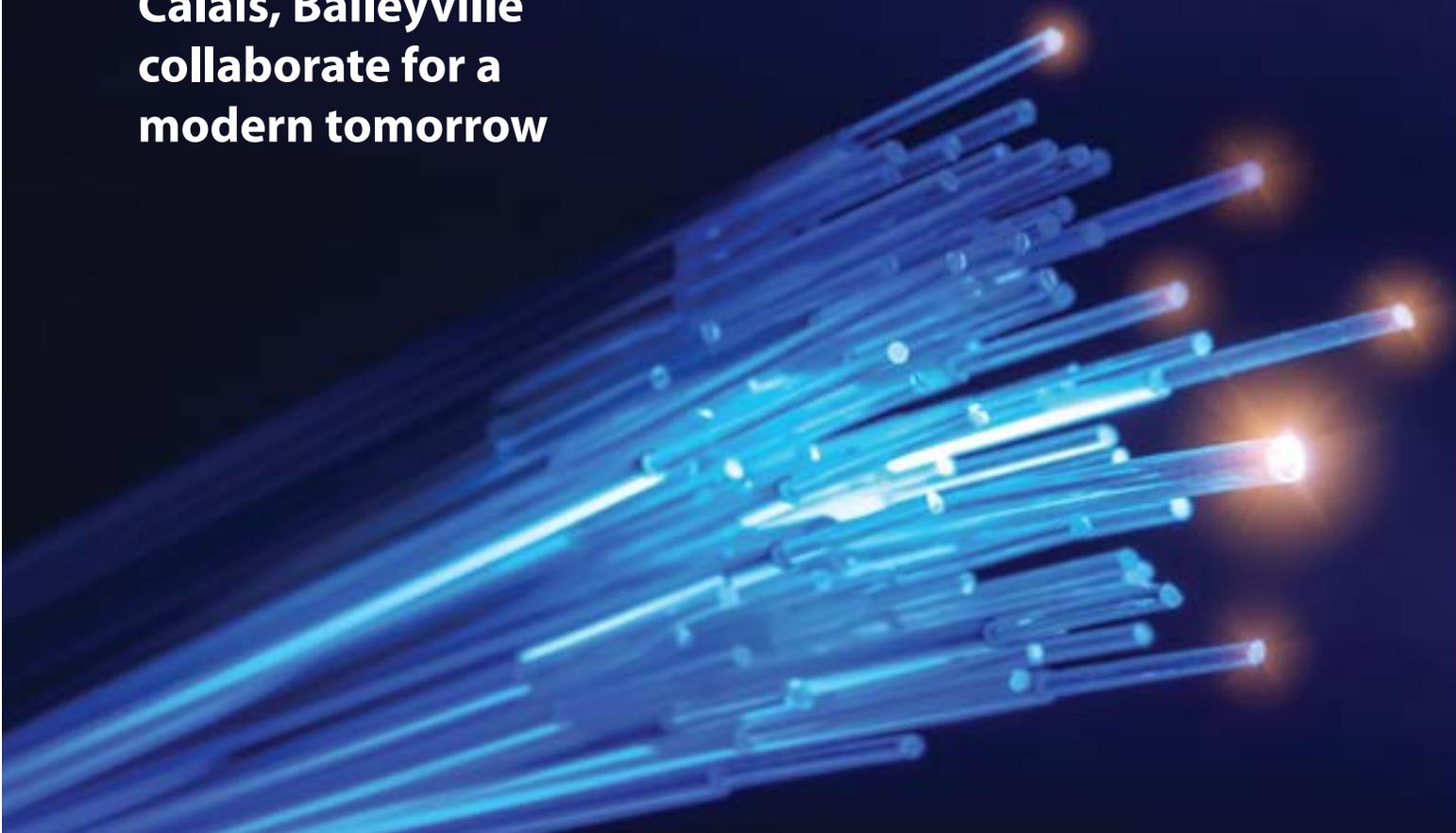
Maine Town & City

The magazine of the Maine Municipal Association

MAY 2019

High-Speed Teamwork

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collaborate for a
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Bright trend: LED conversion
Reaching state, federal leaders
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Maine Town & City

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Point of Know Return



Towns and cities of all sizes see the financial wisdom behind converting street lights to LED technology. Question is: Which option to choose?

Working together, the Town of Brownville and several environmental organizations solved a stream crossing problem that was "centuries old."
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Seventh-grade essays: Winners in the Maine Municipal Association's Sixth Annual Essay Contest hail from Cumberland, Windsor and Wiscasset.
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MMA Reaches Out

In recent months, MMA held important outreach visits with Gov. Janet Mills and all four members of the Maine Congressional delegation. [Page 5](#)

Route 1 Series

Our focus on municipalities along U.S. 1 features Calais and Baileyville, where leaders – and voters – are taking the concept of collaboration to a new level.
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HR-Management Conference Program

Former U-Maine Football Coach Jack Cosgrove headlines our 2019 HR-Management Conference, to be held June 27 in Waterville. [Page 26](#)

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A MESSAGE FROM MMA

BY STEPHEN W. GOVE / EXECUTIVE DIRECTOR

MMA strengthens links with state, federal partners

The word “association,” as in the Maine Municipal Association, means a connection or cooperative link between people or organizations. A partnership. MMA’s advocacy strength derives from the 485 cities, towns and plantations who are partner members of the league.

One of the primary planks of MMA’s advocacy platform is to establish and maintain a partnership with the state and federal governments. This tenet recognizes that municipal government is an equal partner in the delivery of essential services and programs to the very same people who pay taxes and receive services from the state and federal government. MMA seeks to build a cooperative link with state and federal officials, starting with our Governor and Congressional delegation members.

Earlier this year, MMA’s State & Federal Relations staff prepared our annual Federal Issues Paper. The 35th issue of this document that serves as the agenda for MMA’s annual meeting with the four members of Maine’s Congressional delegation. On March 13, two dozen elected and appointed municipal officials from Auburn, Augusta, Bath, Brewer, Gardiner, Portland, Saco and Vassalboro traveled to Washington, D.C. to meet with U.S. Senator Susan Collins, Senator Angus King, Representative Chellie Pingree and Representative Jared Golden. MMA President Mary Sabins and Vice President Christine Landes led the group and discussed the importance of the municipal-federal partnership on programs such as Community Development Block Grants (CDBG), transportation investment, broadband expansion and affordable housing.

The group also covered concerns with federal pre-emption in the areas of small cell development and cable franchising and the shifting responsibilities for enforcing

environmental regulations. Maine is fortunate to have a Congressional delegation that supports funding for federal programs, like CDBG, that work in Maine and a collaborative, working partnership with municipal governments. The meetings strengthened the municipal-federal link.

On April 18, the 12-member MMA Executive Committee met with Governor Janet Mills as a step to building MMA’s partnership with Maine’s new Chief Executive. Going back to Governor Joe Brennan, with the exception of the immediate past administration, MMA’s Executive Committee has met periodically with Maine’s governors as a Municipal Advisory Council. With the election of Governor Mills, MMA made it a priority to re-establish this opportunity to discuss municipal issues and serve as an information resource to her administration. Governor Mills welcomed the opportunity.

MMA President Mary Sabins led the discussion with the Governor. Executive Committee members spoke on restoration of revenue sharing, unmet municipal needs and property tax increases resulting from revenue sharing cuts and the several bills that could add costs to workers’ compensation coverage. Governor Mills shared her budget priorities and her effort to partially restore revenue sharing, commitment to the homestead exemption and funding for general purpose aid to education. The group recognized the Governor’s leadership on addressing the opioid crisis and committed municipal support to assist the state in addressing the issue.

MMA appreciates this positive meeting with Governor Mills and is looking forward to future meetings as her Municipal Advisory Council – strengthening the municipal-state link. ■



MMA delegation meets with U.S. Sen. Susan Collins.
(Submitted photo)



MMA Executive Committee meets with Gov. Janet Mills.
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Converting streetlights to LED technology a growing trend

Affinity, Emera and RealTerm Energy are all players in the municipal market. Local officials say savings are real, and new technology offers other benefits.

