

Maine Townsgman

The Magazine
of the Maine Municipal Association

JANUARY 2016



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Major project, equipment financing



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Maine Townsman

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Life in a Northern Town



We help each other in Maine. It's what we do. Municipal police forces are no exception, with programs where officers check on senior residents each winter, even clearing steps and sidewalks.

Is civics curriculum dead? At Maine Municipal Association, working our partner, Jobs for Maine Graduates, we hope not. Here is an update on schools where JMG specialists offer the Municipal Literacy Program each year. [Page 5](#)

Financing major projects and capital equipment purchases takes time, and that includes the process of creating, advertising and evaluating Requests for Proposals. [Page 23](#)

On the cover: Ben Thomas, MMA's website and social media editor, took this eye-catching photo on New Year's Eve in downtown Portland.

Don't Just Throw It Out

Food waste comprises a remarkably high percentage of the solid waste generated in Maine, yet it doesn't have to. Our three-article package this month looks at composting efforts throughout the state. [Page 7](#)

One Town's 'Minimalist' Approach

Tiny Arrowsic has begun a modest composting plan that, on paper at least, residents strongly support. [Page 11](#)

Making a Difference

Randall Gray in Skowhegan is living proof that one person, one employee, can make a difference in the way a community deals with solid waste. [Page 13](#)

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A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

Working with a partner, to keep students informed

Some people say that civics curriculum in public schools is dead. I wouldn't go that far, but it doesn't seem to be stressed the way that I remember it, way back in the day.

Maine Municipal Association is working on it. Since September 2010, MMA has collaborated with **Jobs for Maine's Graduates (JMG)** to run the "Municipal Literacy Program," which brings local government and employment curriculum to more than 80 schools statewide.

This collaboration has led to long-term practices of JMG "specialists," or teachers, connecting students to local government officials for the purpose of: 1. Increasing awareness of the role of municipal government through direct interactions; 2. Creating opportunities for career exploration in the field of municipal government.

Each year, I ask **Kimberley Lipp**, executive vice president of JMG, to provide an update on our program. I thought it would be valuable for MMA members to read Kim's latest anecdotes, from 20 Maine schools. Here are the examples that Kim provided from the past academic year:

Biddeford High School: Mayor Alan Casavant presented to the students on local municipal careers, with a focus on career pathways in economic development.

Brewer High School: Former Mayor Archie Verow, who is now a state representative, spent a day with students to talk about pathways for careers in local government. Students also organized and implemented a food drive to support the local food pantry. All students toured the city facilities, and employees at the Water & Sanitation Department spent a day describing career pathways in their fields.

Deering and Portland high schools: City councilors and the mayor visited JMG classrooms to talk about careers and to interview students in mock job interviews. Students were invited to attend a city council meeting.

Calais High School: Members of the town council visited the JMG classroom to talk about careers in municipal government. Students volunteered with the Park & Recreation Department for a community service learning project.

Cony High School in Augusta: Current and previous city officials visited the classroom to talk about their careers and the type of post-secondary education that students will need to pursue municipal government jobs. The students also attended a city council meeting to present about the JMG program.

Fort Kent Community High School: Town Manager Don Guimond has visited the classroom to discuss local government opportunities and careers.

Dexter Regional High School: This program was established during the 2014-2015 academic year, and the students prepared a formal presentation to the school board about the various school and community projects that they are supporting. In the 2015-2016 school year, the JMG specialist plans to invite town officials into the classroom to discuss career pathways.

Houlton High School: Students regularly visit town hall and town officials visit with students. This led to the students raising money, and contributing funds to a new community playground. They worked extensively with the Recreation Department.

JMG program based at LearningWorks in Portland: Students participated in job shadows with the Parks & Recreation and Portland Fire Department.

Lewiston High School: School committee member James Hardy and Mayor Robert Macdonald visited the classroom to talk about their roles and careers in municipal government.

Maine Central Institute in Pittsfield: Students participated in job shadows within the fire department and with EMTs.

Morse High School in Bath: The local police chief visited the classroom and students interviewed him for a career research project.

Northern Penobscot Technical Region III in Lincoln: The town manager, town Recreation Department and Lincoln Lakes Chamber of Commerce director all visited the classroom to talk about careers, and then participated in mock job interviews with students.

Penquis Valley High School in Milo: Students have established a formal relationship with the town manager, including regular interaction. The Healthy Communities Steering Committee is a joint project that includes the town manager, students and other local leaders.

Sanford Junior High School: The mayor visited the classroom several times to talk about community leadership, civic responsibility and careers in local government. Students ultimately worked on a project called the "Sanford Strong Festival," which the mayor participated in. Students volunteered with the Sanford Police Department.

Shead High School in Eastport: Leaders from the Eastport Port Authority came to the classroom to discuss career options and skills needed. Students also partnered with city Recreation Department to prepare fields for summer sports.

Waterville High School: The city manager, police chief, fire chief and director of Parks & Recreation all visited the classroom to discuss their personal career pathways and to share details about employment opportunities within Waterville municipal government.

Windham High School: The JMG program created a Career Day, and the Greater Portland Water District and local law enforcement officials participated, to teach students about pathways to these fields.

Vassalboro Community School: Town Manager Mary Sabins has visited the classroom many times to discuss careers in local government, and a true partnership has formed. She has worked side by side with the students on many town, community and school projects. ■

To learn about *Jobs for Maine Graduates*, visit its website: www.jmg.org. To learn about MMA's *Citizen Education Program*, visit www.memun.org and click on the "Citizen Education" quick link.

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Food waste offers opportunity, as communities try new approaches

This is a 'creative' time in the solid-waste business, experts agree. Landfills, trash bags, table scraps and product 'sell-by' dates are being re-examined.

By Lee Burnett

In early June, Kennebunk became the first community in Maine to contract with a composting company to provide curbside collection of household food scraps. Willing residents pay a subscription fee of \$8.26 per month to have a compost bucket full of yucky stuff picked up once a week.

If you think it sounds like an expensive, feel-good program that local government should avoid, consider this: The program cost the town no upfront money. Participating residents pretty much break even. Their monthly subscription is offset by having to buy fewer pay-per-throw trash bags and by the two pounds of free compost they get in return each week.

If the town achieves its goal of signing up 1,000 households (200 have signed up so far) then 336,000 pounds of food waste a year that is normally incinerated would instead become nourishment for lawns and gardens.

The issue of food waste is rising in prominence. Several waste-food collection businesses have sprung up in the greater Portland area, including Garbage to Garden and We Compost It, the company that won Kennebunk's 10-year collection contract.

Skowhegan, Yarmouth, Freeport and Lincoln County now accept food scraps in their drop-off composting programs located at transfer stations. Food scraps are part of the feedstock at newly constructed anaerobic digesters at a farm in Exeter and at the Lewiston-Auburn Pollution Control Authority. And, there are plans to reduce the amount of food waste nationwide by revisiting the "sell by" dates on



food packaging.

The new reality dawning on people is that discarding food waste is akin to burning wet bales of dollar bills. Food scraps are heavy, wet and dense – expensive to incinerate or landfill, but eminently convertible to commercial products, such as compost fertilizer or biogas. And there's a lot of it. A 2011 University of Maine study calculated that 28 percent of household trash in Maine is food waste. That's about 360,000 tons per year, enough to fill one and a half ultra-large container ships.

Starting a food-waste recycling program will be a challenge for many municipalities, not dissimilar to the launch of traditional recycling programs a generation ago, according to George MacDonald, director of sustainability at Maine's Department of Environmental Protection. There are start-up costs to consider and education campaigns to launch, but there are long-term environmental benefits and cost savings, he said.

The first step is recognizing the value of the yucky stuff that gets thrown away, he said.

"It's not coffee grounds, it's a resource for composting or anaerobic digestion," said MacDonald. "It may seem like it's complicating things. But it's allowing us to recover value. Trash is a resource. Recycling food waste is a positive – environmentally, economically, socially."

Lessons from Kennebunk

Kennebunk's experience suggests the effort is worth it and suggests other initiatives where the payoff may be even greater. Kennebunk negotiated a price of \$8.26 per month. That's less than the \$10 to \$15 per month that individual subscribers pay for curbside service in other greater Portland communities, according to Town Manager Barry Tibbetts.

But even Kennebunk's good deal contains an inefficiency – a separate collection truck following long routes

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through many towns. The gold standard for curbside composting programs is municipally run service using existing collection trucks and routes. Municipal curbside composting programs are now available in more than 150 U.S. cities, including Minneapolis, Boulder, Colo. and San Francisco.

Maine almost had a municipal curbside program. Ecomaine, the municipally owned recycling and trash-collection program serving more than 50 communities in Maine and New Hampshire, considered starting a comprehensive organics recycling program in 2013. Ecomaine commissioned a study, then backed off.

“The timing wasn’t right,” said ecomaine Executive Director Kevin Roche. A significant factor was the \$6 million investment required to install a front-end separator at their trash sorting facility. “The payback would have been slow,” said Roche.

Curbside composting programs typically follow one of two models – the co-collection model and the double-bag model.

In co-collection, trucks are retrofitted with separate compartments.

Food scraps are collected once a week while recycled items and trash are picked up on alternate weeks. One downside is that residents who skip or forget to put trash out means it hangs around for an entire month. That’s not a pleasant experience if the trash contains soiled diapers, pointed out Roche.

In double-bag, residents put food scraps inside one plastic bag that is put inside another bag containing recyclable materials. Everything is sorted at the processing facility. That’s the model that ecomaine considered adopting as it does not require retrofitting trucks or acquiring double compartment trucks and it requires less behavior change on the part of residents, said Roche.

Greener than composting?

The usual method of recycling food scraps is to incorporate them with other organic material – such as grass clippings, leaves, shellfish waste – and then decompose the mixture and sell the end product as compost. Done right, it shouldn’t smell, although it does take up a lot of space. It’s a viable

business, as private subscription food-scrap services have shown.

An alternative is emerging: anaerobic digestion. In this method, food scraps are added to liquid waste – either animal manure or sewage – to produce methane. The methane is either used as fuel for on-site electricity generation or, if produced in sufficient quantities, sold as biogas, a far more valuable commodity.

Anaerobic digestion has major environmental benefits. It is a self-contained process, encapsulating the generation of leachate and odor, which makes the regulatory review much simpler than a compost facility. In addition, combusting methane for electricity keeps a potent greenhouse gas from escaping into the atmosphere as it does with composting.

