

Maine Townsgman

The Magazine
of the Maine Municipal Association

JUNE 2016

SPECIAL EDITION

Our Endless Summer

Seasonal residents and tourists
buoy the Maine economy,
present challenges too



ALSO IN THIS ISSUE

**MMA's Municipal Salary Survey
Importance of Right to Know Training
Scenes from 2016 Technology Conference**



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Maine Townsman

June 2016 | Volume 78 | Issue 6

The Magazine of the Maine Municipal Association

FEATURED STORY | 13

Here Comes the Sun



It started already. Summer is here, and in Maine that means hundreds of thousands of tourists and summer residents returning to their camps and waterfront homes.

2016 Municipal Salary Survey. Maine Municipal Association is developing a new, comprehensive and user-friendly salary and benefits tool. Now is the time for members to help create our best data set ever. **Page 7**

Right to Know Training: Are you certified? State law requires that elected municipal officials undergo "Right to Know" training when they are elected and re-elected. Here's why. **Page 5**

ABOUT THE COVER: This photo of Frenchman's Hole was provided courtesy of Carol Savage Photography and the Bethel Area Chamber of Commerce.

Keep Them Posted

The best thing to do with seasonal residents is keep them informed, municipal officials say. Website updates, emails and newsletters go a long way in serving this valuable constituency.

Page 15

Lovell Loves Summer

This lake-oriented community in southwestern Maine more than doubles in population after Memorial Day.

The tranquil life means so much to visitors that some of them move here, permanently. **Page 19**

NLC Meets with Speaker Ryan

A National League of Cities contingent recently met with U.S. Speaker of the House Paul Ryan to discuss municipal issues. Here is the NLC report. **Page 23**

2016 Tech Conference Scenes 24

People 30

News 31

Municipal Bulletin Board 32

Legal Notes 33

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- 2016 -

Elected Officials Training Opportunities

Elected Officials Workshops

Who Should Attend:

This workshop is a "must" for newly elected and veteran officials-councilors & select-persons-as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state. **(Qualifies as Maine Freedom of Access Act Training.)**

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

As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that this course will be offered in two formats: In classroom and remotely at the Northern Maine Development Commission in Caribou. Attendees can participate via ITV Technology by viewing the presentation remotely. ITV broadcasting allows for live viewing as well as interactive participation with the attendees. A facilitator will be onsite to assist. Should you wish to attend this session at NMDC, simply fill out the registration form and select the Caribou live broadcast.

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



Online registration is easy!

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

Elected Officials:

Dates & Locations

Bridgton – 7/14/2016

Bridgton Town Hall

3 Chase St., Ste. 1

Bridgton, ME 04009

Augusta – 8/15/2016

Maine Municipal Association

60 Community Dr., Augusta, ME 04330

Caribou – 8/15/2016

Live Video Conference

Northern Maine Development Commission

11 West Presque Isle Rd., Caribou, ME 04743

Lewiston – 12/6/2016

Ramada Inn

490 Pleasant St., Lewiston, ME 04240



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A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

The importance of “right to know” training

We see it routinely, at every level of government. Local, state and federal officials run into trouble with – or are questioned about – how they treat public information.

Were the e-mails secure enough? Or, conversely, were they kept too confidential? What did you write to those television producers? Should it really take that long to sort through communication files, redact what needs to be omitted and provide what the law requires of you?

A staple of Maine Municipal Association’s expansive training program is what our Legal Services Department attorneys instruct members about handling public information. It starts with these core principles:

1. Most of the information that municipal government provides and collects is public. We live blessedly in a nation that has an open, democratic government ultimately controlled by voters. Thus, citizens are entitled to know a great deal about what their government and leaders do.

2. Typically, there are adjustment periods for newly elected and appointed municipal officials in this regard. No matter how it’s written or recorded, your communication probably is in the public domain, if you serve or work for a municipality.

3. Electronic forms of communication – emails, texts, Tweets, websites and Facebook posts – are convenient and effective. They also carry potential risks, and they have changed the nature of how Maine’s Freedom of Access Act is applied.

4. And, the law that governs what is public information and what isn’t changes often. That’s why state law requires elected municipal officials to re-certify as being familiar with Freedom of Access provisions every time they are elected or re-elected.

It may be tempting to think that, at the local level, you can avoid the kind of public-information scrutiny that swirls around our presidential candidates and, currently, at least one high-profile state agency in Augusta.



Brenda Kielty

MORE ON FREEDOM OF ACCESS

To learn more about Maine’s Freedom of Access Act, and to review the state’s “Frequently Asked Questions” guide, go to: <http://www.maine.gov/foaa>

Think again.

Just last April, Old Orchard Beach Clerk Kim McLaughlin and her colleagues received a media inquiry about whether its local officials had, in fact, undergone the FOA training that is required by law.

The reporter wrote: “I request to view copies of the certification of training for every elected municipal officer that is currently serving in office, including the town councilors, school board members, as well as all other public officials of political subdivisions whom the statute applies to...”

More typically, skeptical and motivated citizens force the issue.

In either event, this is precisely why instruction about the Freedom of Access Act, its history and application is part of MMA’s hallmark training programs, including our venerable Elected Officials Workshops and Planning Board/Boards of Appeal programs.

Here are some upcoming training events to consider:

• **Elected Officials Workshops.** July 14 in Bridgton; Aug. 15 in Augusta and (via video) in Caribou; Dec. 6 in Lewiston.

• **Planning Boards/BOA.** July 21 in Farmington; Nov. 1 in Calais; Dec. 8 in Portland.

• **Right to Know.** Oct. 6, as part of MMA’s 80th Annual Convention at the Cross Insurance Center in Bangor.

In last month’s edition of the Maine Townsman, Maine Assistant Attorney General Brenda Kielty, who is the state’s Public Access Ombudsman, wrote primarily about email communication at the municipal level.

She wrote: “The Freedom of Access Act requests for the email communications of local government staff and elected or appointed officials have become commonplace. As the requests for email swell, the volume, complexity and problems managing these public records grow.”

We concur, and broaden Kielty’s point to include all forms of written and recorded communication.

We hope to see you at an MMA “right to know” training event soon. ■

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Over to you: MMA asks members to complete 2016 Salary Survey

Results of the survey, a valuable tool in municipal management and budget setting, are expected to be released prior to MMA's 2016 Convention.

By Eric Conrad, Director of Communication & Educational Services, MMA

Maine Municipal's new 2016 Salary Survey is "in the field," as they say, meaning that members are encouraged, right now, to take the 45-60 minutes needed to complete it if your town or city hasn't done so already. The deadline to do so is June 30 and to date, more than 140 members have completed it or are substantially under way.

To those that have, we say: Thank you. To those that have not: Please do.