By Janine Pineo

A wave of communities across the state is taking advantage of a change in law to convert their streetlights to energy-conserving LED fixtures.

But are the savings there for municipalities, especially smaller ones, to make the switch?

“If you’re not doing it, you’re not doing something right,” said Ralph St. Pierre, assistant city manager in Augusta, which is expecting to save \$273,000 annually on 2,200 streetlights.

Before 2013, municipalities were required to lease streetlights through electric utilities, paying the costs of electricity, rent and service, while the utility paid taxes on its property – the streetlights, which traditionally have been high-pressure sodium lights.

Innovation has improved light-emitting diode or LED lights, which have been around for decades. Even so, it’s not as simple as swapping out one bulb for the other; the entire fixture generally has to be replaced. The law change in 2013 opened up the possibility of municipalities choosing what they wanted to do with that perennial line in the annual budget: Keep the status quo or change it.

Dover-Foxcroft, Piscataquis County’s largest municipality with about 4,000 residents, decided to change it, completing its streetlight switch late last summer. Town Manager Jack Clukey said officials began working on the conversion in 2016 when the 2013 law change came out of rule-making from the Public Utilities Commission.

The town has 325 lights that it



Coutts Brothers employee prepares LED light for installation in Eliot. (Eric McCallister photo)

now owns. Clukey said the annual streetlight budget will continue with the same \$60,000 but the money will be divvied up differently, with only \$15,000 needed to pay the utility bill to Central Maine Power. The remainder will go toward paying an eight-year note that is part of a lease-purchase agreement.

“It’s a little bit nontraditional,” Clukey said. “We leased the up-front capital costs to do this conversion.”

Dover-Foxcroft signed a contract with RealTerm Energy based in Annapolis, Md. The company determined the town’s conversion plan, got competitive pricing on the new fixtures and arranged a service contract with a local vendor.

After the note is paid, the “extra”

\$45,000 will be set aside yearly to the tune of \$540,000 in 12 years, when the lights with their expected 20-year lifespan will need to be replaced. “We’ll have brand new lights every 20 years without increasing the budget,” Clukey said. “We have more control over our lights.”

Some of the funds will be used to maintain the lights if they fail, but the fixtures start with a 10-year warranty, Clukey said.

Augusta chooses Affinity

Augusta opted for smart controls on its traditional streetlights, part of a \$1.15 million conversion of its more than 2,200 lights. Bob LaBreck, facilities manager and project manager for the conversion, said the controls have

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

Collaboration Corner is a regular feature in Maine Town & City, highlighting ways that municipalities work together to become more efficient and better serve citizens.

several benefits, including dimming lights for an event such as a fireworks show. What it won't save necessarily is money.

"Having a dimming option on un-metered poles does not save," he said. The amount CMP charges on un-metered poles is rated on usage and the month in which it is operating, with more usage in December than July, for example.

Augusta purchased its lights from CMP and signed with Affinity LED Lighting, which manufactures its own lights in its Dover, N.H., plant. The conversion of the city's streetlights was about 90 percent complete in late April; the decorative fixtures, of which there are about 280, will be updated with new globes and LED replacement bulbs in the next few weeks.

It cost about \$225,000 to buy the lights back from CMP, said Ralph St. Pierre, assistant city manager and finance director. Augusta's lease-purchase agreement will cost \$135,000 annually for the first 10 years. After that, the cost will be about \$138,000 per year. Electricity use will be cut by about two-thirds and save the city \$33,000 annually, he said.



A new LED streetlight is installed in Eliot. (Eric McCallister photo)

One unexpected surprise in Augusta was how many streetlights weren't functioning, yet the city had been paying all associated costs with the utility. "Over 250... weren't operating," said St. Pierre, but it was too late to dispute the findings with CMP because the buy-back contract had been signed.

Maintenance with the Affinity

lights is a different story because of "smart controls." If a light malfunctions, a message is sent. "We can tell something's not working," LaBreck said.

Grand Isle's process

Grand Isle spent a couple of weeks trying to determine if it could use smart controls for its new lights, which



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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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were installed in April.

“The tech required to do that does not exist in Grand Isle, Maine,” said Selectman Terry Helms. “We were hoping we could dim the lights in residential areas. We can always go back and do an upgrade, but it will cost us money.”

The Aroostook County town of about 430 people is on the border with Canada and has cellular service from two providers, one of them Canadian. None of the three available sensors would function with either cellular service.

Working with RealTerm Energy, Grand Isle finished replacing its 53 lights in April and was able to add 14 more. Two of the added lights are awaiting installation of a secondary power supply, but otherwise the new lights are on. “It took less than three days to get everything installed,” he said.

Helms said the town spends between \$7,000 and \$8,000 annually on its lights, and as soon as Grand Isle bought the lights, the bill dropped by \$500 per month. Another \$100 per month is expected to be shaved off for electricity, he said, because of the decreased use with LEDs even though the town added 14 more lights.

The fixtures will be paid off in five years and the town will still be saving money, Helms said. The lights are fully guaranteed for parts and labor the first year, and then parts for the following nine.



Tote system used by Affinity Lighting. (Eric McCallister photo)

Staying with Emera

Presque Isle is nearly finished with its switch, according to City Manager Martin Puckett. The city of 9,000 has approximately 700 streetlights with a budget of \$150,000 annually. While it initially worked with RealTerm Energy to assess its situation, the City Council decided to stay with Emera Maine for several reasons: The city has a long-term relationship with the company, the company pays property tax and the company employs local residents.

Puckett said there is no contract with Emera. “We just requested they switch the lights,” he said.

The results of the change will be major savings, Puckett said, and that

will be used to reduce property taxes. The savings for 2019 are about \$25,000 because it is the conversion year, he said, but next year only \$80,000 will be budgeted, saving the city \$70,000 annually.

Mexico has signed a 15-year contract with CMP to convert its 317 streetlights later this year at no cost to the town for the change.

Town Manager Jack Gaudet said the expense and upkeep of ownership was not something the town of 2,600 residents wanted to do. “It was the inherent costs with owning your lights,” he said. “It seemed like it made sense.”

With an annual budget of \$51,000, the expected savings from using less

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electricity should be about \$12,400 once the lights are installed. Gaudet said the wait on installation will be three to six months. "The contract put us into this line," he said.

Limestone is beginning the process to decide what to do about its lights. "I'm still just gathering data," said Town Manager Elizabeth Dickerson, who said the town would decide in a month or two whether to stay with Emera or work with RealTerm Energy to convert the 118 fixtures. The town of about 2,300 budgets \$31,000 a year for its current streetlights.

Two pilot LED fixtures have been installed for officials and residents to observe brightness, coverage and light color (LED lumens can range from a blue-white hue to a warmer orange shade).

"You actually can see a lot better with them," she said.

One of the considerations for the lights is that they be dark-sky compliant, Dickerson said. Limestone is home to the Maine School of Science and Mathematics, which has an astronomy program. "That's an important issue," she said.



A 25-watt light like this one in Eliot is common in residential areas. (Eric McCallister photo)

Working together

A trend with the LED conversion is the emergence of groups of municipalities to leverage possible cost savings. Presque Isle, Grand Isle and Limestone joined 11 other County towns to present a united front that

had 3,500 streetlights needing to be switched. Presque Isle Manager Puckett said the Aroostook Municipal Association had five different entities that responded its single request for proposals.

Mark Carter, vice president of sales

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for RealTerm Energy, said his company has seen several groups with multiple towns look for offers that reduce costs because buying in bulk can save everyone. “I think that really benefits the smaller towns if they can get into a larger group,” he said, citing the Camden group as an example. Camden joined forces with Rockland, Thomaston, Rockport and Union and recently signed with RealTerm.

The Maryland-based company has completed installations in Falmouth, Dover-Foxcroft, Mount Desert, Wells and Grand Isle. South Portland should be finished by the end of April, Carter said, with conversions starting in April for Freeport and Biddeford. Carter said the company expects to complete 26 more municipalities by the end of 2019.