Currently, there are two anaerobic digesters in Maine and at least one more in the works. The Lewiston Auburn Water Pollution Control Authority invested \$14 million in a digester that powers two 230 kilowatt turbines. LAWPCA generates 40 percent of its electricity for a savings of \$12,000 per month, according to Superinten-

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dent Clayton “Mac” Richardson. Agri-energy invested \$5.5 million in an anaerobic digester with one megawatt output at a dairy farm in Exeter and has a 20-year contract to sell power to Bangor Hydro at favorable rates. Village Green Ventures is building an anaerobic digester with one megawatt output to provide electricity to tenants at Brunswick Landing.

“There’s a reason anaerobic digestion is rising,” said Adam Wintle, managing partner of the Agri-energy digest. “When you scale composting, you’re scaling problems – leachate and odors. Anaerobic digestion can go to scale.”

Anaerobic digestion carries a hefty upfront investment cost. The \$5.5 million Agri-energy facility in Exeter received subsidies at both ends – not just the favorable electricity sale contract, but \$3 million in construction subsidies from U.S. Department of Agriculture, U.S. Treasury and Efficiency Maine, according to Wintle, who acknowledges it’s a one-of-a-kind deal.

“That kind of financing is very hard to come by; there’s not a lot of

money available,” he said. “You can see pretty quickly the ability to replicate this is an uphill battle.” Wintle believes the publicly funded, sewage treatment model will probably grow faster because of “easier access to capital.”

Acknowledging the rivalry between composting and anaerobic digestion, ecomaine’s Roche said there’s a place for both. Anaerobic digestion works well with wet ingredients, while composting works well with dry ingredients, he said.

“At the end of the day, we need both,” he said.

That’s an assessment shared by DEP’s MacDonald. “Each town has to do its own evaluation,” said MacDonald. “I don’t think there’s a blanket answer.”

He encourages communities to see the collection of food scraps as a self-financing program. “If right now, it’s costing \$100 a ton (for trash disposal), if you take organics out, that’s 35 percent less (trash disposal cost), so we can use that money to fund organics recycling.”

Overcapacity?

Upstream of all this food-waste recycling talk, U.S. Rep Chellie Pingree hopes to reduce the volume of food wasted by re-examining the appropriateness of the “sell by” or “best by” used in labeling food shelf life.

It is generally understood that food shelf life is longer than package dating suggests and the dating itself is not standardized. Pingree said it makes no sense to throw away food that is still perfectly safe to eat, particularly when so many people rely on subsidized lunch programs, meals kitchens and food banks.

“If you would reduce the amount of food we waste by about 15 percent, we could feed half the hungry peo-

ple,” she was quoted, in a report from Maine Public Radio.

Some, however, say school-nutrition guidelines are partly to blame, because students are not being offered food they really want to eat. That’s why many experts believe there will always be a need for food-waste recycling.

“Obviously, the highest goal is reducing at the source rather than creating waste that you have to manage,” said Richardson, of We Compost It. “But that’s a real cultural shift.”

He notes that cosmetics – not safety – is a significant factor in the generation of produce waste. He wonders if package-dating changes would have any effect on a supermarket manager’s decision to discard less-than-perfect-looking food. “It’s still a capitalist society,” Richardson said.

Everyone interviewed for this story agreed that this is a creative time in the waste field.

To provide an incentive for food recycling, Maine Legislature’s Energy and Natural Resources Committee is considering a ban on landfilling large volumes of food waste from institutions, as Massachusetts, Connecticut and Vermont have done. Meanwhile, Mark Hutchinson, an extension professor at the University of Maine and the director of the Maine Composting School, is going on sabbatical to study the small-scale models of anaerobic digestion common in Europe.

Communities in the Bangor area, considering an alternative to the PERC incinerator, are talking about partnering with Maryland-based Fiberight to build a \$60 million integrated recycling facility with even more advanced technology than anaerobic digestion. The end product is biogas, a commodity more valuable than burning methane to generate electricity, according to Greg Louder. “It’s a highly valuable energy product,” he said. ■



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Arrowsic: Leading by example, in composting and consciousness

Surveys indicate that 75 percent of residents do backyard composting. Officials in the town of 500 would like to push that figure even higher.

By Lee Burnett

The Town of Arrowsic's composting program is the most minimalist of programs.

It's all done by volunteers. They hold periodic composting workshops, post information on the town website and occasionally advertise in the town newsletter that deals are available on plastic composting bins. There is no available place in town to bring food scraps and yard waste for the simple reason that the town has no transfer station. Nor is there a curbside compost-collection service available in town.

Yet, a recent survey found that a whopping 75 percent of residents compost their food waste – apparently in their backyards.

"We were shocked, pleasantly surprised," said Paul Schlein, chairman of the town's Solid Waste and Recycling Committee. "I don't know that we can claim much credit for it, but we felt really good about it."

Schlein says the survey results should be treated with caution. They are based on an email survey returned by 104 households, which represents a participation rate of 48 percent of the 215 households in town. Schlein said he has been unable to corroborate results, for example, by seeking the number of Arrowsic residents who ordered compost bins through the Maine Resource Recovery Association. Those sales are not tracked by town.

Still, Arrowsic's example may be relevant to other small towns with no public works departments.

Arrowsic's recycling bona fides run deep.

The town started recycling back in

the 1980s with a series of barrels in front of town offices and became one of the first towns with a mandatory program about a decade later. (By then, curbside collection of trash and recyclables was done by a private contractor.) In 2000, the town made headlines around New England by refusing to pick up trash from any house that did not also put out recyclable materials.

The town once explored developing a transfer station as part of a municipal complex, but backed off due to the cost for a community of 500 residents. "We're a small town. We don't have a lot of resources," he said.

The composting program's emphasis on education befits a small, well-educated town with high civic involvement.

Education before enforcement

"One of the philosophies of Arrowsic is we put education before any kind of ordinance or enforcement, especially if it will be onerous to some or cost money. This is the kind of approach we're taking. It's not the easiest approach."

The popularity of composting is probably due to having a well-informed citizenry with a large number of backyard gardeners, he said.

At one time, composting was "just something that made sense" environmentally, but has grown in urgency because of the contribution composting makes to the town's bottom line. He estimates the 120-125 tons of food



Composter Mona Schlein empties a bucket into her bin made from lobster trap mesh. (Submitted photo)

scraps that are composted each year collectively save the town \$2,000 on a \$30,000 budget for trash and recycling.

"That's a huge cost savings," he said.

Schlein wonders whether it would be worth starting a community composting pad for people who don't want to compost at home. "That might pick up the percentage (of composters) as well as provide a resource." But it would entail some kind of management to control odors and animals, he said.

"What are our other options? That's a question I ask myself," he said.

For now, he thinks Arrowsic's program is pretty good, though there is room for improvement.

"I would say it's satisfactory. We'd like to build on it try to increase percentage composting," he said. ■

Lee Burnett is a freelance writer from Sanford and regular contributor to the *Maine Townsman*. leeburnett_maine@hotmail.com.

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In Skowhegan, a glimpse at the future of solid waste recycling

Randall Gray's composting program may take 'baby steps,' but experts see it as a model for 21st Century environmental stewardship. It saves money, too.

By Steve Solloway

Randall Gray could say he saw the future of environmental protection a long time ago, but he's not an "I told you so" type of guy. He's the Solid Waste Supervisor and Code Enforcement Officer/Building Inspector for the Town of Skowhegan.

And in 2015, people in his field were talking about him. He introduced food scraps to the town's tree and yard waste-disposal process, making a richer compost that's finding people eager to take his product.

"We're not trying to reinvent the wheel," said Gray. "But I think for a town our size, we're a bit unique."

He grins, because at age 62, he never expected the mini-burst of attention he receives, which he deflects to his small staff. He won't call himself a steward of the land. That would be pretentious. "I love the environment," he said.

Gray remembers a day in 1988. He was a guest speaker on the rather dry subject of solid waste disposal and open landfills that still dotted Maine's landscape.

"It was a service organization. I can't remember if it was the Rotary or the Kiwanis. I told them that someday everything isn't going into the trash. It's going to stop, it has to stop. The open landfills we see in our towns will be closed.

"What are we going to do about it?"

In 1988, he was still relatively new to his jobs with the Town of Skowhegan. Some of his listeners scoffed at what they heard. Open landfills nearing capacity were a big city problem in over-developed states far from rural Maine. Or so they thought.

Steve Solloway is a freelance writer from Hallowell and new contributor to the Maine Townsman, ssolloway@roadrunner.com.



Shown are Randall Gray, far right, and his Skowhegan colleagues. From left: Cynthia Kirk, James Travis and Wayne Householder. (Submitted photo)

"They didn't believe me," said Gray. "But really, who would back then? People looked around and said we have plenty of land."

A 21st Century priority

Now, climate change is a hot topic. So is the availability of clean drinking water and clean air. Environmental issues are no longer left to the scientists to discuss. People like Randy Gray and his staff are on the front lines.

Many men and women do Gray's job in other Maine towns and cities. Not all may have the enthusiasm that has infected the people working with them.

Gray is proud of the process and the product. He almost sounds like a maker of fine cheese. He's proud that he has helped saved Skowhegan taxpayers about \$15,000 in waste disposal costs. More importantly, he believes he's saved a piece of Skowhegan's fu-

ture, environmentally speaking.

He's old enough to have parents who were children during the Great Depression when, for many, recycling was a way of life. His father was one of 20 children in a family where the old saying of "waste not, want not" was a fact of life.

Gray grew up in Skowhegan, graduated from its high school and got his first real job working for the town. Other than a short stint of less than a year working for the City of Augusta, he hasn't really had another employer. After working with the community development program he moved to code enforcement.

"People ask, 'How I can enforce regulations in a town where I know everyone?' Well, if you have a problem, wouldn't you rather have someone who knows you than a complete outsider? I'm sure there are some who disagreed with me. But I think everyone

can look me in the eye. I can.”

He believed he could be both the code enforcement officer and the solid waste director. “I liked the idea that I could do something without having the word ‘enforcement’ used.”

Skowhegan had a longstanding recycling program of tree and yard waste to compost. A few years ago, the program was relocated within the town and Gray looked at it with fresh eyes. “I knew there was a better way to produce a better product. I knew we could go to (Maine’s Department of Environmental Protection) for advice and training.”