(Please see the list, updated just before the Maine Townsman's deadline, on Page 10.)

This survey has been three years in the making. MMA last did its Municipal Salary Survey in 2013. For more than 50 years, the survey was a staple of what MMA offered. We know that it is an important tool for elected officials and municipal managers to use as they compare their employees' salaries and benefits to those offered in other towns.

The results can benefit municipalities in many ways.

For one, towns and cities can make sure their employees are being treated fairly and squarely. Are your staff members paid comparably to other similar municipalities? Is your benefits package competitive? If the answer is "no," a spirited staff can develop, one that incurs regular employee turnover which, in turn, leads to lost productivity as new employees – if you can find them – learn the ropes.

Conversely, can you show taxpayers the prudence with which your city or town has been managed? Are your wage and benefits packages competi-

SALARY SURVEY QUESTIONS

Members with questions about the 2016 MMA Salary Survey can contact Carol Weigelt or Ben Thomas in the MMA Resource Center at 1-800-452-8786 or via email at salarysurvey@memun.org.

tive, but also defensible, if need be?

If a salary seems higher than in some other communities, is there a compelling reason for that, such as the post is held by a veteran employee with many years of experience, or that special responsibilities go along with certain positions?

Survey evolution

From 1961 to 2013, MMA did an annual survey, which was valuable and comprehensive, but pretty standard. It detailed compensation for dozens of municipal positions – included elected officials themselves – and in a typical year, some 200-250 municipalities participated.

We believe that the 2016 Municipal Salary Survey will be even more useful.

Working with our partner, Dynamic Benchmarking of Nashua, N.H., we are developing an interactive, web-based survey that municipal officials will be able to filter in any number of ways, once all the results are entered and reviewed.

If you want to see how your Public

Works staff is paid versus staffs in similar sized communities throughout the state, you will be able to do that. If you want to see how your elected select board or council is paid compared to its peers in your county, you will be able to do that, too.

"Having played a role in the Municipal Salary Survey now for over 15 years, I am delighted with our all new, online version, which is facilitated by our vendor, Dynamic Benchmarking," said Carol Weigelt, Web Publishing Technician at MMA and the MMA point person on the project.

Weigelt explained that a municipal salary survey – at least in Maine – can get complicated in a hurry. Many similarly named positions vary in terms of responsibilities. Many are not paid the same way. Local officials and employees can be paid per meeting, per hour, per call, on a salaried basis, via stipend, etc.

"The online version does a fine job of presenting the compensation and benefits questions, and providing a means to collect hourly rates and hours worked, which auto-convert to annual salaries," Weigelt said. "The police and fire sections of the survey cater to some of the unique compensations in place in our municipalities."

For those of you who have booked a trip through an Internet travel site, or who have bought apparel or items, or used cars or trucks, via the Internet, you should expect to find similar ease and convenience with our survey, when it is formally released later this

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

year.

Right now, MMA strongly encourages our 486 municipal members to complete the survey. The database will grow more valuable each time a town or city completes it. The deeper the data set, the better the information and the more ways that members can sort and compare the salaries and benefits offered.

The deadline to complete the survey is June 30. After that, MMA will verify as much of the data as we can, prior to the survey's formal release, which will come before MMA's 80th Annual Convention, Oct. 5-6 at the Cross Insurance Center in Bangor.

Convenient improvement

The new survey has one major advantage over its less tech-savvy predecessor: Once a town or city completes it, only updates will be required in subsequent years. Previously, each MMA member received a blank slate each year. Every data field had to be completed every year. That will no longer

be the case.

Municipalities that complete the 2016 survey will get that exact survey data back in 2017 to review and update. If wages went up, say, 2 percent on average, that adjustment will need to be made. If health-care and other benefit offerings did not change – then no changes are necessary. That part of the survey can be skipped until changes do occur.

Earlier this year, we asked 17 municipalities to do "beta testing" on this survey, meaning they gave it a test run and offered suggestions and areas where we could make things simpler. Many of the beta testers saw instantly how much easier the survey would be to update after this year, the first year.

Along the way, we received a lot of feedback and support from leaders of the Maine Local Government Human Resources Association, which is one of MMA's newest professional affiliate groups. Thank you, MLGHRA.

Jessica Factor, Human Resources Manager for the Town of Brunswick and president of MLGHRA, was one of the "beta testers" who worked with MMA and Dynamic Benchmarking. She said the process of entering information is "very straightforward."

"While it may take a little more time to enter a municipality's data initially, I especially like the feature of inputting pay information once and having this retained from year to year," said Factor. "Participants will only have

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to update annual pay adjustments, which is a great feature and will be well received.”

MMA staff would be remiss not to acknowledge the strong support of our Executive Committee in funding the new Survey. This is quite an undertaking and it's not happening for free, yet our Executive Committee members decided that the survey is a core part of what MMA does and has been for years.

Productive partnership

Ben Thomas, MMA's Website and Social Media Editor, said beta testers and early users of the survey have seen time savings already.

“Dynamic Benchmarking helped our association update an Excel and paper-based survey into a modern, flexible ‘on demand’ tool,” Thomas said. “This efficient, web-based approach already has saved our members time and effort during the data entry process.”

Lisa Vivinetto, co-founder and chief marketing officer at Dynamic Benchmarking, said her company's relationship with MMA and Maine towns and cities will be an ongoing one.

“From the beginning, MMA had a clear vision as to how it could use the Dynamic Benchmarking technology to improve its existing survey and MMA was committed to providing members with a more robust tool for reporting and comparing salary information,” Vivinetto said. “We look forward to continuing to develop the platform and our relationship with our colleagues in Maine.”

Holly Maki, Dynamic Benchmarking's project manager with MMA, said municipal needs regarding salary and benefit information are broad.

“I was impressed at how the MMA team considered the wide range of municipality needs and worked to ensure that this new platform would meet them,” Maki said.

There is no charge for members to use the survey – so long as they enter their data first. MMA is requesting that all members participate on the front end of the survey by providing their town or city data before they can gain access to the complete report.

Remember, a searchable database like this is only as deep and valuable as the information that's entered. ■

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A SALARY SURVEY THANK YOU

Maine Municipal Association wishes to thank the following municipalities, which have completed or substantially started (at the time of the Maine Townsman's deadline) the 2016 Municipal Salary Survey.