Affinity joins the market

Affinity LED Lighting entered the Maine market in the last quarter of 2018. Steve Lieber, company president and founder, said the business worked for nine months with CMP to determine how to proceed in Maine because of the legal differences between Maine and New Hampshire, where the

company has converted 35 municipalities to the tune of 30,000 streetlights.

Kittery, Augusta and Eliot were the first to select Affinity. Eliot’s conversion is completed, with Augusta in progress and Kittery just signing its contract, Lieber said. Gardiner’s conversion begins in May, with another eight or nine municipalities in various stages of interest with Affinity, he said.

Lieber said his company does things differently on purpose. “Our business model is definitely unique,” he said. “We take ownership of the

entire customer-value chain.”

For Affinity, that begins with the assembly of its own lights by U.S. veterans in its facility in New Hampshire, manufacturing traditional streetlights, exterior parking and area lighting and interior smart lighting for offices and schools. The company offers contracts with full turn-key options, but it takes a different approach in long-term maintenance contracts.

“LEDs are very, very stable,” he said. The life of Affinity’s LEDs is more than 120,000 hours, and over



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20 years, the lights would run for approximately 86,000 hours. To Lieber, it doesn't make financial sense to set a 10-year contract right out of the gate. "You pay on assumption, not consumption," Lieber said.

"I think there is a future solution that is going to be far more cost-effective... than a 10-year maintenance contract," Lieber said. What he envisions is neighboring municipalities joining forces on the maintenance end to lower costs and "pay-as-you-go instead of an insurance plan," he said. "We're committed to help them."

Six villages

Mount Desert, with its year-round population of about 2,000, finished installing new lights across its six villages last fall, with the most fixtures in Northeast Harbor. Town Manager Durlin Lunt said the Sustainability Committee had a primary goal for its 274 streetlights from the start. "The committee from day one was focused on purchasing," he said.

Lunt said the new fixtures are paid for in the streetlight budget, which was reduced by 16 percent to \$25,750 this year. The town contracted with RealTerm Energy and decided to do its own maintenance, which thus far has included redirecting the angle of three or four fixtures because the light was shining in the windows of residents' homes.

He said they might need to adjust a few more when the summer residents return. "If it's the same type of ratio, we won't be busy," he said.

Another benefit to the LED streetlights is a reduction in light pollution, a key component to the "dark sky" initiative. Clukey said the decorative fixtures through Dover-Foxcroft's downtown and along past Foxcroft Academy are shielded, which keeps the light directed down and not scattering into the sky.

Mount Desert also wanted to reduce light pollution. "This is a resort area and there is a lot of support for dark skies," Lunt said.

The LED fixtures have other options, including the aforementioned "smart controls" that allow individual lights to be programmed to dim at certain times. There is also a public wi-fi repeater system that can boost access by creating a relay from streetlight to streetlight.

CMP is in talks with about a dozen towns, according to Catharine Hartnett, manager of corporate communications at CMP. "We've completed work in seven towns," she said.

A 15-year contract is the company standard, she said, and it revolves around the planning for and lifespan of the fixtures. There is an option for municipalities to own the streetlights and CMP will do the maintenance, she said, along with the option for the

company to both own and maintain the lights.

CMP and Emera offer two types of fixtures, residential streetlights and area lights such as those used over parking lots.

Hartnett said that right now, it's first come, first served for towns ready to sign up. "We only have so many in-house crews to support the work," she said. ■

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'It takes action:' Two communities team up for high-speed internet

They may be high school sports rivals, but Calais and Baileyville recognize the wisdom of pooling resources to build an open, high-speed internet network.

By Susan Cover

Municipal officials in two Washington County towns recently joined forces to not only boost their internet speed but with an eye toward drawing new businesses and jobs to their region.

When Calais and Baileyville municipal officials began looking into joint economic development opportunities, they soon realized that working together would get them much further than competing against each other. The result was the creation of the nonprofit Downeast Broadband Utility that put in place the framework for the City of Calais and Town of Baileyville to bring high-speed internet access to businesses and residents.

"What makes this unique is the consolidation of effort between two small communities," said Calais City Manager Mike Ellis. "When you boil it down to a high school sporting event, we've been arch rivals our whole life. We've all realized we have to work together down here and consolidate services every way we can."

For Calais, population 3,000 and Baileyville, population 1,500, it became clear early on during their joint economic development conversations that there just weren't enough customers to create the kind of competition to make high speed access readily available and affordable. The communities along U.S. Route 1 in Washington County,



Mike Ellis

with abundant blueberry fields and an active paper mill, sit on the shores of the St. Croix River with New Brunswick, Canada an easy border crossing away.

Rivals no more

"What makes this unique is the consolidation of effort between two small communities," said Calais City Manager Mike Ellis. "When you boil it down to a high school sporting

event, we've been arch rivals our whole life. We've all realized we have to work together down here and consolidate services every way we can."

For Calais, population 3,000 and Baileyville, population 1,500, it became clear early on in their joint economic development conversations that there just weren't enough customers to create the kind of competition to make high speed access readily available and affordable. The communities along U.S. Route 1 in Washington County, with abundant blueberry fields and an active paper mill, sit on the shores of the St. Croix River with New Brunswick, Canada an easy border crossing away.

After doing a feasibility study in 2016, the two entities formed the utility. Jim Porter, former Calais city manager, said it took a lot of legal work, but they were able to file the articles of incorporation for the utility in 2017.

"Both Calais and Baileyville voted on funding," Porter said, noting that the Calais City Council approved their portion of the funding and Baileyville residents approved it at a Town Meeting.

ABOUT THIS SERIES

Through December, Maine Town & City writer Susan Cover will take us on a Maine journey along U.S. Route 1, starting with articles in March and April from Madawaska and Presque Isle. We will highlight municipalities 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

Calais' portion was \$1.6 million and Baileyville was to pay \$1.5 million, which meant taking out bonds to cover the cost. After that, they had to get permission – pole rights – to string new fiber optic cable on existing utility poles. That required approval from the state Public Utilities Commission.

"As you can imagine the people we're trying to get the pole rights from, they are competition in a way, so they slowed the process down a bit," said Ellis, who took over for Porter in January.

After years spent laying the legal groundwork, work started in Baileyville in January and work in Calais was set to start shortly thereafter. Eventually, high-speed service will be available to 97 percent of homes and businesses. Porter said the network will be open, meaning that internet service providers will bid to offer the service once the infrastructure is in place.

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

A step beyond

Baileyville Town Manager Chris Loughlin said while cities and towns have worked together on things such as joint ambulance service for the past several years, this type of agreement went a step beyond.

“I think the difference here is this was actually having the town and city make a commitment to use taxpayer money to get this done instead of waiting for it to come to our doorstep,” he said.

The hope is to have the work done by the end of 2020, but the system will be activated section-by-section as the work is completed.

For Joyce Garland, director of the municipally funded Calais Free Library, the faster speeds will be a welcome addition to library offerings and for residents and summer visitors.

“Once we can address this and the community has fiber options, more people will come in,” she said.

So just how slow is the current service?

“We have some shops downtown that it takes minutes to process a credit card, that’s how slow our service is around here,” Ellis said.

The network will be open, so residents and businesses can choose their own internet provider, giving them the power to negotiate for the best price.

If their municipalities had not worked together, there would have been only one internet provider, leaving residents and businesses to worry that a lack of competition would lead to higher prices.



The Calais Free Library is looking forward to faster internet speeds, according to Director Joyce Garland. (Submitted photo)

“It all started because some of these companies wouldn’t come in,” Ellis said.

Attorney Dan Pittman of Eaton Peabody in Bangor handled the legal work involved in creating the utility. He said

the arrangement allowed the city and town to pool funding to get the project off the ground.

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Transportation area in Calais. (Submitted photo)

financing,” he said, in response to emailed questions.

Pittman also noted that while interlocal agreements have been used for services such as water, wastewater and solid waste services, working together to bring broadband makes this unusual in Maine.