Gray went to the DEP’s composting school in Monmouth. More recently, two of his staff did the same. “I wanted them to know the reasons I was asking them to do this or that.”

If you’re a part of Gray’s team, he wants you invested in the game plan. That helps when you’re on the backhoe in the spring, moving chicken manure into the mix knowing it will sweeten the process, so to speak, and help it cook better and faster. Gray believes in the KISS principle: Keep it simple, stupid. Micro-management

complicates too much.

“This is all about hands-on management. It’s what we do,” he said. “I don’t want to be a babysitter. If I communicate properly, I don’t need to be looking over their shoulders. I’m always available if someone needs me.”

Mark A. King, the director and an instructor at the DEP’s composting school, has worked with Gray for some 20 years, providing technical support. “Randy is one of the most

conscientious, compassionate people on the planet,” said King. “He’s one of the lone soldiers for composting (in Maine.)

‘Baby steps’

“He made me promise we were not going to take the town by storm with this. We would take baby steps. He wanted to show people how this would work and let word of mouth help it grow. He doesn’t force people to do

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Meet our Attorneys Dan S. Pittman



Dan Pittman is a member of our municipal finance team. He has acted as bond counsel for towns, cities, counties, sanitary districts and other governmental entities to help them find creative and effective ways to build and maintain public infrastructure, including roads, schools, water and sewer systems, municipal buildings and capital equipment. He has also advised tax-exempt educational and charitable institutions about how to partner with their local communities to issue tax-exempt bonds. He also advises tax-exempt bond issuers regarding their ongoing compliance responsibilities, and helps them navigate the complex tax rules surrounding arbitrage and rebate.

He is a member of the National Association of Bond Lawyers and is recognized as qualified bond counsel by “The Bond Buyer’s Municipal Marketplace”

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something. He wants people to enjoy being part of this.”

George MacDonald, the Maine DEP’s Director of Sustainability, has known Gray for 15 years. “Randy sets goals and acts on them. He asks himself, ‘How can I do better?’ He’s willing to try things and he’ll do it first on a small scale. (If he needs funding) he’s quite resourceful in finding it.”

Perhaps more importantly, Gray understands people, said MacDonald

During the past year, as Skowhegan’s compost program attracted attention, Gray deflected the attention aimed at him. His staff bought into what he was selling. Their extra effort has made the program work, not one man.

Recently, Gray’s administrative assistant, Cynthia Kirk, came into his office while he was talking to hand him paperwork. Kirk turned to his visitor: “Tell him he can’t retire,” she said. “We can’t lose him.”

Simply put, Gray loves his job, his staff, and the town. They’re all his second family. His job descriptions indicate that his working hours are mostly 8 to 5. “I’m no different than anyone else. I like to go home at the end of the day, sit in my chair and watch television.”

Until the phone rings.

His adult children live elsewhere in the country and Gray visits them when he can. He’s interested in sports in general and especially NASCAR. He was a big fan of Ricky Craven when the native of Newburgh raced on NASCAR’s elite stock car series. Now Gray is a fan of Craven, the NASCAR analyst for ESPN.

Mostly, Gray loses himself in his free hours beside his home work bench. The blanket chests and bed headboards and other things that he crafts from wood are prized gifts. Just don’t set a deadline for their completion. “I always tell that to people but then I get the phone call. ‘It will be done for Christmas, won’t it?’ ”

By the numbers

He’s 62 and he knows he will walk away at some point. Right now, he has work to do for his town. Some 35 households are committed to the food waste recycling program. There are about 5,000 households in Skowhegan. Gray said he’s not discouraged by the low percentage.

“I can’t worry about the people who won’t. It’s all about the people who will. We have an open house with the DEP every year. It’s all about awareness, education and effort. We’re taking baby steps and that’s OK. I don’t want this to grow too fast, have something go awry and then wonder if we can get it back on track.”

In 2016 he hopes to add a local restaurant’s food scraps to the process and see how that works before thinking of expanding the composting process.

“The idea is to save the town money. I’m not going to the taxpayers asking for more. You know the saying, if you build it, they will come? My version is, if you make it, they will take it. What

we’re doing is good for the taxpayers and it’s good for the environment.

“I’m very proud of my time here. I’ll retire with my head held high. I’m proud of the way I’ve dealt with the taxpayers and my town managers, and I’ve worked for six. I’ve been the guy that just stuck around. It was all on-the-job training.

“I was fortunate. I was in the right town. It was the right fit.”

He walks out of his office in Skowhegan’s grand old municipal building, completed in 1909. “Have you seen our renovated opera house? It’s right upstairs on the second floor. Take a look.”

Gray’s pride and his love for his town was showing again. ■

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Thomas College, Waterville, Maine



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October 5 & 6, 2016

Cross Insurance Center, Bangor, Maine

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The Municipal RISK MANAGER

WINTER 2015

A Publication of the Maine Municipal Association

Workers Compensation Fund Payroll Auditor – Important Change

At the beginning of each New Year, a final payroll audit is completed on the payrolls from the expiring year. Our WC payroll auditors, GEM Associates, with whom we have worked with for over 30 years, notified us they have decided to retire. After completing a request for proposals earlier this year, we have contracted with Overland Solutions, Inc. (OSI) to complete the 2015 payroll audit. They have 2 resident auditors in the State and are currently in the process of hiring another. OSI is an industry leading, nationwide audit service vendor who provides auditing services for numerous insurance companies, including other self-insurance programs like ours. We have provided them with your contact information and they will contact you directly. We have confidence they will provide the high level of service you are accustomed to.

Our objective is to make the payroll audit process a positive experience. Having the appropriate records available for the audit will allow the auditor to complete the process smoothly. We have prepared a checklist for the most typical records requested for an audit. These records will help in determining the appropriate classification(s) and correct reportable exposures.

If you have subcontractors working for you, you should always ask them to provide a current Certificate of Insurance. This is critical information to provide the auditor at the time of your audit and can help to avoid possible additional charges.



Prepare for Workers Compensation Payroll Audit – Records Checklist

- Payroll journals/registers
- Employer's Quarterly Federal Tax Return Form 941 or 943 reports
- State Employer's Quarterly Unemployment Insurance Tax reports
- Federal 1099, W2, and W3 transmittals
- General ledger/trial balance
- Financial statements
- Check register/canceled checks/bank statements
- Contractors/subcontractors records
- Job cost records/contracts/work invoices showing type of work
- Certificate of WC and/or General Liability Insurance for all subcontractors
- Benefit Plan information such as cafeteria or 401(k) plan wages
- Overtime wages summarized by classification
- List of clerical employees and duties
- Other miscellaneous business records 📎

Proudly Serving Members For Nearly 35 Years



It is with warm wishes that we announce the retirement of Ruth VanArsdale, Unemployment Compensation Coordinator. Ruth has provided MMA and our members with nearly 35 years of devoted service. Ruth's attention to detail, commitment to excellence and dedication to our members has been invaluable. Ruth's last day with MMA will be January 15, 2016.

Please join us in thanking Ruth for her years of dedicated service as we wish her a wonderful and well deserved retirement.

Thank you Ruth and best wishes. 📎

RMS Safety Enhancement Grants: A Valued Program Receives Approved Funding By WC Board

The Safety Enhancement and Scholarship Grant Program is popular with members of the MMA Workers Compensation (WC) Fund and has grown steadily in both the number of requests received and the amounts funded. Grants are awarded in May and October each year. The program allows participating members of the WC Fund to apply for funds to be used to purchase safety equipment or services that assist in reducing the frequency and severity of workplace injuries. The program will match the member's investment on a 2:1 ratio, i.e. an award of \$2,000 (maximum allowed) means the WC Fund would grant \$2,000 for the member's investment of at least \$1,000 for a total project cost of at least \$3,000. Please note that all applications are reviewed by a committee and awards

are made on merit and availability of funds.

We are pleased to announce that 117 of the 132 grant applications received for October 2015 were approved for \$152,030, bringing the total commitment for 2015 to \$ 301,891. Since the inception of the program in 1999 more than \$3.46 million has been committed and returned to members through safety enhancement grants.

At the November 2015 WC Board of Trustees meeting the Board approved re-funding the Safety Enhancement Reserve as of January 1, 2016 in the amount of \$900,000. This amount will be added to remaining balances and used over an approximately three year period. This action by the Board demonstrates its support of a consistently effective program that

assists members in the purchase of materials that directly enhance employee safety.

Information for Safety Enhancement Grants can be found on the MMA website at <http://www.memun.org/> or by calling the Loss Control Department at 626-5583. Applications for the May 2016 grant period are being accepted until April 30, 2016. 🏠

RMS's Own Michelle Pelletier Recognized for 25 Years of Service



The National League of Cities presents its John G. Stutz award to individuals who have served a total of 25 years of more on the staff of a state municipal league or state league risk pool.

The award has been given each year since 1981 to recognize the contributions of long-time league staff members. The award was presented to Michelle

Pelletier Underwriting Manager in Risk Management Services, at the 2015 MMA Annual Convention. The award is named in honor of John G. Stutz, who convened representatives of ten state municipal leagues in 1924 in Lawrence, Kansas for the first meeting of what was to become the American Municipal Association, and subsequently the National League of Cities. At that time, Mr. Stutz was the Executive Secretary (League Director) of the League of Kansas Municipalities.

This year, NLC honored 5 individuals with this prestigious award. Congratulations Michelle and thank you. 🏠

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Think Outside The Box and Inside The Brick

Last winter's cold temperatures and the southern exposure of the entrance to Kennebunkport's Town Hall resulted in many days of ice buildup on the surface of the brick entrance. Ice melting chemicals and ice chippers were used, but it was not unusual for fresh snow or snow falling from the roof to melt and reform as ice at the entrance. There were numerous complaints from employees and the public. The construction style of the

building and cost considerations ruled out most alternatives to address the problem. With the help of a Risk Management Services Safety Enhancement Grant from MMA, an ice melting system is being installed. The system features heating coils beneath the bricks that can be programmed to activate when temperatures are below freezing or set using a timed schedule to heat the brick walking surface

to above freezing and melt snow and ice. This "think outside the box" and "inside the brick" system is an innovative way to address this specific issue by "engineering out" the hazard.

Maine winters can be dangerous! Just a reminder: the following Safety Shorts are available on the MMA website, [http://www.](http://www.memun.org)



[memun.org](http://www.memun.org). These can be used for short training sessions, as handouts or as posters. "Stand Up to Winter" is recommended reading for all employees today.