Acton	Dover-Foxcroft	Lincoln	Sebago
Alton	Dresden	Lincolntonville	Seboeis Plantation
Atkinson	Durham	Ludlow	Shirley
Auburn	Eastbrook	Madawaska	Sidney
Augusta	Easton	Manchester	Solon
Baileysville	Eastport	Maxfield	Somerville
Bangor	Edgecomb	Mechanic Falls	South Berwick
Bath	Eliot	Montville	South Portland
Beaver Cove	Ellsworth	New Sweden	Standish
Berwick	Fairfield	New Vineyard	Stockholm
Bethel	Falmouth	Newfield	Stoneham
Blue Hill	Fort Fairfield	Northport	Sumner
Bowerbank	Franklin	Oakland	Surry
Bradford	Freedom	Ogunquit	Topsham
Bridgton	Frye Island	Old Orchard Beach	Trenton
Brooksville	Garfield Plantation	Orono	Union
Brownfield	Glenburn	Otisfield	Vassalboro
Brunswick	Gray	Owls Head	Waldoboro
Bucksport	Great Pond	Palermo	Wales
Buxton	Greene	Paris	Wallagrass
Cape Elizabeth	Guilford	Poland	Waterford
Caribou	Hallowell	Portage Lake	Waterville
Cary Plantation	Hammond	Portland	Weld
Castine	Hancock	Presque Isle	Wellington
Chebeague Island	Hartland	Princeton	West Forks Plantation
Chelsea	Hiram	Prospect	West Paris
City of Belfast	Hope	Reed Plantation	Westbrook
Clifton	Howland	Richmond	Westmanland
Columbia Falls	Island Falls	Ripley	Weston
Corinth	Jay	Rockland	Westport Island
Cornish	Kennebunk	Rockport	Windham
Cranberry Isles	Kennebunkport	Rome	Winslow
Crawford	Knox	Roxbury	Winterport
Dayton	Lake View Plantation	Sabattus	Winthrop
Dedham	Lamoine	Saint Albans	Wiscasset
Deer Isle	Leeds	Sangerville	Woodstock
Detroit	Limerick	Scarborough	York



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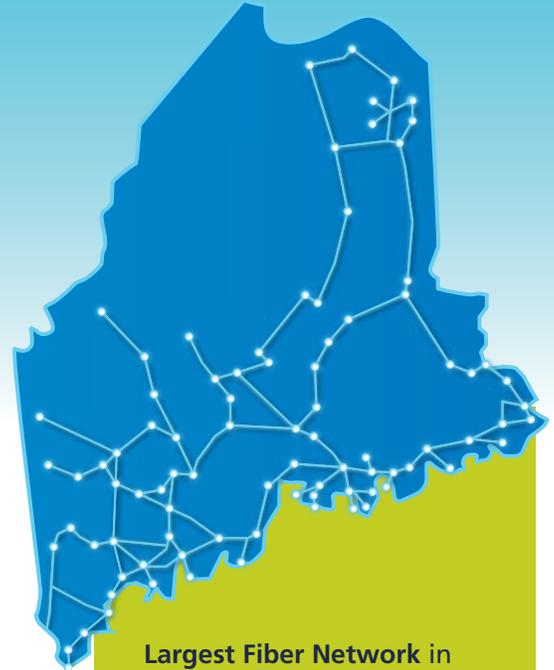
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Summer means tourists, and tourism means an economic lift

One of the keys to having successful local events this summer is preparing early, officials say. Another is working with partners, such as local Chambers of Commerce.

By **Stephanie Bouchard**

Early summer is here, and just like residents across the state, municipalities are getting ready to welcome summer visitors. It's a lot of work, but the effort is worth it.

According to the Maine Office of Tourism, tourism is one of the state's top industries with large impacts at the state and local levels. Last year, tourism supported almost 99,000 jobs and brought in over \$5.6 billion to the state.

State tourism officials and those tied to the industry aren't making any predictions for the 2016 season, but hopes are high that this year will be as good as or better than last year – which was pretty good.

"The majority of places I've talked to so far have said their reservations are strong and solid for this year," said Tony Cameron, director of marketing and communications at the Maine Tourism Association. "So far, every indication is that it's going to be a good season. Right now, we have nothing to point otherwise."

The summer tourism season gives municipalities a chance to shine – whether they're on the coast or inland.

With potentially more visitors this year than last – particularly with Acadia National Park celebrating its 100th anniversary – the pressure is on for municipalities to put their best feet forward. Besides the basics, such as turning summer water lines on, painting lines on streets, cleaning up winter debris, here's how they do it.

By getting organized

In the spring of 2015, Greenville Town Manager John Simko and his staff

Stephanie Bouchard is a freelance writer from Bath and a new contributor to the Maine Townsman, stephanie@stephaniebouchard.net.



Thoreau Park in Greenville. (Maine Office of Tourism photo)

felt, literally, that spring had sprung on them. With a harsh and seemingly never-ending winter last year, it was suddenly Memorial Day weekend – the symbolic start of the summer tourist season – but they weren't ready for it.

The Saturday before Memorial Day, Simko and some of his staff ran around in a wintry gale getting the town ready for Monday's festivities. Because they hadn't organized earlier, the town used staff from several departments and overtime pay to get the job done.

Getting organized in advance is a must when supporting organizations holding events in your town, Simko noted. Greenville is host to several events, including its annual Seaplane Fly-in that showcases Moosehead Lake.

"If you can coordinate and pre-plan with groups like this and get the work done in advance during hours that are convenient for, say your public works department, then you're not incurring overtime or additional hours

or what have you," Simko said.

Working with partners

Whether you're Bar Harbor, bombarded with summer crowds, or Bridgton welcoming returning summer residents, it is crucial for communities to work with partners, said Robert Peabody, town manager of Bridgton.

"We're all in this together," he said. "We're all here for the betterment of Bridgton."

The local Chamber of Commerce is one of a community's top partners, say town managers.

Bar Harbor relies heavily on its partnership with its Chamber of Commerce, said Town Manager Cornell Knight. The town pays the chamber a stipend, funded out of cruise ship fees paid to the town, to help the chamber cover its cost of staffing tourist information centers, where workers answer questions and greet the thousands of visitors each season.

Local chambers of commerce and

businesses are the most frequent partners for municipalities, but there are many others, such as garden clubs that volunteer to plant and take care of flowers to beautify downtowns, and residents who pitch in at local parks and beaches during town- and city-sponsored spring clean-up days.

That state is also an important partner for cities and towns. It has a mission to promote Maine as New England's premier four-season destination.

"One thing we work very hard to do is tell the story of Maine very broadly to encourage visitors to think of all Maine has to offer rather than certain places," said Carolann Ouellette, director of the state's tourism office.

The tourism agency works with communities all around the state to help them in their tourism development efforts, she said. Communities can contact Donna Moreland, the office's new destination development specialist, or the marketing organizations that represent the eight tourism regions in the state.

"We're happy to meet with folks, gauge where they are, look at assets and at their marketing efforts and how they can tie into the bigger initiatives out there," Ouellette said.

Keeping an open dialogue

According to the state tourism office, Maine residents overwhelmingly support tourism. That doesn't mean they won't gripe about tourists, though. Which is why it's important to maintain an open dialogue with residents, says Thomas Fortier, Ogunquit's town manager.