“Since Calais and Baileyville pioneered this approach, a number of other Maine communities have started working on similar projects,” he wrote.

Porter said one of the big beneficiaries will be Calais Regional Hospital, which will now be better able to connect with physicians around the world. The hospital is a major local employer, along with the Woodland

Pulp LLC in Baileyville and customs and border patrol.

The hospital will review the service once it becomes available to see how it might enhance the medical center’s offerings, said DeeDee Travis, vice-president for community relations. In particular, the hospital is interested in finding out “how it might enhance our offerings for telemedicine and general business functions,” Travis said via email.

Former Woodland Pulp Information Technology Director Daniel Sullivan got involved in the fiber-optic project early on. While the mill and other big employers were able to afford high-speed access, he said the

cost is out of reach for small- and medium-sized businesses as well as residential customers. The idea is a continuation of the state’s Three Ring Binder effort to extend high-speed access to rural areas.

In 2012, Maine Fiber Co. announced it had completed a 1,100 mile fiber optic network designed to make broadband access more readily available to more than 100,000 households across the state, according to a press release from the company. The project was completed ahead of schedule and on budget, prompting state and federal leaders to hope that it would spark economic development.

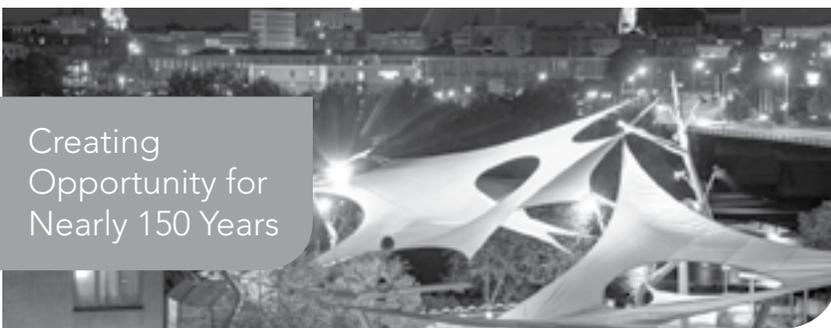
Supported by \$25.4 million in federal economic stimulus funds and a \$7.4 million private investment, Sullivan said the Three Ring Binder provided the “middle mile” necessary for rural areas, leaving it up to Calais and Baileyville to build the last mile to serve their communities.

“The actual fiber network has unlimited speeds,” he said. “The more

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bandwidth you need for your business or home, you can have it. The fiber piece has not been maxed out yet.”

Sullivan, who is one of seven board members for the Downeast Broadband Utility, said the demand for high capacity, high speed internet will only grow as more devices such as refrigerators and other appliances come with the technology to hook up to the internet. For residential customers in Calais and Baileyville who choose to buy their service through the new fiber network, it will be fast service.

“You don’t have to tell the kid upstairs to get off it so mom and dad can get on,” he said.

Other nearby towns have already contacted the utility to ask to join the network and Sullivan said the utility is happy to answer questions from other rural areas interested in learning about the service. The utility will wait until Calais and Baileyville are up and running before considering whether to allow others to join, he said.

One of the nearby towns to inquire about the service was Princeton, northwest of Baileyville on Route 1. Select Board member Scott Carle said about 100 homes in Princeton have no internet service, so he and other town officials are interested in investigating all the options.

“There’s a large population that lives three or four miles down the road and they don’t have any internet access at all,” he said.

However, at this point, town residents aren’t interested in paying to put in the infrastructure the same way Calais and Baileyville have through the utility district. The Princeton select board has created a committee that is hoping to get some grant money to help those residents who don’t currently have internet service, Carle said. Ultimately, the town hopes an internet provider will come to the area, but that part of south Princeton has some sparsely populated areas, he said.

“There’s too much distance between where it’s populated and not populated for them to come down,” he said.



Scott Carle

Stepping forward

When it came down to it, Calais and Baileyville officials decided they could no longer settle for subpar service.

“We’ve been on slow, unreliable service here for a long time,” said Ellis, the current Calais city manager. “This is a way to really advance everybody. There are so many more home-based businesses cropping up, to say nothing about the effect

it’s going to have on getting business in the area.”

Porter, the former Calais manager, said after months of discussions about how to help bring businesses to the area, Calais and Baileyville officials finally decided to get the ball rolling.

His advice for other municipal officials frustrated by slow service or little competition?

“It takes action,” Porter said. “We’ve been talking about it for quite a while and we just decided it’s time to do something.” ■

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Small town road project near Brownville makes big difference

Municipal collaboration, working with agencies and nonprofits, provided the expertise and additional funding needed for a better stream crossing.

By Catherine Schmitt

Brownville Junction is a rural crossroads where state highway Route 11 intersects with two rail lines connecting to Millinocket, Bangor, Quebec and New Brunswick. Trains clatter along while logging trucks rumble to and from the Golden Road. Hunters and fishermen access an extensive network of ATV trails and gravel roads. Hikers and campers seeking recreation and scenery pass through town on their way to Katahdin Iron Works and Gulf Hags.

Just north of town, the West and East branches of the Pleasant River and several smaller streams come together, their channels winding in between and under rails, bridges and roads.

At one such intersection on Front Street, a stream flowed under the road through an old culvert made of two railroad tanker cars, the ends sawed off and framed in timber crib. Over the decades, the rusted cars, never welded together, became separated and crushed. Meanwhile, annual spring floods eroded the area around the culvert. Bigger floods even overtopped the road a few times, preventing residents from reaching their homes. By 2015, erosion had gotten worse, the culvert was perched inches above the stream bed, and the timbers were rotting away. The situation had become a problem for the town. But the cost of replacement – nearly half a million dollars – was prohibitive.

“It wouldn’t have got done until it washed out,” said Kevin Black, director of operations for the Town of Brownville. In addition to completely cutting off emergency services for the people who lived on the dead-end road, a flood would have swept away water and sewer



Crew installs larger pipe and culvert. (Submitted photo)

lines, making for a public health and environmental disaster and an even more expensive repair.

Fortunately for Black, people outside of Brownville were also interested in fixing the Front Street culvert, because it was a problem for fish.

Whether made of pipes of corrugated metal or plastic, concrete boxes, stone arches, or hand-crafted versions like the railroad cars on Front Street, culverts can block the movement of fish and other aquatic wildlife. Across Maine, thousands of culverts have been identified as barriers for being too narrow, too short, placed at the wrong angle, or simply broken.

‘Stream Smart’ approach

The combined issues of flooding and wildlife harm have led a diverse group of state, federal, and local agencies and organizations to promote new “stream smart” culvert designs that provide natural stream flows. These culverts are better suited to handling flood wa-

ters, and they allow fish and wildlife to pass through on their way to and from feeding and breeding habitat. Up-front costs may be higher, but they typically last much, much longer than standard pipe culverts.

The Pleasant River that flows through Brownville is clear and cold and provides ideal habitat for wild Atlantic salmon and brook trout. For some time, conservation organizations have been working to restore habitat here by removing old log-driving dams and replacing undersized culverts.

After the National Oceanic and Atmospheric Administration (NOAA) designated the Penobscot River Watershed a “Habitat Focus Area” and Atlantic salmon a “Species in the Spotlight,” more funds became available for addressing barriers to fish migration. Brownville’s Kevin Black, who had overseen the installation of a fish-friendly design on Route 11, brought the Front Street culvert to the attention of NOAA and The Nature Conservancy.

This article was supplied by The Nature Conservancy in Maine, reviewed by staff at MMA and is printed with permission. The Nature Conservancy can be reached at: 207-607-4809.

Understanding the importance of the habitat in these waters, NOAA and The Nature Conservancy agreed to provide significant funding for the project to augment the town's investment. Additional funds came from a state water bond approved by voters in 2014.