- Stand Up to Winter
- Cold Weather Conditions
- Understanding Wind Chill
- Snow Blower Safety
- Snow Shoveling Safety
- Snow Plow Safety/Winter Operations
- Don't Burn Down the Office, Portable Heater Safety 

Now is the time!

Now is the time to plan for clearing snow from rooftops and away from buildings. Last year's record setting snow fall resulted in property loss insurance claims for roof damage, water damage and even structural collapse. Of concern now are structures that may have been weakened last year and may be at risk this winter. This is a serious exposure that can result not only in property loss but also in injury or death.

The following Loss Control Advisories are available on the MMA website.

- Preventing Roof Collapse: Ice and Snow Accumulation on Roofs.
- Roof Inspection and Maintenance
- Roof Collapse Warning
- OSHA – Falls and Other Hazards to Workers Removing Snow from Rooftops and Other Elevated Surfaces



www.memun.org/InsuranceServices/RiskManagementServices/LossControl/LossControlAdvisories.aspx 

The Surprising Cause of Most Slips, Trips and Falls

Slips, trips and falls are a major challenge for safety professionals. Not only are they responsible for 25 percent of all occupational injuries that require time off from work, but they're also notoriously difficult to solve.

So how do you reduce the number of slips, trips and falls in the workplace? To answer that question, you need to know what causes them in the first place — and it's not what you think.

Most traditional solutions to slips, trips and falls focus on physical factors like wet floors, tripping hazards and walking speed. There are three major ways of dealing with the physical causes of slips, trips and falls:

- Regular maintenance
- Rules and procedures, and
- Proper equipment and guards

Establishing detailed housekeeping procedures and then providing products like anti-slip cleaning products and high-traction mats will go a long way toward helping keep your workers on their feet.

But slip, trip and fall incidents are still prevalent despite these solutions being widely available. And you don't even need an external trip hazard to fall — people trip over their own feet all the time.

In addition to physical factors, there's another major contributor to slips, trips and falls: human factors. These include:

- Distraction (like texting while walking)
- Walking too quickly, and
- Not looking where you're walking

These are best addressed with human factors training that builds and reinforces important habits, such as maintaining a safe walking speed, approaching blind corners cautiously, and keeping an eye out for trip hazards. Proper human factors training should address distraction and give

workers the wherewithal to stay focused on where they're walking.

The most comprehensive solution to slips, trips and falls is combining physical solutions with human factors training. A well-rounded approach

will help you drastically cut down on how often your employees are injured by a same-level fall, and the human factors training will provide spillover benefits to other areas of your safety program, too. ■■

Extension Cords: Expanded Hazards

Extension cords are commonly used in office and shop settings on a daily basis. It is easy to overlook their maintenance, condition and the rules for their proper use. Improperly used or poorly maintained extension cords can cause serious injury or be the cause of a destructive fire. Remember these safety tips when using an extension cord:

- Extension cords are intended for temporary use only. They are not a substitute for fixed electrical wiring.
- Know which type of extension cord to use for a specific purpose.
- Plug extension cords directly into the wall outlets and avoid daisy chains.
- Do not run extension cords through doorways or hole in walls, and do not cover with rugs.



- Avoid kinking or excessive bending of the extension cord to prevent damage which may cause an electrical hazard. Discard all damaged cords.
- Arrange cords so they do not create a tripping hazard and pick them up when they are not in use. ■■

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For more information please contact the
Loss Control Department at (800) 590-5583.

Police keep close tabs on elderly living alone during frigid winters

Officers and police chiefs like participating in the programs, and come to treat the people upon whom they check almost like family members.

By Liz Mockler

As Mainers embrace another cold and potentially dangerous winter, some elderly Bath residents watch for something else – police officers delivering buckets of sand that could mean the difference between months of isolation and feeling safe enough to leave their homes.

In a growing trend in Maine, police and sheriffs' departments are providing special help for elderly and disabled citizens who live alone and, for many of them, don't have family members or friends who can check on them regularly.

In coastal Bath, police decided three years ago that providing sand to the elderly, mostly single men and women, would be a unique way help them to "age in place" in their homes and apartments.

"They're very thankful when we show up," Bath Police Chief Michael Field said recently. "I know they are very, very grateful" for the help.

"It's a great way for our officers to stay connected with the community, and the residents appreciate the contact" and knowing they are not forgotten, said Field, president of the Maine Chiefs of Police Association.

Joining Bath in the regional effort are the towns of Brunswick and Harpswell, as well as the Sagadahoc County Sheriff's Office.

Retailer Lowe's donates 100 large plastic buckets a year to the program. The buckets are divided among the program's law enforcement agencies. When someone calls for sand, volun-



Michael Field



Jeff Sukeforth



Mark Hathaway

teers and officers will get a bucket and fill it with a mixture of sand and salt from their respective public works facilities.

"In most cases, we'll spread it for them as well," Field said.

Pet food collection

In Bangor, police chose a unique way to help the elderly: By collecting pet food in the fall "so they can use their money to buy food and medicines for themselves," Police Chief Mark Hathaway said.

"We've had great success doing it" for three years, he said. "People are very, very generous. And there is no shortage of officers who want to participate. I am very proud of that."

Hathaway said he was watching morning TV news three years ago and saw a story about the Eastern Area Agency on Aging seeking help to resupply its Furry Food Bank for regional elderly pet owners. "I said 'We can do that,'" Hathaway said.

For people living alone, their pets are so treasured their owners will go without food before letting their cat or dog go hungry.

Bangor police also provide unexpected services to the elderly, especially during the winter. Last year, one officer shoveled a woman's driveway and then asked if he could help her in any other way.

"She said, 'Could you make a couple of eggs for me?'" Hathaway said, adding the department's Facebook page features a photo of the officer frying eggs for the woman.

"It's about conversation. They want to talk to someone," Hathaway said.

Bangor officers also receive an email before every storm reminding them to check on all elderly and disabled people who live alone on their beats. "That's an absolute expectation," the chief said.

Daily checks

Maine is the oldest state in the nation with a median age of 43.5 years. State residents aged 65 and older make up 18.3 percent of Maine's population, compared to the national average of 14.5 percent.

"Good Morning" programs are becoming a popular and effective way for local police and sheriff's departments

Liz Mockler is a freelance writer from Randolph and regular contributor to the Townsman, lizmockler@hotmail.com

to keep daily contact with elderly residents who want to “age in place.”

Camden police, among the latest departments to join the program, are trying to get the word to seniors as the coldest months approach. Camden police Administrator Jeff Sukeforth joins other officials in hoping more people will sign up for the program.

Good Morning Camden was launched in January. “I hope the program will build,” Sukeforth said. “I know there are more people who could benefit.”

In Camden, police work with firefighters in trying to help elderly residents who live alone. Firefighters check the homes and apartments of elderly or disabled residents. They make sure their smoke and CO2 alarms are working and, if not, they make sure they do, Sukeforth said.

If a home lacks working alarms, it’s not for long.

Checking in

There are several Good Morning programs in Maine, varying slightly from one area to another. In Camden, people who sign up for the free program call the department between 8 a.m. and 10 a.m. If the person does not call, and then does not respond to a call from police or a dispatcher, an officer is sent to check on the residents.

Another program, called Friendly Caller, is similar and is overseen by local or county dispatchers who send a deputy, officer or designated neighbor if a resident does not call or respond to

the dispatch center by 10 a.m.

An officer is dispatched in communities that participate and in other cases a county deputy sheriff makes the check. In many small, rural towns in Maine the sheriff’s department provides police coverage.

Many of the programs have been credited for saving or mitigating injury to clients. Field, the Bath chief, said the city’s Good Morning program, in effect since 2004, has helped with only a few critical incidents, mostly elderly folks who have fallen and cannot reach the phone.

Field said that outcome, over a decade, illustrates how successfully seniors and disabled residents can live alone – especially with a little help and support.

Echoing Bangor Chief Hathaway, Field said the safety checks are critical, but it’s the conversation that elderly people want most.

“I do think departments are trying to find ways to help residents age in place,” Field said. “Anything we can do to help them stay home we want to do.”

Field said the elderly who live alone are protecting their dignity, independence and control over their lives. And they don’t plan to change.

“That’s what Mainers are about,” Field said.

‘Like family’

Police and others credit Area Agencies on Aging, as well as other social groups, for helping to direct their clients to the call-in programs. They

appreciate the extraordinary efforts county sheriffs and dispatchers make to cover so much territory and take so many calls.

Bath, for instance, runs its own department program, but Sagadahoc County dispatchers and officers cover the city on all holidays and weekends, Chief Field said.

Other counties, such as Waldo and Aroostook, have operated successful Friendly Caller programs for several years.

Sgt. Kris Miller of the Aroostook County Sheriff’s Office said its program is modeled after Waldo’s and “it does work.”

Miller said dispatchers get upset when a participant dies. “They talk to them every day. They treat them like family,” Miller said of the deputies and dispatchers. “They take it very personally when a recipient dies.”

In another effort, Farmington police will begin the second year of the Franklin County Elder Check program. Any elderly or disabled resident, or a relative or friend of someone living alone, may call the department and request as many visits as they wish.

“They tell us how many times they want a visit,” Farmington Police Chief Jack Peck said. “(Officers) deal with a lot of different incidents and situations. This program is positive for us, too. It’s nice for an officer to check on a community member in such a positive way.

“If an officer has time, he’ll just sit and visit for a half-hour,” Peck said. ■

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With project and equipment financing, allow time for RFPs

The author says some small communities do great jobs issuing RFPs for financing services, while some larger municipalities appear challenged by the process.

By Paul Soucie, Vice President of Government Finance, Androscoggin Bank

Congratulations! After months or years of study, planning, investigation, meetings and persuasion, the authorizing authority – be it the annual Town Meeting, Board of Selectmen or City Council – has approved the capital project or equipment acquisition, and the funding plan that you recommended. Or it has agreed that a short-term cash flow loan is needed.

The next step is to put the funding in place to accomplish the project or acquisition. Compared to the time and energy expended to get authorization, this part should be easy, right? If the funding plan involves borrowing money, you just need to make a few phone calls to financial institutions to get some quotes and then pick the best offer. Simple? Well, let's think about it for a moment.