"The cost of tourism comes up frequently at town meetings," he said. It is not unusual for residents to question budget items that are tourism-related and be worried about how much of their taxes are going to support tourism efforts, such as salaries for life guards or extra staffing for police and emergency services departments.

"A \$1.4 million police budget wouldn't be necessary if there were no tourists," he said.

The conversation about tourism's costs is a conversation that has to be had with residents and businesses and it must be an ongoing, open dialogue so that divisiveness can be avoided. It is beneficial for everybody to have a vibrant community, he noted, even if

TOURISM BY THE NUMBERS

According to the Maine Office of Tourism, in 2015:

- Tourism supported nearly 99,000 jobs, accounting for about 15 percent of employment and brought in more than \$5.6 billion, up 3.2 percent from 2014.
- Non-resident day visitor spending generated \$131 million in tax revenue.
- 70 percent of Maine residents believe tourism is vital to Maine's economy and 63 percent believe tourism spending positively impacts local businesses.
- 85 percent of Maine residents would like to see the same or more tourism in their own communities.

In 2016, the Office of Tourism hopes to

- Increase visitors staying in paid accommodations by 338,500.
- Increase total first-time day and overnight visitors to 5 million from 2015's 4.5 million.

there are inconveniences and some potential extra expenses associated with tourism.

"To me, there's a significant amount of satisfaction knowing peo-

ple are coming to your town because something good's happening. That's the way we look at it, as opposed to being a burden," Fortier said. "It's a pride factor." ■

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Communication is key with seasonal residents, officials say

In some towns, summer residents own property accounting for more than half of the taxable value. Even though they primarily live elsewhere, this is an important constituency.

By Janine Pineo

On a hot, summer day, Ogunquit balloons in population. The York County town of 1,000 year-round residents increases to about 30,000 visitors and summer residents.

"It maxes out our infrastructure," said Thomas Fortier, Ogunquit town manager. "On a busy day, our resources are stretched to the limit."

He ticks off the list: long lines to the public bathrooms at every beach, full lots for public parking, increased calls to fire and emergency departments and overflowing trash barrels despite adding 10 to 15 seasonal workers to the year-round roster of six Public Works crew.

And that's just the Public Works Department. Overall, the town adds 150 seasonal workers to its payroll of 42 year-round employees, Fortier said.

Welcome to Vacationland, where many municipalities see an influx of not only tourists, but nonresident taxpayers, the summer folk who own swatches of land, camps and waterfront property, but may vote elsewhere. In some communities, these are the people who pay the majority of taxes but may have little say in the affairs of local government.

Maine's most well-known summer colony may be Bar Harbor, but there are more, generally clustered along the state's storied waterways.

How do communities communicate with these part-time residents, not only getting out information on everything from trash pickup to burn permits to town office hours, but also receiving input from these taxpayers?

In the age of social media and instant access, what works for one mu-



The Mount Desert Town Office was donated to the town by summer residents. (Submitted photo)

nicipality may not work for another. How municipalities tend to their summer residents seems to be as varied as each community.

Thank the 'from aways'

Tales of summer residents are legend, with perceptions real or imagined over the influence of people "from away." Those same perceptions spotlight an economic divide, because the property owned by summer residents can be the most expensive in a community, and for these folks, it is a second home.

Denise McCormick, town clerk for the Cranberry Isles, made it clear what the summer population means for her town's 141 year-round residents: "If it weren't for them, none of us could afford to live here," she said.

Of the five islands that make up the Hancock County community, only two

have year-round populations. In summer, the population grows to around 800, McCormick said. It's a 70/30 split in favor of nonresident taxpayers when it comes to the valuation, with nonresident taxpayers owning "all the oceanfront property."

That tax money funds services all year long, including emergency and fire services, with paid rescue training for the two main islands. McCormick pointed out that not only are many of the year-round residents older, but the majority of summer residents are descendants of the same families who built homes on the islands in the early 1900s and return every summer.

The tradition of word-of-mouth communication remains, although it does get a boost from social media these days.

McCormick says the town can post on a Facebook page for the Cranberry Isles that is not managed by the municipality. Not everyone will see the page, but people will. They pass information along on anything from an incoming hurricane or status of a power outage. "We're out here on the ocean," she said. "You can't rely on the television to tell everyone."

For the Town of Mount Desert, with its villages of Northeast Harbor, Otter Creek, Pretty Marsh, Seal Harbor, Somesville and Hall Quarry, the tradition of summer families returning to the community continues, according to Durlin Lunt, Mount Desert town manager.

"We still have families that date back to the 1880s," he said. "It's a great strength to have that loyalty, those roots in the community."

With a population of just over 2,000 year-round, the community expands to 7,500 during the summer. Lunt said

Janine Pineo is a freelance writer from Hudson and regular Maine Townsman contributor, jepineo@gmail.com.

that 70 percent of Mount Desert's \$2 billion valuation is in seasonal property. The town has 40 full-time employees, with plans to add two full-time firefighters by July. The payroll increases by 20 people in the summer, Lunt said.

"We maintain a town infrastructure for 7,500," he said.

Communication by association

As for communication between the town and the summer population, that group has a Summer Residents Association, around for decades with the purpose of keeping lines of communication open.

"They are closely integrated into town government," Lunt said. "We have pretty much a commonality of goals."

"The health of the community is very important to us," said Donald Graves, the association's president. Graves is a fifth-generation islander, born in Bar Harbor. He makes a distinction between where he lives and home, with the former being California.

"I call here 'home,'" he said.

The association meets at least twice, once in July and once in August, and



Damariscotta Pumpkin Fest crowds. (Photo by Ronn-Orenstein)

produces several newsletters a year. It has a mailing list of just under 500, with 300 to 350 families paying dues annually. Those are \$25, but members can contribute more because the dues help fund improvement projects within the town, Graves said. The group

donated \$10,000 to the town this year for landscaping at the marina, and it has matched funds with the town for three years to pay for an economic development consultant.

The Mount Desert Town Office building was donated by summer resi-

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dents.

Lunt said there will always be complaints, although at last year's summer meeting, no one asked about their taxes.

"The town is here to work with the flock, not to fleece it," Lunt said.

Graves emphasized the relationship between the summer residents and the year-round ones, saying the summer people consider the year-round residents "precious conservators of the lifestyle."

"The island is so beloved by the summer community that they can have a place to call home," Graves said.

In the Cumberland County Town of Harpswell, the seasonal property also has history. "People have owned their seasonal property for a number of years, generations," said Kristi Eiane, the town's administrator.

The population was at 4,740 in the 2010 Census, and Eiane said it increases in summer to between 8,000 and 10,000 people. With a property valuation of \$1.8 billion, nonresident taxpayers make up 48 percent of the tax base.