For two months in the summer of 2018, Tolman Construction of Mat-tawamkeag built a temporary road and bridge, diverted the stream channel and dug out the old culvert. They installed a corrugated steel arch on poured concrete footings, a design that provided more than twice the capacity of the old conduit, ensuring it won't wash out even in the most severe flood events. They installed two thousand cubic yards of gravel fill around the arch and anchored the ends with reinforced concrete footers. New water and sewer lines were laid along the straightened and regraded road. Black, who is also the water and sewer superintendent and fire chief, was on site every day. Ben Matthews of The Nature Conservancy spent much of his summer on-site, too.

Centuries-old problem

"We are allowing salmon and brook

trout to access prime headwater spawning habitat, and fixing a 200-year old infrastructure problem," said Ben Matthews, project manager with The Nature Conservancy. "This project is a prime example of how fish-friendly culverts can increase flood resiliency and fish populations – part of TNC's mission to find solutions to benefit both people and nature."

"It would have been quite a challenge without Ben there. I'm a water and sewer engineer, that's what I know," said Black. "Ben knew how to put the culvert in and rebuild the stream bed."

Even after October rainstorms, the stream easily flowed through the new Brownville culvert.

"I'm very happy with it," said Black, who learned a lot about aquatic wildlife during the project. "It kind of opened my eyes. Every project we do now, I'll know more in terms of what fish need. I've seen it work. Turtles are using the walkways in the culvert. We laughed when Ben told us we had to make walkways for turtles, but just the other day we got a picture of a turtle in it."

"It was a huge project, nothing the town could have done by itself," said Brownville Town Manager Kathy White. "Now we have peace of mind that if flooding ever happens again, we should be fine."

Brownville is one of hundreds of towns across Maine dealing with old and failing infrastructure like culverts. Replacing and upgrading road-stream crossings has been a focus of multiple agencies and organizations for the last decade or so.

So how can communities get started replacing worn, dangerous and under-sized culverts? The first step is to contact one of a number of organizations or agencies that are working to help make it easier and more affordable, including The Nature Conservancy in Maine, the Atlantic Salmon Federation, Maine Audubon, local land trusts, Maine Department of Environmental Protection, and Maine Department of Transportation. They'll help identify priority projects and guide municipalities toward a range of funding opportunities. ■



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

Can your community truly solve problems and thrive?

‘Civic capital’ is an important concept that gauges how well a town or city can respond to myriad challenges ahead. Using this tool, is your community ready?

By Doug Linkhart, President, National Civic League

What makes some communities better able than others to solve the tough social, political, economic or physical challenges they face? This was a question the National Civic League set out to answer over 30 years ago. On-the-ground research revealed a set of factors that we call “civic capital” – the formal and informal relationships, networks and capacities that communities use to make decisions collaboratively and solve problems.

Somewhat like social capital, but not to be confused with financial capital, civic capital can be found in all sorts of communities, not just the most affluent, educated or advantaged. While myriad other factors contribute to community progress, civic capital is the core factor identified by the National Civic League as the primary explanation for long-term community success.

At the National Civic League, we know of many communities with an abundant supply of civic capital. The All-America City program has recognized over 500 of these communities during the past 69 years. All have varying degrees of civic engagement, collaboration and leadership, and have been able to tackle tough issues in a sustainable manner by bringing everyone to the table and creating equity.

Earlier this year, the National Civic League released the fourth edition of the Civic Index, a self-assessment tool consisting of a set of questions that provide a framework for discussing and measuring a community’s civic capital. Since it was first developed in 1986, many communities have used the Civic Index to better understand their civic strengths and to identify gaps or areas in need of further attention, soliciting

For a free copy of the National Civic League’s Civic Index, please visit www.nationalcivicleague.org/resource-center.

community input to create a baseline measure of their civic capital and monitor progress over time as they work to enhance their internal capacity.

Components of civic capital

The Civic Index describes the seven components of civic capital, provides examples of each, lists the 32 questions that are used to gauge each component and provides ideas on how to use the index. Here’s a synopsis of these seven components.

1. Engaged residents: Residents play an active role in making decisions and civic affairs.

2. Inclusive community leadership: The community actively cultivates and supports leaders from diverse backgrounds and with diverse perspectives

3. Collaborative institutions: Communities with good civic capital have regular collaboration among the government, business, nonprofit and other sectors, as well as structures in place that facilitate such collaboration.

4. Embracing diversity and equity: Communities with healthy civic capital recognize and celebrate their diversity. They strive for equity in services, support and engagement.

5. Authentic communication: Healthy communities need credible, civic-minded sources of information

presented in a way that residents can use.

6. Culture of engagement: Involvement by residents, businesses, nonprofits and other stakeholders in every aspect of civic affairs should be part of local culture – an expectation, not an afterthought.

7. Shared vision and values: Communities with shared values and civic pride have a common foundation for addressing public matters.

Summary

Nearly 100 years ago, U.S. Supreme Court Justice Louis Brandeis, a one-time member of the League’s executive committee, called states “laboratories of democracy.” That mantle has now been passed to the local level, as cities, counties, towns and other local communities create innovations and regional or national networks to tackle such issues as climate change, health, education and economic prosperity.

At the same time, local governments cannot solve problems on their own. As Bruce Katz points out in *The New Localism*, community problem-solving depends on “multi-sectoral relationships,” with government often serving as a convener or catalyst. What happens next depends on the civic capacity of the particular locality. ■

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"Trouble in the Presidentials: What a Mountaineering Accident Can Teach Us About
Leadership, Teamwork and Managing Risk"

John Barylick
"Killer Show: Lessons from the Station Nightclub Fire"

**Look for more details in the Summer editions of the
Maine Town & City magazine and
at the MMA website: www.memun.org.**

EDUCATION • NETWORKING • EXHIBITS

If I led my community...

Maine Municipal Association 7th Grade Essay Contest **Winners**

Eva Carlezon

Windsor Elementary School

If I led my community, Windsor, I'd hope that I'd succeed. After all, I don't know the responsibilities of being an adult yet, but I hope that I'd live up to what others had believed I could be. Being just a simple seventh grader, going to a town leader would be a significant change. However, I would truly try my best to satisfy all 2,692 people over our 35.52 miles.

I believe our town needs a farmers' market to trade vegetables and other homemade goods. Donating some money towards the matter is something I'd work on. A farmers' market in Windsor is a perfect way to get nutritious vegetables on families' plates. Many families in Windsor, including my own, grow veggies. It would be a great chance to sell their home-grown vegetables easily. People could also sell other homemade items to, like baked goods, soaps or lemonade. It would also be a great way for our community to come together.

One thing I always hear families, including my own, talk about is what poor condition Windsor's roads are in. "Bumpy" and "Too many potholes," are what I hear my family say. I would fix this problem and keep our roads from being such a headache.

Having poor roads can be rough on vehicles, and not everybody has the money to make repairs. Rather than having Windsor's taxpayers spend their hard-earned money on just simply filling cracks, I'd have their money go toward something that more permanently fixes our roads. Fixing our tired roads would also make the town more welcoming and beautiful than it already is.

Lastly, Windsor Elementary school needs a donation toward the sports teams. Many basketball players complain about wanting new uniforms. It's important to have professional looking uniforms that are our school colors, blue and gold. I remember when our soccer team got new uniforms, we were proud to wear them. I also think it's time our school gets some new basketballs. During gym, it's almost a struggle to find one that bounces above your knee when you dribble it. It's much easier to play and practice when you have a good working ball. I also think it's time the Windsor soccer team gets some more soccer balls, too. During soccer practices, it'd be beneficial to have the right amount of soccer balls that actually stay inflated more than a day. During warm up time, some of the team has to pretend to have a ball! What good does that do our team?

To conclude my thinking on how I could help our community, I have to say I'm glad I'm not in such a stressful position. As I said before, I am just a simple seventh-grade girl with an education to focus on.

CONTEST JUDGING

Seventh-grade teachers from around the state submitted 168 students' essays for judging in Maine Municipal Association's sixth annual essay contest, which is part of our Citizen Education program. Essays were judged based on clarity of writing, quality of writing and showing an understanding of municipal government.