You, your staff and possibly a study committee or two, have spent a significant amount of time thus far to make sure that what has been approved is the best choice for the community. Doesn't it make sense to be sure any borrowing that must be done for the project, acquisition or to help with cash flow is also the best deal for the community? In fact, isn't it the duty of sworn government officials to act in a prudent manner when dealing with public funds? Municipal officials know the fiduciary responsibility that goes with serving the public calls for them to find the best financial deal available

Paul Soucie is the Vice President of Government Finance for Androscoggin Bank. Prior to moving to banking in 1987, he earned a bachelor's degree in Public Management and master's in Public Administration from the University of Maine. Paul served as a municipal manager in several Maine communities from 1973-87. He can be reached at: 207-376-3672 or psoucie@androscogginbank.com.



when working with public dollars.

How can you be reasonably sure the financing you arrange is, in fact, the best deal available at the time? The answer is the same one that applies to deciding on capital projects, equipment acquisitions and buying goods and services of all types. A formal competitive bidding process will identify the best financing that is available. Though this will require effort and planning, it will allow all officials involved to be satisfied that the financing which is arranged is indeed the best deal available at the time it is made. The pointers outlined in the following paragraphs will help ensure that the best funding deal is put in place using ethical bidding and fiduciary practices.

Over the past 25 years, I have had the opportunity to review hundreds of financing "Request for Proposals" (hereafter RFPs). Interestingly, I have found that the size of the community issuing an RFP has little correlation with the quality of the RFP. I have seen small communities issue excellent

RFPs and large communities issue visibly deficient RFPs. Attention to detail is much more important when preparing an RFP than the size or sophistication of the issuer.

Goal: Lots of bidders

One of the goals of the RFP process should be to allow as many interested bidders as possible an opportunity to participate in a fair bid process. The more responsive the bids that come in, the better the chances the community issuing the RFP will get the best deal.

To ensure that responsive bids are received, an RFP should accomplish three basic goals: 1) clearly state what is being requested; 2) specify the deadline when proposals must be submitted; and 3) allow ample time for bidders to prepare and submit proposals.

An RFP should answer the following questions:

- What is the legal name of the entity seeking financing?
- What type of financing is being sought? Is it a general obligation loan, municipal lease, bond anticipation note, tax anticipation note, etc.?
- What is the amount and format of borrowing? Is it an "exact" amount or a "not-to-exceed" amount? Is it "lump sum" and/or an "as needed" borrowing? Is the request for a tax-exempt or a taxable borrowing?
- What is the general description of the need (i.e. equipment being acquired, project being undertaken, cash flow being assisted?)
- What is the desired term and repayment format of the financing? Is it a one-year term with payment at maturity? Is it a three-year term with annual level principal payments plus interest beginning on the first anniversary of

the closing (i.e. in arrears)? Note: Municipal leases are commonly structured with equal annual installments. The initial payment is due at the closing (i.e. in advance).

- When are proposals due (exact date and time) and where should bids be sent?

- In what form will proposals be accepted? Must regular mail be used? Can bids be submitted by fax or e-mail? What fax number or e-mail address should be used? Can proposals be hand delivered?

- What is the bid proposal opening process? Will proposals be opened publicly as soon as the deadline has arrived? Are bidders welcome to attend the opening?

- What is the date and time when a decision will be made on the bid proposals and who will make the decision? Will the decision occur at a public meeting?

- What is the desired closing date of the financing transaction?

- What agency or entity will provide the long-term “take out” financing (USDA, Maine Municipal Bond Bank, etc.) if the RFP is for interim financ-

ing?

- What is the name of the firm or attorney the community will use to provide the legal work of the transaction? Note: Except for municipal leases under \$100,000, public financing commonly requires the borrower to provide the lender with a legal opinion confirming the legality and tax-exempt status of the debt to support the tax-exempt rate that is offered.

- Are there any special circumstances or conditions that affect the RFP or will impact the decision? If a community has purchasing requirements or policies that will be used to screen bids and arrive at a decision,

these should be noted and outlined in the RFP, so all interested bidders are aware of them.

An RFP containing answers to these questions will allow interested bidders to understand the request and submit responsive proposals that can be easily compared by a community in arriving at a selection. A thoughtfully drafted RFP can usually provide the information needed to answer these questions on one page, though sometimes two pages are needed.

If a proposal arrives late or does not meet the requirements spelled out in the RFP, common public-sector bidding practices should result in the

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rejection of any such proposal as non-conforming.

RFP time lines

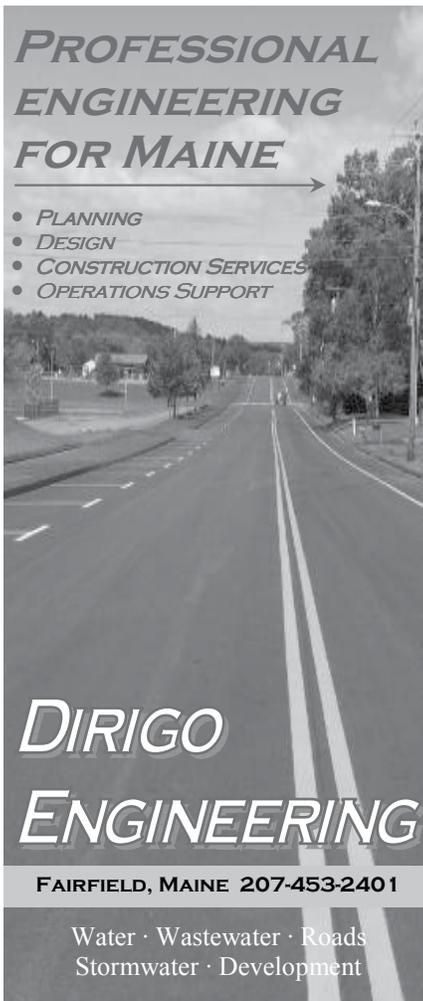
Now a word about RFP time lines: When issuing an RFP, it is a good idea to look at a calendar! I have received RFPs with due dates and/or closing dates falling on weekends or holidays. Needless to say, this is a problem. When a community is advised of such an oversight (by a bidder who has looked at a calendar) it usually results in issuance of a revised RFP, which often extends the bid deadline or severely shortens the bid submission time line. This is not a good situation for the community that needs the money or bidders vying to provide it. Checking a calendar before sending out an RFP so as to make sure that important dates fall on business days is a good idea.

Concerning RFP response times, to get the "best deal" it is important to allow sufficient time for interested bidders to prepare and submit proposals.

It is unrealistic to think that providing funds for an acquisition or project that has taken months to develop can be accomplished in a few days. At a minimum, any type of financing RFP should allow two weeks from the date of issuance for bid proposals to be submitted. The more time that can be allowed, the better.

Remember, an important goal of a competitive bid process is to encourage as many bidders as possible

to respond to a financing RFP. Giving bidders adequate time to submit proposals greatly improves the odds of getting the best deal. Conversely, setting an unrealistic bid deadline which prevents potential bidders from responding to your RFP really defeats the purpose of issuing it in the first place. There is a saying that fits this situation and occasionally guides a bank's decision to submit a bid or not: "Poor planning on an RFP issuer's part



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

For more information visit the MMA website:
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does not constitute an emergency on a bidder's part."

In order to provide a binding financing proposal which does not contain withdrawal contingencies, bidders will at some point in the preparation process need to complete a due diligence review of a community's financial data. This is often done before a bid proposal is issued (the preferable approach) or sometimes after a contingent proposal is accepted. To expedite this process, it is a good idea for a community to include its two most recent audits along with the RFP itself so bidders will have the data they will need at the outset of the process. This is much easier than it used to be with the advent and use of e-mail communication in the bidding/RFP process.

E-mail works well

In recent years, a majority of financing RFPs initially arrive attached to e-mails from community officials. The RFP "hard copy" often arrives by regular mail a few days later. Using e-mail makes it relatively easy to attach audits, or at least specify where they can be found on a community's website. This fact has expedited the RFP process while still allowing responsive bid proposals to be prepared and submitted by interested bidders within the two-week window noted above.

Finally, once proposals have been

opened and results have become public information, good practice and common courtesy dictate that a summary of bids should be shared with the institutions that took the time to respond to the RFP. Unless they attend bid openings, if that is permitted, bidders have no way of learning the outcome unless the community tells them. Sending out a short bid summary via e-mail right after the opening also saves the time involved in responding to individual inquiries about the results that will otherwise occur. Financial institutions that regularly bid on public-sector financing often keep a running record of bid results to monitor the bidding climate and be

able to offer competitive rates. So in addition to having a right to know how their proposals fared, bidders often use the bid information they accumulate to keep their "pencils sharp".

Though electronic communication methods have changed some RFP delivery practices, the need to issue a clear, complete RFP remains very important. Community officials are serious about their fiduciary responsibility to secure the "best deal" possible for the taxpayers they serve, and the points mentioned in this article will help them craft RFPs that improve the odds of getting the "best deal" available when it comes time to borrow money. ■

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MMA Personnel Services offers a wide range of specialized on-site consulting services for our members. Personnel management and labor relations expertise is available for direct assistance or general inquiries through a toll-free telephone line. Direct on-site assistance is available in the following areas:

Labor Relations — Representation of the municipality in labor negotiations, mediation, arbitration and grievance processes. **Executive Search** — Assistance with the recruitment of a new city or town manager or department head. **Training** — On-site training in a variety of topics. **Testing** — Entry level police and fire testing.

For more information on all Personnel Services programs, or general personnel management information, contact David Barrett, Director of Personnel Services and Labor Relations at 1-800-452-8786.

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

2016 MMA & Affiliate Training Calendar

KEY TO GROUPS

MMA	Maine Municipal Association	MLGHRA	Maine Local Government Human Resources Association
MACA	Maine Animal Control Association	MMTCTA	Maine Municipal Tax Collectors' and Treasurers' Association
MAAO	Maine Association of Assessing Officers	MRRA	Maine Resource Recovery Association
MBOIA	Maine Building Officials & Inspectors Association	MSFFF	Maine State Federation of Firefighters, Inc.
MCAPWA	Maine Chapter of American Public Works Association	MTCCA	Maine Town & City Clerks' Association
MCDA	Maine Community Development Association	MTCMA	Maine Town, City and County Management Association
MeWEA	Maine Water Environment Association	MWDA	Maine Welfare Directors Association
MFCA	Maine Fire Chiefs' Association		

*Please note that the listings in "Cyan" with a 🔍 symbol are new courses!