For more than a decade, the town has held a meeting for summer residents. "There was a recognition that we had to create a public forum. It's sort of like their town meeting," Eiane said. "The staff is there to answer any questions in their department."

Harpswell also relies on its website and newsletter to disseminate information, as does Damariscotta. There, Town Manager Matt Lutkus said he has about 500 subscribers to his newsletter. "I have a lot of summer residents who want to stay in touch," he said.

The Lincoln County town has a

year-round population of about 2,200. Lutkus said that between the Lake Pemaquid Campground and the summer residences, the population on any given summer day is doubled in size. "We're bursting at the seams," he said.

Year-round staff is 13, Lutkus said, with the summer increase of a temporary worker in Public Works and two parking lot attendants. Part-time officers are used more extensively with the police department as well.

Lake towns double in size

Belgrade easily doubles in size, too, according to Town Manager Carrie Castonguay. The lake-studded community in Kennebec County has a year-round population of 3,189. Sixty percent of its valuation is from non-resident taxpayers.

This year, she said, the town won't hold a meeting for summer residents because of low attendance. They do have a quarterly newsletter and a website with information about the community and the region.

The town with Maine's largest lake can double to triple in size over the summer. Greenville Town Manager John Simko said, "We use a variety of mediums to reach both resident and nonresidents."

What used to be covered by the local print media is no longer. "Folks who have camps up here want to have information," he said. "Social media picks up some of the slack."

The Piscataquis County town maintains a Facebook page and an exten-

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sive website, including a community web page that lists everything from emergency services to economic development to banks, utilities and Internet service providers to tourist and recreation opportunities.

The town also prints enough informational flyers to give to camp associations, Simko said. And they announce what they can in the local print media.

As for the number of taxpayers, Simko said that while the population is 1,646, the town sends out 2,700 tax bills annually.

Ogunquit also uses the internet to get its information out to those tens of thousands of daily visitors and summer residents. The town was named Google's 2015 eCity for the state of Maine. Town Manager Fortier said it showed the tremendous amount of traffic the town website receives.

The town's police department has a popular Facebook page with more than 10,000 likes, and both the police and the town have Twitter accounts.

"We're very social media savvy," Fortier said.

However, the town still wants to keep it personal, he said, giving the public parking lots as the example.

Parking brings in \$1 million in revenue annually, he said, and the town considered setting up meters for "pay and display" parking, which would eliminate the visitors service staff who work in the parking lots. These folks answer everything from when is high

tide to where things are located. Usually retirees are hired, Fortier said, and "they are very informed."

In the end, the meters were nixed. "We did not want to go to pay and display because we would lose that personal connection," he said. ■

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Lovell embraces summer, and the visitors who accompany it

But mostly, the locals say, they just like living here. Many of them were “summer folk” themselves before seeing the light and settling near Kezar Lake.

By Steve Solloway

The calendar in Lovell’s town office may have indicated summer in Maine was still a few weeks away, but Sherry Bois and Janice Arsenault knew better. The summer folk were at their door and there wasn’t much time for either the town clerk or the tax clerk to catch their breaths.

Boats needed to be registered for the 2016 season. In this corner of western Maine, where Kezar Lake is a crown jewel framed by the White Mountains, there’s no better sign that spring was over in the run-up to Memorial Day weekend.

“Busy? Well I guess a little,” said Bois, beginning to laugh. The town’s year-round population of about 1,140 swells to three or four times that number in the summer months.

The pace does quicken, although to a stranger’s eyes the influx might not seem apparent. Rosie’s Lovell Village Restaurant fills up more quickly for its all-day breakfast and lunch. More traffic zips by on Route 5, which links Fryeburg to the west with Bethel to the east of town. More golfers call for tee times at the Lake Kezar Country Club.

Summer folk have been part of Maine’s culture for parts of three centuries, or ever since railroads opened up Maine’s inland lake communities to the rest of New England and the Northeast in the late 1800s. In Lovell, the beauty of Kezar Lake’s clear water, forested shoreline, looming White Mountains and relative isolation brought visitors back year after year for generations.

“The summer people brought the world to us,” said Roberta Chandler, a



Early summer swimming at Pleasant Point in Lovell. (Photo by Steve Solloway)

native who didn’t find reasons to leave Lovell. She made her home here during much of her 79 years. Her horizons were the panoramic vistas around her. Bright lights in far off cities didn’t attract her.

But don’t for a minute assume this former Lovell town clerk and chairwoman of the Board of Selectmen is not a woman of the world.

“We were exposed to what was far outside Maine by the summer people,” said Chandler. “We knew they might be rich or famous, but that really didn’t interest me. I was interested in them.”

Many of the lodges and camps and inns and cottage colonies that were interspersed around the lake are gone now, replaced by larger, three- and four-season homes. Some, such as Severance Lodge, which was once called Brown’s Camps, is now a private home association. Quisisana, which is Italian for “a place where one heals oneself,” is a popular summer music camp where housekeepers and dining

room staff transform into musicians and singers after the sun goes down to entertain guests.

A different era

Sixty years ago it was much different. The many lodges and camps gave generations of Lovell youth summer jobs. Albert Stearns, who was Chandler’s older elementary schoolmate in the Annie Heald School in West Lovell, went to work when he was 14. “I was a pot washer, working my way up to be a waiter,” he said.

Stearns’ daughter, Rondi, and her husband, Stanley Tupaj, a local Realtor, represent the seventh generation of his family to live on the same farmland that was settled in the early 1800s. A distant relative, Marcellus Stearns, left Lovell to study at Colby College and fought for the Union in the Civil War, losing an arm. During Reconstruction, he became governor of Florida, but he is buried in the Center Lovell cemetery.

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

Lovell residents don't trumpet their history but that doesn't make them less proud.

Stearns' father was a town selectman during World War II. His dairy farm had 25 milkers because there wasn't enough pasture land on his 150 acres to support a larger herd. Like so many other men in Lovell, he became a woodsman, hauling logs out of his woodlot. Stearns' father was also a caretaker for the summer folk when they returned to their homes in Massachusetts or New York or wherever.

"Sometimes they made us feel like family," said Chandler, whose maiden name is Cram. She shagged golf balls at the country club's driving range, caddied, washed pots, waited tables in a lodge dining room and became a nanny.

After graduation from Fryeburg Academy, she enrolled at Farmington State Teachers College, now the University of Maine-Farmington. She taught school in the Western Maine towns of Norway and South Paris. She cared for the children of her neighbors at her daycare and was the first president of the Lovell Historical Society which she helped organize.



Rosie's store in Lovell is a center of community activity. (Photo by Steve Solloway)

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When the historical society outgrew a modular building and eyed a once glorious Center Lovell landmark that was for sale, Chandler knew it would take thousands of bake sales to raise the money to buy.