MMA wants to thank and recognize the contest judges: Kate Dufour, Director of State & Federal Relations at MMA, and a Hallowell City Councilor; and, Doug Eugley, town meeting moderator and former Selectman with the Town of Sidney, who works as an accountant in MMA's Finance Department.

Although, it would be nice for my thoughts to be heard, I can live with the few imperfections our town has. Windsor is an amazing town just the way it is.

LOCAL GOVERNMENT
begins with **YOU**

If I led
my
community...



Maine Municipal Association
7th Grade Essay Contest **Winners**

Grace Greene

Damariscotta Montessori School

If I led my community, I would change three main things: Make the town geared more toward the people, not just the tourists. I think it's important to keep the small, cozy town feel to Wiscasset. I would work to add more parking/direct people to an already big enough parking lot, fix the downtown sidewalks, help the police get a new cruiser, and renovate older buildings to create community spaces.

If I led my community, I would spend more time on the subject of the MDOT changes. I would work with the community and get everyone's opinion, especially the youth, because we are the town's future. If I was to lead the MDOT changes, I would have more people park by the court house/church parking lot, which is huge. Another change I would make is to redo the sidewalks, with newer bricks so no one trips and falls, since they are uneven and very bumpy.

Another non-downtown change I would make would be funding for the police department. They have been struggling with getting a new car for a while, and at this moment I believe that they only are in the possession of one. Some people argue that Wiscasset should just rely on the county sheriff. I believe that every town should have their own police force, in the case that the sheriffs are occupied. I would work with them to fund for a couple more cars to ensure that there are enough police cruisers in town to keep everyone safe.

I would also work to restore older, unowned buildings to turn them into community services including a co-op art studio, meeting rooms, and various other things such as a community kitchen. I would also work to create a teen room within one of these community buildings, because a lot of Wiscasset population is teens, and the Community center basically has programs for adults and young children, and not many for young adults, and it would be nice to just have a space to hang out, do art, read, play music, and socialize.

If I led my community, things would be changed around quite a bit. The MDOT project would focus more on putting in new sidewalks, and putting up signs directing tourists to the church parking lot. We would put funding for renovations of older buildings, police cars, and community buildings would be formed.

LOCAL GOVERNMENT
begins with **YOU**

If I led my community...



Maine Municipal Association 7th Grade Essay Contest **Winners**

Lucie Noonan
Greely Middle School

If I led my community, I would not make many changes. If I were a leader here, I would continue to promote our sense of community, sustain the amount of funding going into our school system, and decrease suburban development here a substantial amount. Although I already think of Cumberland as the perfect town, here are three small improvements that could be made to make it just a bit better.

One thing I would do is continue to promote our sense of community. Our community here is open to all and welcome to new individuals. When I first moved here I did not know anyone, but I quickly made many new friends and I felt more at home than ever. If I had the power to, I would promote and financially support events, such as the annual tree lighting, that gather a lot of people. I would also bring forward new ideas for community gatherings. This would help to sustain our feeling of togetherness as a town. In short, if I led my town I would continue to strengthen the bond in our community.

Equally important, if I were a leader in my town I would sustain and possibly increase the amount of funding that goes into our school system. Our school system has an extensive curriculum and makes great use of its resources. The school system uses its resources well, but it could use a bit more funding. Although some people may think that pumping cash into our school system is not needed and the money could be misused, I know and would trust that they would put the money in the right places. To reiterate, if I were a community leader I would sustain and perhaps enlarge the amount of money spent on our schools.

Lastly, if I were a leader, I would prevent the town from cutting down too many trees for increased development. Cumberland is not a large town, and I am not opposed to some expansion here. However, when the town sells beautiful, untouched land for building more houses, it makes me upset. To see trees being cut down for very little reason unsettles me a bit. If I had more power in this town, I would still allow the town to sell land to companies to build on, but it would be less land and fewer lots. To restate, if I were a leader I would slow the development here a fair amount.

To conclude, if I led my community, I would make few changes. I would simply continue to strengthen our community by promoting events, introduce a slightly larger budget for our schools, and slow the expansion of the town by selling off fewer, smaller lots to builders. I love it here, and these changes are the only ones I could really think of as I definitely think of this town as the perfect place to live already.

LOCAL GOVERNMENT
begins with **YOU**

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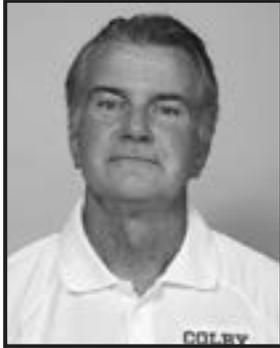
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KEYNOTE SPEAKER: Jack Cosgrove



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!

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

Presenter: Jack Cosgrove, Head Football Coach, Colby College

MTCMA Certification – 1 point Leadership category

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

10:15 – 11:15 am: Block 1

True Colors (Auditorium)

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

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

MTCMA Certification – 1 point Leadership and Human Resources categories

Recruiting and Retaining First Responders (Summit Room)

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

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

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

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

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

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

Presenters: Rachel Knight and Richard Dyer, Destination Occupation

MTCMA Certification – 1 point Leadership and Human Resources categories

11:20 – 12:20 pm: Block 2

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

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

Presenter: Mark Franco, Attorney, Drummond Woodsum

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

(Cont'd on next page)

Conference Agenda:

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

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

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

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

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

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

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

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

12:20 – 1:20 pm: Lunch

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

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

1:30 – 2:30 pm: Block 3

Enhancing Your Change Agility (Auditorium)

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

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

MTCMA Certification – 1 point Leadership and Human Resources categories

Avoiding Disability Discrimination Claims (Rooms 103/104)

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

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

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

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

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

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

Presenter: David Ciullo, CEO, Career Management Associates

MTCMA Certification – 1 point Leadership and Human Resources categories

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

2:50 – 3:50 pm: Block 4

Enhancing Your Change Agility – cont'd (Auditorium)

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

MTCMA Certification – 1 point Leadership and Human Resources categories

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

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

Presenter: Jim Bennett, City Manager, City of Biddeford

MTCMA Certification – 1 point Leadership category

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

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

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

MTCMA Certification – 1 point Human Resources category

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



Attendee Registration

June 27, 2019 – Thomas College, Waterville, Maine

Presented by: Maine Municipal Association

In Cooperation with: Maine Local Government Human Resources Association

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- MMA Member Municipality/Patron/Non-Profit/State Agency-\$75.00
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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

Newly elected state Rep. **Shawn Babine** has resigned his seat on the Scarborough Town Council, effective June 10, to focus on State House work after serving the town for 20 years. In addition to the council, including serving as chairman of the board's finance committee, Babine has served on the school board and other municipal committees and boards. Babine's successor will be elected on June 11 to finish his current term, which expires in November 2020.

Heather Brown has been hired as Portland assistant city manager, replacing Michael Sauschuck, who was tapped in January as Maine Commissioner of Public Safety in the Mills Administration. Brown, a native of Windham, worked in various capacities for 12 years for the U.S. Food & Drug Administration in Maryland. She ended her federal career as acting deputy chief of staff for the Office of the Commissioner. Brown said she is happy to move back to Maine and will start her new job on June 11. One of her primary roles will be helping the city manager oversee city's municipal operations and an annual budget of nearly \$200 million.

Patten Town Manager **Raymond Foss** resigned April 3 during a select board meeting. His last day in the Penobscot County town of nearly 1,000 was scheduled for April 15. Foss was hired to manage Patten in February 2016. Foss said he was proud of the progress the town made, including investing in infrastructure and finding new ways to regionalize services. Town officials said they will move quickly to find a new manager.

Longtime Warren Selectman **Arnold Hill** will end his 30-year career in June, when he steps down from the select board. Hill was first elected 30 years ago and intends to continue as the town's cemetery sexton. Hill, who owned and operated a plumbing and heating company, has served on the St. George Regional Shellfish Committee and is considered a town historian.