JANUARY

Date:	Course Name:	Location:	Sponsored By:
1/21	MBOIA Annual Membership Meeting/Training	Lewiston – Green Ladle	MBOIA
1/28	Elected Officials Workshop	Augusta – Maine Municipal Association	MMA
1/28	Elected Officials Workshop	Caribou – Northern Maine Development Commission	MMA

FEBRUARY

2/3	Moderating Town Meetings	Augusta – Maine Municipal Association	MMA
2/4	MFCA Legislative Breakfast	Augusta – Senator Inn	MFCA
2/5	MWDA GA Basics	Farmington – University of Farmington	MWDA
2/8	MTCCA Title 30A	Caribou – Caribou Inn & Conference Center	MTCCA
2/9	 Effective Time Management	Augusta – Maine Municipal Association	MMA
2/12	MTCCA Title 30A	Augusta – Maine Municipal Association	MTCCA
2/12	 MTCCA Title 30A- Video Conference	Machias – Sunrise County Economic Council	MTCCA
2/23	Planning Board/Boards of Appeal	Saco – Ramada Inn	MMA

MARCH

3/1	Managing Freedom of Access Requests	Augusta – Maine Municipal Association	MMA
3/2	MMTCTA Tax Liens	Orono – Black Bear Inn	MMTCTA
3/3	MeWEA Legislative Breakfast	Augusta – Senator Inn	MeWEA
3/9	MBOIA Advanced IEBC Training	Augusta – Maine Department of Public Safety - Florian Hall	MBOIA
3/17	 Aerial Drones and the Current Legal Landscape	South Portland – DoubleTree by Hilton	MMA
3/18	MWDA Advanced GA	Houlton – Houlton Town Office	MWDA
3/23-3/25	MFCA Joint Conference	Newry – Sunday River	MFCA
3/25	MTCMA 37 th Annual Statewide Manager Interchange	Bangor – Hilton Garden Inn	MTCMA
3/25	MeWEA Ski Day	Newry – Sunday River	MeWEA
3/29	MTCCA Records Management	Portland – Fireside Inn & Suites	MTCCA
3/30	MMTCTA Tax Lien Procedures	Portland – Keeley's Banquet Center	MMTCTA
3/31	Planning Board/Boards of Appeal	Orono – Black Bear Inn	MMA

APRIL

4/1-4/2	MACA Annual Meeting/Training	Bangor - Hollywood Casino	MACA
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4/5	 MTCCA New Clerks	Augusta – Maine Municipal Association	MTCCA
4/5	MTCCA New Clerks- Video Conference	Caribou – Northern Maine Development Commission	MTCCA
4/7	Roles of Elected Officials and Municipal Managers	Presque Isle – Convention Center	MMA
4/7	MCAPWA Annual Spring Meeting	Waterville – T & B Celebration Center	MCAPWA
4/11	Customer Service Excellence	Augusta – Maine Municipal Association	MMA
4/12	Elected Officials Workshop	Saco – Ramada Inn	MMA
4/12-4/13	MCAPWA Supervisory Leadership Part I	Augusta Learning Center	MCAPWA
4/12	MTCCA Vital Records	Bangor – Spectacular Event Center	MTCCA
4/15	MeWEA Spring Conference	Bangor – Hilton Garden Inn	MeWEA
4/20	 MTCCA Licensing	Augusta – Maine Municipal Association	MTCCA
4/20	MTCCA Licensing- Video Conference	Machias – Sunrise County Economic Council	MTCCA
4/25-4/26	MWDA Spring Conference	TBD	MWDA
4/27	Labor and Employment Law	Augusta – Maine Municipal Association	MMA

MAY

5/2-5/4	MRRA Spring Conference	Rockport – Samoset	MRRA
5/4	MTCCA Voter Registration	Augusta – Maine Municipal Association	MTCCA
5/3	MTCCA Title 21A	Augusta – Maine Municipal Association	MTCCA
5/5	Municipal Technology Conference	Augusta – Augusta Civic Center	MMA
5/17-5/19	MCAPWA Supervisory Leadership Part II	Augusta – TBD	MCAPWA
5/13	MAAO Northern Maine Spring Workshop	Caribou – Northern Maine Development Commission	MAAO
5/16-5/17	MBOIA Code Conference	Sebasco – Sebasco Harbor Resort	MBOIA
5/19-5/20	MMTCTA Annual Conference	Auburn – Hilton Garden Inn	MMTCTA
5/23	Elected Officials Workshop	Union – Union Town Hall	MMA
5/24	MAAO Board of Assessment Review	Augusta – Maine Municipal Association	MAAO

JUNE

6/2	 Planning Board/Boards of Appeal	Augusta – Maine Municipal Association	MMA
6/2	Planning Board/Boards of Appeal- Video Conference	Caribou – Northern Maine Development Commission	MMA
6/2	MCAPWA Highway Congress	Skowhegan – Skowhegan Fairgrounds	MCAPWA
6/7	Municipal HR Conference	Waterville – Thomas College	MMA
6/9	Elected Officials Workshop	Orono – Black Bear Inn	MMA
6/17	MWDA Advanced GA	Augusta – Maine Municipal Association	MWDA
6/21	New Managers Workshop	Augusta – Maine Municipal Association	MMA
6/23	MMTCTA Cash Management	Augusta – Maine Municipal Association	MMTCTA
6/27	Basic Municipal Budgeting	Saco – Ramada Inn	MMA

JULY

7/12	MMTCTA Basic Excise Tax	TBD	MMTCTA
7/14	Elected Officials Workshop	Bridgton – Bridgton Town Hall	MMA
7/18	 Firearms Laws including Concealed Handgun Permitting	Augusta – Maine Municipal Association	MMA
7/19	MTCCA Municipal Law	Waterville – Elks Banquet and Conference Center	MTCCA
7/21	Planning Board/Boards of Appeal	Farmington – Franklin Memorial Hospital	MMA
7/21	MBOIA Membership Training	Augusta – Maine Municipal Association	MBOIA
7/28	MFCA Membership Meeting	Hope – Hope Fire Station	MFCA

AUGUST

8/10-8/12	MTCMA 71 st New England Management Institute	Newry – Sunday River	MTCMA
8/9	MTCCA New Clerks	Bangor – Spectacular Event Center	MTCCA
8/15	Elected Officials Workshop	Augusta – Maine Municipal Association	MMA
8/15	Elected Officials Workshop- Video Conference	Caribou – Northern Maine Development Commission	MMA
8/16	MTCCA Vital Records	Portland – Fireside Inn	MTCCA
8/17	MMTCTA I've Got the Job – What Now?	Augusta – Maine Municipal Association	MMTCTA

SEPTEMBER

9/7-9/9	MAAO Fall Conference	Sebasco – Sebasco Harbor Resort	MAAO
9/7-9/8	MTCCA Voter Registration	Augusta – Maine Municipal Association	MTCCA
9/6	MTCCA Title 21A	Augusta – Maine Municipal Association	MTCCA
9/9	MCAPWA Golf Tournament	Cumberland – Val Halla Golf Course	MCAPWA
9/9	MSFFF Annual Meeting	York – York Village	MSFFF
9/13	MTCCA Networking Day	Waterville – Elks Banquet and Conference Center	MTCCA
9/14-9/16	MeWEA Fall Conference	Carrabassett Valley – Sugarloaf	MeWEA
9/16	MWDA GA Basics	Augusta – Maine Municipal Association	MWDA
9/22	MBOIA Membership Training	Gray – Spring Meadows	MBOIA

OCTOBER

10/5-10/6	80th MMA Convention	Bangor – Cross Insurance Center	MMA
10/24	Verbal Judo-Tactical Communication for the Public Employee	Augusta – Maine Municipal Association	MMA
10/31	MBOIA DECD & Fire Marshal's Office Training	Portland – Keeley's Banquet Center	MBOIA

NOVEMBER

11/1	MBOIA DECD & Fire Marshal's Office Training	Portland – Keeley's Banquet Center	MBOIA
11/1	Planning Board/Boards of Appeal	Calais – Washington County Community College	MMA
11/2	MBOIA DECD & Fire Marshal's Office Training	Brewer – Jeff's Catering	MBOIA
11/3	MMTCTA Municipal Law for Tax Collectors and Treasurers	Orono – Black Bear Inn	MMTCTA
11/3	MBOIA DECD & Fire Marshal's Office Training	Brewer – Jeff's Catering	MBOIA
11/4	MBOIA DECD & Fire Marshal's Office Training	Augusta – Maine Department of Public Safety - Florian Hall	MBOIA
11/15	Personnel Practices	Portland – Fireside Inn	MMA
11/16	MMTCTA Municipal Law	Augusta – Maine Municipal Association	MMTCTA
11/29	Grant Writing for Municipal Programs and Projects	Augusta – Maine Municipal Association	MMA

DECEMBER

12/2	MTCMA Joint Workshop with NHMMA	New Hampshire	MTCMA
12/6	Elected Officials Workshop	Lewiston – Ramada Inn	MMA
12/8	Planning Board/Boards of Appeal	Portland – Fireside Inn & Suites	MMA
12/8	MBOIA Membership Training	Lewiston – Green Ladle	MBOIA
12/9	MWDA Winter Issues Training	Augusta – Maine Municipal Association	MWDA

PEOPLE



Kenny Scribner

Longtime Durham firefighter **Kenny Scribner** was named 2015 Androscoggin County Firefighter of the Year during a banquet in mid-December. Scribner, 66, has served as a Durham firefighter since 1970, with one break. He was promoted to deputy chief in 1994 and served 16 years before his regular job became too demanding. Once he retired, he rejoined the department in 2011. He was elected president of the Durham Fire Department Corp. last February.

Skowhegan Fire Chief **Shawn Howard** has resigned his chief's job in nearby Madison to focus on his Skowhegan duties. Howard served as Madison chief for 18 months. At the time he took the job, he was a captain for the Skowhegan department and was promoted to chief shortly after that. Madison firefighters will elect a new chief in June. Two deputy chiefs will oversee the department in the meanwhile.

Freeport Fire Chief **Darrel Fournier** has returned to duty after nearly one year recovering from shoulder surgery. He resumed his work in mid-November. Fournier, 59, joined the Freeport department in 1974 and was named the town's first fire chief in 1983. In 1990, he was named fire chief for the City of Waterville and returned to his Freeport job in 1999. The work of Deputy Chief **Paul Conley**, who served as acting fire chief, was praised by Freeport officials.