The summer folk helped fund the project with their tax dollars and donations.

“There’s no getting around it: The lake properties are valuable,” said Chandler, who understands the relationship between natives and summer folk. “I suppose some resent all the money (summer people) have. But their taxes have helped the town. We send them a big bill and they send us a big check.”

The dairy farms, like Stearns’ herd, are gone. The main industry in Lovell is tourism, be it the summer folk or the more typical tourists who spend a week or two in the area.

Select board leadership

Lovell does not have a town manager. Three selectmen oversee the town’s affairs. Steve Goldsmith, Bob Drew, and John “Turf” Ramsden have served together for many years. Goldsmith has been on the board for nearly

30 years, or 10 terms. He arrived more than 40 years ago to teach at the primary school. Now he’s a financial adviser, which is one of many hats he wears. He’s also a trustee of the Fryeburg Fair and chief of Fryeburg Rescue.

Drew is an electrical contractor with deep roots. Ramsden operates the town transfer station and plays guitar in Flooded Cellar, a six-member local band. It plays alternative rock and “psychobilly” music, according to its website.

“It’s not the typical small-town, good ol’ boy board of selectmen,” said Lee Conary, who owns the Kezar Lake Marina and Loon’s Nest Restaurant.

“They don’t have any agenda. They’re selectmen because they love the town. It’s that simple.”

Conary grew up in South Weymouth, Mass. and found his true home in Lovell and Kezar Lake. “Since I was 10, I wanted to own this marina. Kezar Lake gets into your soul. You live here for family reasons, to play Scrabble at night, not play with your cell phone.”

Conary points to a T-shirt he sells in the marina shop. He chose the words on its front: “Exhale. You’re home.”

The summer folk don’t send their children to New Suncook Elementary School, which was built in 1971, using

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some of their tax dollars. They don't draw on much of the town's services. Only two temporary workers are hired for the summer months, primarily for mowing and other town maintenance.

Lovell has the second highest tax valuation in Oxford County, thanks to Kezar Lake, said Goldsmith. "We have a \$4 million budget and \$1 million runs the town. The rest goes to the schools (Lovell is part of MSAD 72) and the county, things we cannot control."

Summer folk can't vote at town meeting unless they change their legal residency to Lovell. They can come to selectmen's meeting and be heard. Some of the younger generation who have inherited their family's camps or summer homes do.

"They ask, 'How can you lower our taxes?' We can't," said Goldsmith.

Not just a slogan

Still, if the slogan "Maine, the way life should be" seems frayed in other parts of the state, that's not the case here. "This is a nice place to live," said Turf Ramsden. "We don't seem to have the issues other towns have."

In Lovell, people don't just say they look after each other. They help. The town budgeted \$4,000 for public assistance. Friends Helping Friends is a real emergency fund in this town, not a slogan.

Goldsmith said a number of summer folk are members of local organizations such as the Greater Lovell Land Trust and Lovell Invasive Plant Prevention Committee. While none serve as active firefighters, Chief Tommie McKenzie can count on their help with the annual fund-raiser, a chicken barbecue that is in its 46th year.

They also serve as volunteers with the fire department and the Brick Church for the Performing Arts.

"This is an amazing bouquet of humanity from multi-millionaires to school teachers," said Conary, "from retired generals to surgeons."

Conary doesn't drop names. There's a deep respect for privacy. A rumor that famous gangster Al Capone played a round or more of golf at the Lake Kezar Country Club may have started to simply illustrate that virtue.

The master of horror

Stephen King does live in one of the four communities – Lovell Village,

Center Lovell, West Lovell, North Lovell – that make up the town. Residents have long grown accustomed to seeing him walk the town's back roads, sometimes while reading a book. Some, remembering he was struck by a van from behind and injured seriously during one of his walks in 1999, want to rush outside and guide him to the opposite shoulder so he's facing traffic.

Many in Lovell are fond of King and his family, and they're even protective. When someone sat at the counter of the popular and rustic Rosie's Lovell Village Restaurant recently and mentioned he was a writer on assignment, there was a chilly response: "You're going to ask questions about Stephen King?"

No, the assignment was Lovell in the summer. The air gradually became less frosty.

"People (from away) ask me quite

a bit: Where does he live?" said Albert Stearns. "I tell them, 'He has a place on the lake.'" That's a truthful answer but Stearns knows Kezar is about nine miles long.

Chandler remembers one extended conversation with the novelist when she worked at the town office. King wanted to build a treehouse for his children. He wanted to know if he needed a permit.

"He was as anyone else can be. He was nice," said Chandler.

Tupaj, who writes the Kezarlife's Blog and contributes to the town website, grew up in northern New Jersey and, with Al Stearns' daughter, Rondi, started to raise their children in Baltimore. For years he was summer folk too, returning to the Stearns family camp. He laughs when he describes his years away from Lovell. He saw the light.

"This is a great place to live." ■

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In meeting with NLC, Speaker Ryan talks fate of key municipal issues

The powerful Republican discusses tax exemption of municipal bonds and e-fairness, the long-running tax debate between brick-and-mortar and online retailers.

By Carolyn Coleman

On Monday, May 9, I had the opportunity to sit down with House Speaker Paul Ryan, along with a handful of Wisconsin local officials and leadership of the Wisconsin League of Municipalities, in Janesville, Wisc., to discuss National League of Cities legislative priorities for America's cities and towns.

Joining me in the 20-minute session with the Speaker were: Racine Mayor John Dickert; Janesville City Manager Mark Freitag; Kenosha City Administrator Frank Pacetti; West Allis Mayor and League President Dan Devine; Manitowoc Mayor and Urban Alliance President Justin Nickels; Wisconsin League of Municipalities (League) Executive Director Jerry Deschane; League Assistant Executive Director Curt Witynski; and NLC Communications Director Gail Sumi.

We began the conversation talking about tax reform and the importance of preserving the tax-exempt municipal bond, the workhorse of infrastructure financing in cities and towns. The Speaker talked of his goals for tax reform: Broadening the tax base and getting the rates down to help make sure that we don't have more businesses moving their headquarters from America to foreign countries to lower their tax burden. He said a blueprint for tax reform will be released this summer and that the House will take up the issue in 2017.

Our focus on the tax exemption came as no surprise to the Speaker, and he acknowledged that its legitimacy as a financing tool. He also shared that he's sensitive to the Puerto Rico debt crisis not jeopardizing the health

of the U.S. bond market.

While he wouldn't commit to protecting the exemption in tax reform efforts, he did signal that the provision that allows taxpayers to deduct state and local taxes is a bigger target for changes in a reform of the tax code since it costs the federal government more than the exemption and would bring in more revenue that could be used to finance a tax cut.