Rockland police Sgt. **Matthew Lindahl** died April 27 of a stroke at the age of 44. Hailed as one of the best officers to ever serve the city, Lindahl, who also suffered from cancer, graduated in 1997 from the Municipal County Basic Police School. He was hired the same year and worked



Matthew Lindahl

a supervisor. He is survived by his wife, a daughter and a son.



Connie Michaud

retired on April 7 as the City of Caribou's assistant town clerk and motor vehicle agent, exactly 33 years and one day after joining the city staff. Her peers honored Michaud with a retirement party on April 8. Prior to taking the city job, Michaud worked in banking and insurance. Michaud was remembered as friendly, constant and steadfast.

Harry Pinkham, 91, resigned as a Boothbay Region Water District trustee in late April after serving the district for 59 years. His final day was scheduled to be May 4, the day of the Boothbay Harbor annual town meeting. Pinkham was feted with a retirement party on April 23, the day of his final trustee meeting.

Westbrook City Council Vice President **Anna Turcotte** was set to return to her native Armenia May 7 to watch and help plant the final 100 of 2,000 trees planted in tribute to the 30th anniversary of the massacre in Baku, Azerbaijan, in 1990. Turcotte was 11 then when 350,000 Armenians were driven from Azerbaijan in an "ethnic cleansing" effort using violence, murders, fear and force. Turcotte's family fled to Armenia before immigrating to the U.S. in 1992. The Memorial

Forest in Talin is a joint venture between Turcotte and the Armenia Tree Project. She planned to remain in Armenia for 10 days to work with the Armenia Eye Care project in villages throughout the country.



Joseph Rogers



Chris Bailey

Bailey. Rogers joined the Hampden police force in 1987 and was promoted to director of the newly formed Public Safety Department, which combined police and fire and rescue services.

More than 200 people attended the funeral of police Chaplain **Don Williams**, who served the Augusta Police Department, the Kennebec County Sheriff's Office and the Maine State Police. Born in Illinois in 1951, Williams was known for his compassion and dedication to the officers he ministered to, and their families. He died April 3 and his funeral was held at the Maine Criminal Justice Academy in Vassalboro. He was also remembered for his sense of humor and was known as a "gentle giant" by the people he served. He was the longtime Baptist minister at Fellowship Baptist Church in Augusta while he also served as police chaplain. ■

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

Eric Conrad: econrad@memun.org or Jaime Clark: jclark@memun.org

STATEWIDE

While the state remains mired in an opioid epidemic that has killed 1,500 Mainers since 2014, the Maine Attorney General's Office reported last month that deaths from overdoses declined in 2018 by 15%. Drug deaths totaled 354 last year, compared to 417 in 2017. Although named "opioid crisis," the overdoses are caused largely by fentanyl or heroin, or byproducts of either, which people seek out once addicted to opioids for pain, such as OxyContin. Police departments and social services agencies have teamed up with state, regional and national agencies to try to knock down the problem further. The worst states for drug overdose death rates (per 100,000 people) are West Virginia at 57.8% and Ohio and Pennsylvania at 46.3% and 44.3%, respectively. Maine's death rate is 34.4%

STATEWIDE

The 25th annual Measures of Growth report shows Maine lags behind most states in key economic and educational indicators, while earning "gold stars" for public safety, sustainable forests and air and water quality. The state continues to be hobbled by serious deficiencies when compared to the U.S. overall, according to the report by the Maine Economic Growth Council and Maine Development Foundation. Those include investment in research and development, available working-age population, health-care costs and reading scores for fourth- and eighth-graders. The report also showed the need for more aggressive spending on infrastructure. Critical metrics that are worse today than when the 2018 report was issued include international exports, broadband connectivity and access, the cost of owning a business, a wider gender income disparity and affordable housing.

BANGOR

The Penobscot County Commission is seeking bids for architectural and engineering services to design a new 300-bed jail in the parking lot near the existing facility in the downtown. Commissioners estimate the cost of the four-story jail to range between \$65 million and \$70 million. The cost would increase about \$3.5 million for every year the new construction is delayed. The Bangor jail has been overcrowded for more than 10 years. Its

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.

Electric Vehicle Charging Stations. Efficiency Maine launched a grant program encouraging municipalities to consider installing EVC stations that are available to the public. The application deadline is July 10.

Build Maine Event. The annual Build Maine Conference will be held on June 5-6 in Lewiston. This year's event will focus on municipal budgets, urban design and how to create and sustain vibrant communities.

Stream Crossing Grants. Road culverts and other stream passages are things that affect every municipality. The Maine Department of Environmental Protection invites proposals for improving stream crossing areas. Grant money is available. The deadline to apply is June 3.

capacity is 157, but the average daily population was 190 in 2018. An advisory committee recommended the county build a 300-bed complex rather than the intended new 150-bed jail. The cost will be repaid over 30 years.

BLUE HILL

A jury took 90 minutes on April 9 to find former town Treasurer Jody Murphy not guilty of stealing almost \$18,000 from the town in 2016 and 2017. Despite bank and town officials testifying for the prosecution, the Hancock County Superior Court jury was not convinced. Murphy, 39, was hired in 2014 and resigned in late 2017.

NAPLES

The Select Board voted April 26 to move the Naples Information Center to the town office and make it a municipal department. The town pays the salary of the center director during its open hours in the summer, as well as during the winter, when the director works on brochures and other projects. The town manager will oversee the new department until the town can hire a planner or economic and community development director. The change takes effect on July 1.

OLD ORCHARD BEACH

Due to Maine's overall housing crunch, combined with landlords asking weekly tourist rates, the town's 30 summer police reserve officers are struggling to find places to sleep in a town where the population swells like the popular beach's waves from 9,000 year-round to 75,000. The influx begins in June. Twenty of the 30 officers are new this summer and many

are out-of-state college students. Reserve officers work full-time through summer's end or when the new college year starts. Officials say it gets harder every year to find proper housing. The town lucked out one summer when a couple, who planned to leave their home vacant for the summer, opened it up instead for several of the officers.

UNION

A state fire official has determined that a fire at the town's public works garage was accidental. Nonetheless, an April 8 blaze destroyed a plow truck and damaged other parts of the garage. Four remaining plows were not damaged, but repairs to the building are estimated at hundreds of thousands of dollars. The fire was called in at 9:45 p.m., not long after the five plows had been parked for the night following hours of snowfall. The final truck to pull into the bays was a 2003 GMC. Its engine compartment caught fire not long after the crew left for home.

WELLS

People who have difficulty reaching the sea will enjoy the Wells Reserve's first ADA-compliant trail, which includes two paths and an overlook that ends at a salt marsh. Reserve and town officials officially opened the trail last month. The land totals 25 acres and is owned by the town. It was incorporated into the Wells National Estuarine Research Reserve via a conservation easement. The National Oceanic and Atmospheric Administration, or NOAA, funded the project through a grant to the reserve and matching funds from the town. ■

MUNICIPAL BULLETIN BOARD

June 6 **Highway Congress:** **Skowhegan**

The Skowhegan Fairgrounds will once again be the site for MCAPWA's 28th Annual Highway Congress, which will be held on June 6, beginning with registration at 7 a.m.

Municipal officials who will benefit from the event include people from highway and roads departments, solid waste departments, water and sewer departments, as well as city and town managers and elected officials. The event is free for people who pre-register. Otherwise, lunch costs \$10. The event concludes with closing ceremonies at 1:30 p.m.

June 13 **Cash Management: Augusta**

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a workshop on cash management on June 13 at the Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta. City Manager James Bennett is the presenter.

Topics include: An introduction to the cash-management process; the role of a cash manager; operating and capital budgeting; internal controls; and, many others. The workshop begins with registration at 8:30 a.m. It will end at 3:30 p.m. Cost is \$55 for MMTCTA members and \$85 for non-members.

June 18 **New Managers Workshop:** **Augusta**

A workshop for new municipal managers will be held on June 18 at the MMA conference center in Augusta. The workshop will feature numerous speakers from MMA staff and from the Maine Town, City & County Management Association, including MMA Executive Director Stephen Gove and MTCMA President

Perry Ellsworth, manager in the Town of South Berwick.