Chris Loughlin was named Denmark town manager in early December, replacing **Dan Merhalski**, who resigned last July. Loughlin served two stints as Machias manager, first from 1989 to 1994 and again from 2010 to 2015. Loughlin resigned from his Machias job last spring and said he is eager to return to municipal work.

Clinton police Officer **Tyler Maloon** received a Spirit of America Foundation award for saving a man's life last June. The man was driving erratically when Maloon stopped him and found he was having a heart attack. Maloon, 22, performed CPR until medics arrived. In accepting the award in mid-December, Maloon said many others were as deserving of the award for helping that evening. The foundation is an Augusta-based charity that recognize Mainers for outstanding community service. Maloon joined the Clinton Police Department about 18 months ago.

Kyle Keugebauer will begin his new job as Cape Elizabeth public librarian on Jan. 16 after besting a pool of nearly 40 candidates. Keugebauer leaves his job as adult services librarian in Westbrook to take the step up. Keugebauer will oversee a \$4 million library renovation approved by Cape Elizabeth voters in November. He will replace **Jay Scherma**, who will retire in January after 20 years with the library.

In a Dec. 8 runoff election, incumbent Lewiston Mayor **Robert Macdonald** won a third term with 53 percent of the vote. Neither Macdonald nor top challenger **Ben Chin** received 50 percent of the vote in Nov. 3 voting, forcing another election.

South Portland City Assessor **Elizabeth Sawyer** retired Jan. 1 after working for the city for three decades. Sawyer, 57, was the city's youngest assessor



Elizabeth Sawyer

when she was hired at age 29 as head assessor. According to a published interview, Sawyer noted the city's assessed value was much lower in the mid-1980s, when she began her municipal career, and is now \$3.6 billion. Sawyer and her husband, Windham Assessor **David Sawyer**, plan to fly south for the winters, beginning this year.

Derek Scrapchansky has been named the first Brunswick assistant town manager since 2009. He was stationed at the former Brunswick Naval Air Station from 2007 to 2009. He served 25 years in the U.S. Navy as a commander. Scrapchansky began his new job on Nov. 30.

After 13 years serving the Wiscasset Police Department, and seven before that in Boothbay Harbor, police Sgt. **Kathy Williams** retired in late November. Williams also served as a civil officer for the Lincoln County's Office, serving civil, legal paper work. She planned to sell the farm where she helped wild and domestic animals recover from injuries over many years. She hoped to be in Virginia, where she has family, by early this year. Williams, 58, cited last year's especially hard winter as the main reason for her decision. ■

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**If your municipality submits a news item for the Townsman, consider sending a corresponding photo to:
Eric Conrad or Jaime Clark (econrad@memun.org or jclark@memun.org)**

STATEWIDE

The Maine Department of Transportation announced in December it has started installing 3,000 signs marking the Maine leg of the East Coast Greenway, a biking and walking trail which ends in Florida. The Maine project is funded by \$75,000 in federal money. The Greenway begins in Washington County and measures 29,000 miles, meandering through several states. Maine officials hope to complete the project by May.

BANGOR

A solid-waste group representing nearly 200 Maine municipalities was updated in mid-December on progress toward building its own recycling and processing facility. The Municipal Review Committee heard that its partner, Maryland-based Fiberright, has found a major investor to help finance and build the proposed \$69 million facility. The facility would be located in Hampden and would convert trash into biofuel while recycling other materials. The communities that comprise MRC send 180,000 tons of solid waste annually to the Penobscot Energy Recovery Co. in Orrington, where it is burned to produce electricity. In order for a new facility to be fiscally sound, the group's towns and cities must commit to sending at least 150,000 tons of waste a year to Hampden. If that goal is not met by mid-2016, the project will be scuttled, officials said.

BELFAST

The city council in December voted 4-0-1 to change the name of Columbus Day, a federal holiday, to Indigenous Peoples Day. The city becomes the first in Maine to make the change. Other cities in the nation, such as Minneapolis and Seattle, also have changed the holiday's name. Belfast residents presented a petition to the council with more than 250 signatures asking for the change.

BRUNSWICK

The town council in December asked staff to develop two environmental initiatives for 2016, including a ban on the sale and use of polystyrene foam packing and charging a fee for single-use plastic bags. The council also asked for a proposal to install solar panels on the town's recreation center in exchange for allowing the company to sell solar energy to the town at a negotiated rate.

NEW ON THE WEB www.memun.org

Highlights of what's been added at www.memun.org since the last edition of the *Maine Townsman*.

MMA's 2016 Training Calendar. It will be a busy year! Maine Municipal Association and its related municipal affiliate groups will hold 95 workshops and training events throughout Maine this year. There will be new offerings, too, on Effective Time Management (Feb. 9), Updating Firearms Laws and Regulating Aerial Drones.

Real Estate Forecast. The Maine Real Estate & Development Association will hold its biggest annual conference of the year on Jan. 21 at Holiday Inn by the Bay in Portland. The conference has municipal interest in that top experts look ahead at Maine's economy, examining the residential and commercial real estate markets.

Technology, HR Conference Ideas. The 2016 Municipal Technology Conference will be held on May 5 at the Augusta Civic Center. The Municipal HR Conference – our second ever – will be held on June 7 at Thomas College in Waterville. Now is the time to suggest municipally relevant topics that our experts can explore.

CARY PLANTATION

Residents in the town of about 200 voted 64-0 in December to begin the process of deorganization and to join the state's Unorganized Territories, ceding control to county and state rules and governance. Voters also voted to leave SAD 70. Residents achieved the required 50 percent turnout, beating it by three points. Town officials hope the deorganization will be completed by July 1, 2017. The town's current mil rate of 23 is expected to drop to six to nine once the plantation becomes a territory, based on today's circumstances.

LIMESTONE

The town's tap water was named the best-tasting in Maine in December by the Maine Rural Water Association. This year, during the association's 35th annual conference in Bangor, 26 municipal water departments competed in the disinfectant category. The water was judged on taste, freshness and clarity. Limestone, in Aroostook County, has been a finalist before in the contest, now in its 29th year, but has never taken top honors. Town officials said the water district operates two groundwater wells to serve users.

PORTLAND

Areas occupied by homeless residents have been cleared out by state highway crews that were cutting brush to improve motorist visibility on certain stretches of state roads in the city. A state transportation official said the work was done in the state's right-of-way, where no one

and nothing should be situated. Some people who live outside said the homeless shelters are too crowded, according to reports. They were unsure where they would relocate. In all, about 25 encampments have been removed citywide since last November.

PRESQUE ISLE

City leaders hope they struck the balance right when they endorsed a 2016 municipal budget of \$11.3 million in December, which includes \$525,000 for the first debt payment for a new community center. The budget calls for a mil rate increase of 1.25 to 26.71. Last July, more than 100 people marked the groundbreaking for the project, which will be located near the downtown, a city park, and Presque Isle stream. Voters in 2012 approved the \$7.3 million project on the condition that a public committee raise half the cost, or \$3.7 million for the new center. The Presque Isle Community Center Committee raised \$3.8 million. Officials hope the facility will be built by next fall. ■

CORRECTIONS

The December issue of the *Maine Townsman* should have reported that Diane Wyman was hired as Topsham part-time assistant clerk/assistant tax collector, and that Harold Murray had been elected to his sixth term on the Fairfield Charter Commission. We apologize for the errors.

MUNICIPAL BULLETIN BOARD

JAN. 28

Elected Officials Workshop: Augusta, Caribou (video)

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on Jan. 28 at Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. This workshop will also be offered live via video at the Northern Maine Development Commission office in Caribou.

The program is designed for newly elected officials, but veteran councilors and select board members may benefit from the refresher and legal updates. 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. The MMA member cost in Caribou is \$45.

FEB. 3

Moderating Town Meetings: Augusta

Dick Thompson, chief information officer for the University of Maine System and a town meeting moderator in China, Palermo and Vassalboro, will lead a well-timed workshop on how to run annual town meetings. The workshop will be held at MMA's Christopher G. Lockwood Conference Center in Augusta.

The program shares practical experience and strategies for running annual meetings. It is geared toward new moderators, but seasoned moderators will find the refresher helpful and it is a good opportunity to share practical advice and techniques. Registration begins at 5:30 p.m. The workshop runs until 8:30 p.m. Cost is \$55 for MMA members and \$110 for non-members.

FEB. 5

General Assistance Basics: Farmington

Selectmen, GA administrators, town managers (MTCMA offers credits) and others responsible for administering

General Assistance will benefit from this one-day workshop on "GA Basics," to be held on Feb. 5 at the University of Maine in Farmington. Instructors will be provided by the Maine Welfare Directors Association.

The workshop provides a basic and sometimes intermediate look at the fundamental – but ever-changing – principles of GA administration and compliance. Cost for the workshop is \$40 for MWDA members and \$65 for non-members. Registration begins at 8:15 a.m. The workshop will conclude at 3 p.m.

FEB. 9

Effective Time Management: Augusta

Do you sometimes feel there's not enough time in your day to get all your work done? Do phone calls, emails and texts keep you from being your productive best? If so, then this new workshop, a member-requested topic, is for you.

Dr. Jeremy Pare, associate professor at Thomas College and a selectman in the Town of Manchester, will lead this program at MMA's Christopher G. Lockwood Conference Center in Augusta. Registration starts at 1:30 p.m. and the class ends at 4:30 p.m. Cost is \$35 for MMA members and \$70 for non-members.

FEB. 23

Planning Boards/BOA: Saco

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 Feb. 23 at the Ramada Inn and Conference Center, just off Interstate 95 in Saco.

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; conflicts of interest and bias; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members.

MARCH 1

Managing Freedom of Access Requests: Augusta

This timely workshop is aimed at help-

ing municipal staffs, designated "Public Access Officers," elected and appointed officials understand Maine's FOA law, why requests are filed and how to deal with them appropriately. The afternoon workshop will be held on March 1 at MMA's Christopher G. Lockwood Conference Center in Augusta. Registration begins at 1:30 p.m. and the workshop will conclude at 4:30 p.m.

Presenters include: Amanda Meader, attorney with MMA's Legal Services Department; Jay Feyler, Manager in the Town of Union; and, Eric Conrad, MMA's Director of Communication & Educational Services. Cost for the workshop is \$35 to MMA members.