According to estimates, the tax exemption costs the federal government approximately \$540 billion over a 10-year period, while the deduction of state and local taxes costs the federal government approximately \$1.1 trillion over a 10-year period. While saving the exemption is our top priority in efforts to reform the tax code, I let the Speaker know that preserving this deduction is a close second.

Moving on to e-fairness, the Speaker told us that everyone agreed there should be parity between online retailers and brick and mortar retailers, but everyone did not agree on how to



Paul Ryan

do this, with some preferring that the tax be based on the location of the seller (origin-sourcing) and some wanting the tax to be based on the location of the buyer (destination-sourcing).

While not indicating whether he had a position on the approach, he did let us know that he's asked the House Judiciary Chairman, whose committee has jurisdiction over the matter, to get an e-

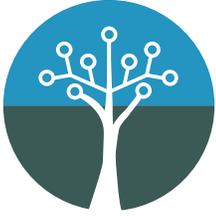
fairness bill through the Committee to the House floor for a vote and to conference with the Senate to reconcile differences in their respective bills. In response, I told the Speaker that cities and towns agree that we need to get a bill moving in the House – after all, the lack of action is costing us over \$23 billion a year – and we are willing to work with the Chairman to get this done.

To wrap up the meeting, the local officials shared updates on their hometowns with the Speaker. Our meeting with Speaker Ryan was a good first step. ■

ABOUT THIS ARTICLE

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Carolyn Coleman is Director of Federal Advocacy at the National League of Cities. Follow her on Twitter @CColeman_Cities.



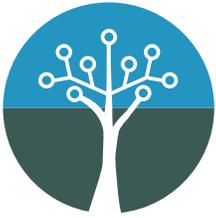
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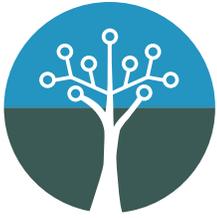
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Municipality Served: _____

LIST MUNICIPAL POSITIONS (Please include information relating to services provided to your municipality as well to other municipalities):

Position(s): _____ Municipality: _____ Length of Service: _____

Position(s): _____ Municipality: _____ Length of Service: _____

Position(s): _____ Municipality: _____ Length of Service: _____

Total Length of Local Government Service: _____

Membership in Professional Associations:

Community Service and Recognitions Received:

Is the Nominee Retired? YES (When did Nominee retire? ___/___/___)

NO (Anticipated retirement date? ___/___/___)

Signed by:

Name: _____

Title: _____

Municipality: _____ **Date:** _____

Name: _____

Title: _____

Municipality: _____ **Date:** _____

Please complete and return with up to **(5) supporting letters**. **The supporting letters are critical to your success.** Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by **Friday, September 2, 2016** to:

Ethel Kelley Memorial Award – Selection Panel
Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

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www.memun.org

October 5 & 6, 2016
Cross Insurance Center
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Maine Municipal Association

60 Community Drive
Augusta, ME 04330

phone: 207-623-8428

PEOPLE



Thomas Gleason

Windham residents and municipal officials mourned the loss of Councilor **Thomas “Tommy” Gleason**, who died of a heart attack on May 11 while on vacation in New Jersey. The town office was closed for Gleason’s service and police, fire-rescue and other first responders led the procession to the church. Gleason, who was 67 and a New York native, attended college in Biddeford and after raising two daughters, he and his wife moved to Maine in 1995. Gleason served as councilor since first elected in 2010. He was warmly remembered for his kindness and love for the town. He initially ran for town government office to help consume his attention after the loss of a child.

Hancock County hired Milford Town Manager **Scott Adkins** as county administrator, effective immediately. Adkins replaces **Eugene Conlogue**, a longtime Maine municipal manager and the county’s first administrator, who resigned in February. Prior to managing Milford since last September, Adkins worked for eight years as Penobscot County finance director.

Former Winthrop Ambulance Service Director **Jay Bradshaw** was recognized with the Governor’s Award in May for nearly 30 years’ work as a Maine emergency manager. After serving in Winthrop, Bradshaw was named director of the state’s Bureau of Emergency Services and served for more than 20 years. Bradshaw, who retired last year, said he chose ambulance work when he and his wife were expecting their first child and he wanted to know basic first aid. More than 100 people attended the awards ceremony for all Maine paramedics, EMTs, doctors, hospitals and others who respond first to emergencies. A wreath was placed outside the State House to remember the eight first responders who died trying to save others.

Freeport Town Councilor **Kristina Egan** resigned after accepting the position of executive director of the Greater Portland Council of Governments (GPCOG). Egan, serving her second three-year council

term, planned to step down at the council’s June 8 meeting. She will begin her new job in mid-July. Egan said she is leaving the town council because Freeport is among the 26 towns and cities served by the GPCOG, a nonprofit agency that provides planning and municipal services programs, among other collaborative efforts. Someone will be elected in November to finish the final year of Egan’s term. Egan replaces **Neal Allen**, who is retiring after nearly 20 years with the nonprofit.



Amy Byron

Amy Byron was named Livermore administrative assistant in mid-April after serving as interim AA since March. She succeeds **Carrie Castonguay**, who was hired as Belgrade town manager after nearly two years in Livermore. Byron will continue her town treasurer’s duties for now, but will be paid separately for the work.

Augusta Police Chief **Robert Gregoire** stood and walked to the podium during the city council’s May 19 meeting, 18 months after almost dying in a motorcycle crash that left him paralyzed. After two years of intensive physical therapy, along with a personal drive to walk again, Gregoire pulled himself out of his wheelchair to a walker, which he used to slowly get to the podium. He received a standing ovation from all of the councilors, as well as others attending the meeting. Gregoire thanked his wife, therapist and others for their unending support, but added: “...Being welcomed back by the city provided a boost,” according to the Kennebec Journal. Gregoire had returned to work in January.

Barry Howell, manager of the Nobleboro-Jefferson Transfer Station, was

named Manager of the Year in May by the Maine Resource Recovery Association. The award was presented during the association’s May annual conference in Rockport. Among other accomplishments, Howell has increased recycling by more than 25 percent in two years. Howell, a former math teacher, took over the transfer center in 2014. He gave all the credit for his success to residents of the two towns. “This award really goes to the public,” Howell said.

Kennebunk selectmen approved the appointment of **Michael Pardue** as interim human resources director following the resignation of **Carolyn Hughes** last month, who left to start a consulting business.