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

June 20 **Elected Officials Workshop:** **Fort Kent**

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

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

June 25 **Municipal Law for Clerks:** **Augusta (video to Machias)**

Lewiston City Clerk Kathy Montejo and attorneys from MMA's Legal Services Department will present a workshop of municipal law for clerks on June 25 at the MMA conference center in Augusta. The workshop is sponsored by the Maine Town & City Clerks' Association. It will be shown via live video-conference to attendees at the Machias Career Center.

The workshop will strengthen clerks' knowledge in several key legal areas and, for veteran clerks, serves as a refresher on the law. Attendees should bring a copy of the 2013 Municipal Clerk's Manual to this class. Registration begins at 8:30 a.m. The cost is \$60 for MTCCA members and \$80 for non-members.

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 veterans 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

Contract FAQs

Over the years we've written often here about various contract issues we've encountered. Below are some of the more frequent questions we've been asked, together with our capsulized answers and cites to previously published notes for more information.

When is a written contract required? Under Maine's Statute of Frauds, any contract for the sale of land and any contract requiring more than one year to perform (among others) must be in writing and signed by the parties in order to be enforceable. Maine's Uniform Commercial Code also requires contracts for the sale of goods for a price of \$500 or more to be in writing and signed by the parties. Even if a written contract is not required, it may still be advisable because a written contract is proof that a contract actually exists and is the best evidence of the contractor's terms and conditions. For more, see "Written Contracts," *Maine Townsman*, Legal Notes, August 2013.

Is specific authority required for a multi-year contract? We strongly recommend it, but this does not mean the municipal legislative body (town meeting or town or city council) must approve the specific terms of the contract. Clear authorization by the legislative body to bind the municipality to a multi-year obligation should suffice. For more, see "Multi-Year Contracts," *Maine Townsman*, Legal Notes, February 2011.

Is competitive bidding required? Not by State law (except for school construction projects exceeding \$250,000). But it may be required by municipal charter, ordinance, or town meeting vote, or as a condition of State or federal funding. Even if not required, it may still be the best practice, especially for the purchase of vehicles, equipment, supplies, and commodities. For more, see "Is Competitive Bidding Required?," *Maine Townsman*, Legal Notes, May 2015.

Must we accept the lowest bid? Unless the invitation to bid identifies other selection criteria besides price, if any bid is accepted (all bids can be rejected), it must be the lowest bid from a responsive and responsible bidder. This might not be the lowest bid submitted, however. For more, see "The Lowest Bid," *Maine Townsman*, Legal Notes, April 2013.

Can we give preference to local bidders?

Possibly (the law is not crystal clear), but it should be a very small preference – no more than a few points. And it should be prominently disclosed in the bid specs. Also, carefully consider and define what a "local" bidder actually means. For more, see "Local Preference in Competitive Bidding," *Maine Townsman*, Legal Notes, May 2009.

Can we negotiate contracts in executive session? Generally, no, except for individual employment contracts and collective bargaining with a labor union. There is no legal basis for negotiating with independent contractors in executive session. But an executive session may be used to devise a negotiating strategy or position for the purchase or sale of real estate. For more, see "Negotiating Contracts in Executive Session," *Maine Townsman*, December 2000.

Is contractor liability insurance required? Not by law, but best business practice strongly recommends it, especially for potentially hazardous work like any kind of construction, highway maintenance and repair, and snow removal. Since a contractor's actions, including negligence, will be imputed to the municipality that hired the contractor, contractors should be required to have general liability insurance in the amount of at least \$400,000 per occurrence and naming the municipality as an additional insured. For more, see "Contractor Liability Insurance Coverage," *Maine Townsman*, October 1999.

When are bonds and design professionals required? Performance and payment bonds are required for public works projects exceeding \$125,000, including the construction, alteration, or repair of public buildings, improvements, and highways. A licensed professional engineer is required for public works projects exceeding \$100,000 and involving professional engineering. A design professional, such as an architect or engineer, is required for construction or alteration of any place of employment or public accommodation costing at least \$50,000 – to certify ADA compliance. For more, see "Public Works Bonding," *Maine Townsman*, Legal Notes, July 2008.

For much more on contracts, including sample forms, see our "Information Packet" on the subject, available free to members at www.memun.org. (By R.P.F.)

MUNICIPAL CALENDAR

ON OR BEFORE JUNE 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).

JUNE 30 — Pinball machine licenses expire on this date (8 MRSA §443). ■

Marijuana: Opting In Includes Local Options

Maine has "legalized" both medical and adult use (recreational) marijuana, but before most types of marijuana establishments can legally be operated locally, the municipality must vote to "opt in" to allowing them if the municipality wishes to do so. (This requires a vote by the municipal legislative body – either town meeting or town or city council – and is similar to the longstanding local option law for licensed liquor establishments.) Here's a reminder, though, for municipalities considering opting in: It's not an all-or-nothing proposition.

For instance, municipalities can choose to permit, say, product manufacturing and testing facilities but not retail stores. The various types of marijuana establishments now recognized by State law represent a "menu" from which municipalities can pick and choose when opting in.

Additionally, and just as important, municipalities can, by ordinance, regulate marijuana establishments they have chosen to permit, either through zoning or other land use controls or by local licensing requirements or both. (Municipalities cannot, however, impose marijuana taxes or charge fees in excess of the reasonable costs of administering local ordinances.)

If a municipality opts in without also enacting a companion local ordinance, it can at least adopt a temporary moratorium to give it time to prepare and enact an appropriate ordinance. If a municipality opts in without either an ordinance or a moratorium, then for the time being anyway the permitted marijuana establishments will be governed solely by State law and State rules.

For a detailed description of municipal marijuana options (and some limitations

LEGAL NOTES

as well), see our "Information Packets" on medical and adult use marijuana, available free to members at www.memun.org. (By R.P.F.)

Compensation History Soon Off-Limits in Hiring Process

The Maine Legislature has enacted a law prohibiting employers from using or inquiring into the compensation history of prospective employees until the employer has made an offer of employment that includes all terms of compensation (see PL 2019, c. 35). The new law exempts disclosures of compensation history that are specifically required by state or federal law as well as inquiries made after a job offer including compensation terms has been made.

Each violation is subject to a \$100-\$500 fine. An affected employee may also sue the employer for compensatory damages. In addition, a violation is considered evidence of unlawful employment discrimination under a new provision (see 5 M.R.S. § 4577) of the Maine Human Rights Act.

The new law takes effect 90 days after the Legislature adjourns – probably sometime in September 2019. In the meantime, employers, including municipal employers, should review application forms to delete all questions relating to compensation history and should update all persons involved in interviewing or hiring prospective employees. (By S.F.P.)

The Role of Chairman

Question: What's the official role of a municipal board chairman?

Answer: State law says nothing at all about the powers and duties of a municipal board chairman or chairwoman. (The *Associated Press Stylebook*, which is our writing guide, advises that "chairperson" or "chair" should not be used unless it is the official title, so hereinafter we will simply use "chairman.") The only reasonable inference from the handful of references in the statutes is that a chairman's role is simply to preside over the board's meetings.

Other than presiding over meetings, no other powers or duties should be assumed by a chairman unless assigned by charter, ordinance, or board bylaws, or by consent of the board (which can be implied by custom or past practice). A

chairman, for example, has no inherent authority to speak for the board or to dictate its agenda.

By the same token, a chairman is not inherently barred from making motions, debating, or voting – the same as any other board member. A charter, ordinance, or board bylaws could restrict a chairman's participation, but we don't generally recommend it, especially for smaller boards where full participation by every member is often critical to the conduct of business.

We do endorse sensible board bylaws, however – to ensure the fair, orderly, and efficient conduct of business. Unless prohibited by law, boards have inherent authority to adopt their own bylaws or rules of procedure provided they do not conflict with other applicable laws. For

some tips, samples, and why we don't generally recommend *Robert's Rules of Order* for board bylaws, see our "Information Packet" on this subject, available free to members at www.memun.org. (By R.P.F.) ■

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