MARCH 17

Aerial Drones / Legal Landscape: South Portland

This new workshop is devoted to legal issues involving unmanned aerial vehicles, or drones, which are surging in popularity and creating a host of legal issues. This afternoon workshop, presented by a drone consultant and attorneys with the law firm of Bernstein Shur, will tell municipal leaders what they can and cannot do about drones, even in their own backyards.

The class will be held at the DoubleTree by Hilton Hotel near the Maine Mall in South Portland. Registration begins at 2 p.m. The workshop will conclude at 4:30 p.m. Cost is \$35 for MMA members and \$70 for non-members.

MARCH 31

Planning Boards/BOA: Orono

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 March 31 at the Black Bear Inn and Conference Center in Orono.

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; conflicts of interest and bias; 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>

LEGAL NOTES

Municipal 'Styrofoam' Ban

Altogether the six attorneys on MMA's Legal Services staff have well over 150 years of professional experience. Even so, every so often we're surprised by something we did not know. Case in point: Since 1990 Maine law has prohibited the use of polystyrene (often but incorrectly referred to as "Styrofoam," a trade name) for serving individual portions of food or beverage at a facility or function of the State or any political subdivision, including municipalities, unless the food service recycles the containers (see 38 M.R.S.A. §§ 1651-1654). Plastic beverage stirrers are also banned.

Schools and school districts are generally also subject to this law unless they have been granted a special waiver by the Department of Environmental Protection. However, "meals on wheels" programs funded in whole or in part by the Department of Health and Human Services are exempt.

Note that, for municipalities, this law applies only to the serving of food or beverage *at a municipal facility or function*. It does not otherwise ban the use of polystyrene food containers, by restaurants or supermarkets, for example, although several municipalities (notably Freeport and Portland) have done so by ordinance.

A violation of the statute is punishable by a civil fine of up to \$100.

We weren't aware of any of this until recently, when it was discovered that the State's own cafeteria in the State House office complex was routinely using the banned containers (it's now in compliance). Meanwhile the Department of Environmental Protection has reminded all other governmental entities about the law, including municipalities, which is how we found out about it. *(By R.P.F.)*

Quorum for Town Meetings?

Question: Is there a quorum requirement for annual or special town meetings?

Answer: No, under State law there is no general quorum requirement (i.e., a minimum number of voters who must be present) for either annual or special town meetings. Any number of voters is legally sufficient to conduct town meeting business.

However, a municipality may, by charter, impose a quorum requirement on

MUNICIPAL CALENDAR

ON OR BEFORE JANUARY 31 — Written statements, as prescribed by State Tax Assessor, of wages withheld in the previous calendar year is to be furnished each employee (36 MRSA § 5251).

■ 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 04333-0011 [22 MRSA §4311].

FEBRUARY 15 — Presidents' Day, the third Monday in February, is a legal holiday (4 MRSA § 1051); and shall be observed as a school holiday in the absence of any vote of the superintending school committee designating how the day shall be observed (20-A MRSA § 4802).

BEFORE TOWN MEETING — Selectmen must have a warrant posted at least 7 days before town meeting and have a constable or named resident make return (30-A MRSA §2523). If adoption of an ordinance is proposed, make sure of compliance with 30-A MRSA §3002. Send copy of town report to the following: MAINE MUNICIPAL ASSOCIATION, State Tax Assessor, State Auditor and State Librarian.

■ Town Meeting voter registration and voting list requirements. The registrar shall accept the registration and enrollment of voters prior to the municipal election according to the time schedule prescribed by 21-A MRSA § 122 unless changed by municipal officers.

■ Copies of annual report are to be deposited in the municipal office or a convenient place of business for distribution to voters at least 3 days prior to the annual meeting (30-A MRSA § 2801)

■ Check 30-A MRSA § 5823 for audits, and § 2801 for town reports.

BY MARCH 1 — Solid Waste Municipal Reporting forms are due back to the State Planning Office, 38 State House Station, Augusta Me 04333 [38 MRSA §2125(1)].

itself (see 30-A M.R.S.A. § 2501). If it does so, we recommend that the requirement be modest (e.g., no more than a nominal number or percentage of voters) so the municipality is not hamstrung from doing necessary business.

While, as we noted above, there is no general quorum requirement for town meetings, there is a quorum requirement (of sorts) for school reconsideration referendum elections (see 20-A M.R.S.A. § 1504(2)). A reconsideration referendum is not valid unless the number of persons voting in that referendum is at least equal to the number who voted in the prior referendum.

Also, there is a special quorum requirement (again, of sorts) for a town meeting vote to appoint a single assessor or elect a board of assessors (see 30-A M.R.S.A. § 2526(5)(A)). The vote is effective only if the total number of votes cast for and against is equal to at least 10% of the number of votes cast in town in the last gubernatorial election.

Finally, an historical "factlet" (a brief, interesting fact): In 1957 the Maine Legislature enacted a private and special law requiring a quorum of at least 10% of the number of voters who voted in the last gubernatorial election for special town meetings in the Town of Vassalboro (see P & SL 1957, c. 9). We don't know the backstory here, but to our knowledge this one is unique to Vassalboro and is still in effect. *(By R.P.F.)*

Are Bids Public Records?

For no apparent reason we've gotten a number of inquiries recently about whether bids or proposals submitted to a municipality are public records. (This kind of thing – a flurry of similar inquiries but from different sources – happens here more often than you'd think.) The answer, of course, is yes, bids are public records.

Maine's Freedom of Access Act ("Right to Know" law) defines "public records" as "any written, printed or graphic matter or mechanical or electronic data... that is in

LEGAL NOTES

the possession or custody of an agency or public official... and has been received or prepared for use in connection with the transaction of public or governmental business" (1 M.R.S.A. § 402(2)). We can't think of any reason why bids or proposals, once submitted to a municipality, would not qualify under this definition.

If bids or proposals are sealed, however, until they are opened they are "public" only in their sealed form, that is, only the outside of the envelope is a public record. But once opened, their contents are a public record too, even if they have not been officially reviewed or acted on (see "Draft' Records Are Public," *Maine Townsman*, Legal Notes, July 2009).

As public records, opened bids or proposals are subject to public inspection and copying within a reasonable time after a request is made (see 1 M.R.S.A. § 408-A). We don't believe this means they must be made available to the public immediately upon opening, but if requested and if possible, they should be made available promptly thereafter.

For more on the Right to Know law, see our "Information Packet" on that subject. For more on bids and proposals, see our "Information Packet" on contracts and competitive bidding. Both packets are available free to members at www.memun.org. (By R.P.F.)

Concurrent Town Meeting & Secret Ballot Election?

Question: Can a traditional "open" town meeting and a secret ballot election be held at the same time?

Answer: While no law expressly prohibits it, we don't recommend it, for several reasons. For one, holding a simultaneous town meeting and secret ballot election, where voters go to the polls and mark their ballots in the privacy of a voting booth, as in State elections, could compel voters to choose between the two, at least for a time, because no one can be in both places – at the meeting and at the polls – at the same time. Thus, concurrent proceedings could interfere with the full and free exercise of the right to vote (a constitutional right).

Also, holding a simultaneous town meeting and secret ballot election could violate State law, which, by implication at least, prohibits taking up more than one article or item of business at the same

time (see 30-A M.R.S.A. § 2523(2), which requires that town meeting business be stated, and presumably acted upon, in separate or distinct articles on the warrant).

We appreciate the desire to take care of town business as expeditiously as possible, but to avoid the above risks and the attendant voter complaints and potential litigation, we advise that town meetings and secret ballot elections be scheduled at different times during the same day or on different days (within 14 days if both are called by a single "bifurcated" or two-part warrant, see 30-A M.R.S.A. § 2528(3) (A)).

For much more on town meetings and secret ballot elections, see MMA's *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

'Prejudicial' Bias

Last month we wrote about "familial" bias, where the law presumes that any official who is closely related by blood or marriage to any party to a quasi-judicial proceeding is biased and is therefore disqualified from participating (see "Familial' Bias," *Maine Townsman*, Legal Notes, December 2015).

This month we write about "prejudicial" bias, where an official is disqualified not on the basis of a familial relationship but because of partiality or prejudgment so intense that it prevents the official from making a fair and impartial decision. Since, unlike familial bias, this is a matter of subjective judgment, it is not always easy to tell when this threshold has been crossed.

Perhaps the most obvious evidence of disqualifying bias are statements or actions clearly indicating that an official's mind has already been made up (see, e.g., *Pelkey v. City of Presque Isle*, 577 A.2d 341 (Me. 1990), where a board member

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had been a "vocal opponent" of a project before being appointed). Even where no statements or actions clearly establish bias, however, an official who harbors a strong bias should, in all good conscience, disclose it and abstain. Where an official evidences a disqualifying bias but refuses to step aside, the board has authority to, and should, determine whether the official is in fact disqualified. (This is the board's prerogative, as it is the board's decision that is at risk if a member with a disqualifying bias participates.)

As we noted last month, it's important to remember that bias is a legal problem *only* in quasi-judicial proceedings, such as license or permit applications, zoning appeals and personnel grievances, where due process requires officials to be fair and impartial. When performing other functions, such as legislative, administrative or budgetary, however, officials are perfectly free to act on their personal views and policy preferences.

For more on the problem of bias in quasi-judicial proceedings, see "Municipal Officers' Quasi-Judicial Role," *Maine Townsman*, Legal Notes, November 2004, and "Bias Not Allowed in Quasi-Judicial Role," *Maine Townsman*, Legal Notes, April 2010. (By R.P.F.) ■

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

MMA's services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs. For more information visit the MMA website: www.memun.org

Maine Municipal Bond Bank

2016 SPRING BOND ISSUE SCHEDULE

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

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

Wednesday, February 17th
Application Deadline.

Wednesday, March 23rd
Application approval (Board Meeting).

Monday, April 11th
Preliminary opinions and loan agreements due from bond counsel of each borrower.

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

Wednesday, April 13th
Last date for signing school contracts and rates in place for water districts. PUC Approvals due.

Monday, April 25th & Tuesday, April 26th
Maine Municipal Bond Bank Pricing.

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

Wednesday, April 27th
Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Tuesday, May 17th
Final documents due from bond counsel.

Wednesday, May 25th
Pre-Closing.

Thursday, May 26th
Closing - Bond Proceeds Available (1:00 PM)

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

If you would like to participate in or have any questions regarding the 2016 Spring Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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