Waterville Deputy Police Chief **Charles “Chip” Rumsey**, who served the city for 21 years, was named Cumberland police chief. He replaces **Joseph Charron**, who retired on April 1 after 34 years in Cumberland. Rumsey credits a ride-along he took with his sister, now a Bangor police lieutenant, for igniting his interest in law enforcement. A Louisiana native, Rumsey’s family lived Bangor while his father served in the U.S. Air Force. He earned a criminal justice degree from the University of North Dakota, where his sister worked until moving to Maine. Ramsey also moved to Maine a year after graduating to take the Waterville job in 1994. Rumsey said he would only leave Waterville for such an exciting challenge as the top Cumberland job.

Former Waldo County Sheriff’s Deputy **Mark Tibbetts** was named Rockland assistant harbormaster. Tibbetts has 17 years of law enforcement experience, including a stint with the Rockport Police Department and the Maine Drug Enforcement Agency. Tibbetts, a Marine Corps veteran, also will be responsible for the town fish pier. ■

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

Sixteen Maine municipalities and quasi-municipal organizations will share \$7.3 million in brownfields grant funds from the federal Environmental Protection Agency. The money will be used, in part, to assess and clean up polluted sites for future economic investment. Some of the money also will be used to reduce the environmental impact of past contaminated sites. Among the largest awards were \$820,000 to the Southern Maine Planning and Development Commission for revolving loan funds and \$300,000 for site assessment; \$800,000 to the City of Portland for revolving loans; \$820,000 to the Mid-coast Economic Development District for revolving loans; and, \$600,000 to the Town of Berwick for cleanup of one specific site. Seven other communities will receive \$400,000 each for site assessments.

AUGUSTA

A group of firefighters, using their own time, money and labor, recently built 35 bat houses to be placed on city properties. Maine bat populations have been devastated by a fungus that causes white nose syndrome. More than one million bats have been killed by the disease in the Northeast in recent years. In some hibernation sites, where the disease thrives, all of the bats died. Bats are crucial to tamping down pests and insects, including some of the most damaging to farming. One bat can eat 6,000 to 8,000 insects in a single night. Students at the Central Maine Technical Center have joined the city effort and will begin building bat boxes in the fall.

FORT KENT

Police Chief Thomas Pelletier has asked residents, and their children, to stay off railroad tracks after hearing reports of frequent trespassing from the Central Maine and Quebec Railway. According to railroad employees, some people crawl under trains as a shortcut to a grocery store. Railroad officials also reported to the town police that children were sliding their bicycles under trains and then crawling under to the other side. Pelletier said there already have been close calls and that most people have no idea how quickly a train can start moving.

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.

Rural Development Grants. The U.S. Department of Agriculture will accept grant applications for its Rural Community Development Initiative through July 22. Since 2003, some \$12 million in grant money has been awarded to communities in Maine.

New OT Rule. The U.S. Department of Labor issued new overtime rules that will affect managerial personnel who earn less than \$47,476 per year. In short, they will be eligible for overtime pay. A municipal impact is expected.

Deteriorating Infrastructure. The National League of Cities recently released a report showing that cities and towns are strapped financially, due to a lack of funding options, in trying to address the nation's deteriorating bridges, roads, water lines and other infrastructure.

Legislative Policy Committee. Maine Municipal Association's 70-member LPC, which steers the organization on legislative priorities, is holding elections this spring and summer. MMA encourages members to consider running for a post on this important committee.

MONMOUTH

Selectmen have agreed to pour aluminum compounds into Cochnewagon Lake to kill algae blooms and help keep them from forming. The joint project with the Cobbossee Watershed District is expected to cost \$175,000, with the town and district paying one-third each and the district seeking a federal grant for the balance. The aluminum treatment proved effective when first used in the lake in 1986. Algae grows when runoff pollution flushes too many nutrients into the lake. Since the algae removes dissolved oxygen, it can be harmful to fish, insects and water quality. The Cobbossee Watershed District includes the towns of Litchfield, Manchester, Monmouth, Readfield, Richmond, Wayne, Winthrop and the City of Gardiner.

PORTLAND

Cargo being shipped into the city port has increased 1,300 percent over the past five years. In 2015, more than 105,000 metric tons of product landed at the Port of Portland. Officials with the Maine Port Authority credit numerous changes and capital improvements to the waterfront for the impressive growth. In particular, there is now a rail spur that directly connects to the 1,700-mile Pan Am rail network. A cold storage warehouse, expected to be completed this summer, will improve the truck yard and boost traffic.

WELLS

After years of helping municipalities plan for the expected effects of rising sea levels, the Wells National Estuarine Research Reserve will begin bringing its expertise to waterfront and coastal businesses. The reserve will use a \$43,000 grant to help businesses assess their vulnerability and the possible impact of storm surges and flooding on their businesses. The two-year project will begin this summer, with a focus on Kennebunk, where nearly half of the town businesses are threatened during strong storms and major flooding. The reserve and town will work with the Kennebunk-Kennebunkport-Arundel Chamber of Commerce to carry the project through. Reserve training staff hope to help as many as 50 coastal businesses.

WISCASSET

The town's water district hit pay dirt in late May by winning a \$4.3 million combination federal loan-grant to replace the final 14,000 feet of district pipes. The quasi-municipal Wiscasset Water District, which serves parts of Edgecomb and Woolwich, has won four similar USDA deals since 2008. To date, 18,000 feet of pipe has been replaced. The fifth financing package provides a \$1.1 million grant and a \$3.2 million loan to be repaid over 40 years. ■

MUNICIPAL BULLETIN BOARD

JUNE 21

New Managers Workshop: Augusta

A workshop for new municipal managers will be held on June 21 at Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta. The workshop will feature numerous speakers from MMA staff and from the Maine Town, City & County Management Association, including MMA Executive Director Stephen Gove and MTCMA President Tom Goulette, manager in the Town of Guilford.

The workshop will provide information about the roles of municipal managers, the rights and protections offered to public employees in Maine, the International City/County Management Association Code of Ethics and the variety of services offered at MMA. Attendees also will benefit from discussions involving fellow managers. While aimed at new managers, veteran managers may benefit from hearing new information. Municipal administrative assistants are also encouraged to attend.

Managers "new" to Maine since May 2015 are invited on a complimentary basis. For other MMA member attendees the cost is \$45 and for non-members it is \$90. The event begins with registration at 8:15 a.m. Lunch is provided.

JUNE 23

MMTCTA Cash Management: Augusta

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a workshop on cash management at the MMA Conference Center on June 23, starting with registration at 8:30 a.m. and concluding at 3:30 p.m. James Bennett, City Manager in Biddeford, is the instructor.

The session will look at receipts and receivables, disbursements, cash flow forecasts, deposits and investments and banking relations. There will be time for questions and answers. Attendees are advised to bring a calculator. Cost is \$55 for MMTCTA members and \$75 for non-members.

JUNE 27

Basic Municipal Budgeting: Saco

Biddeford City Manager James Bennett and Brunswick Town Manager John

Eldridge will co-present MMA's valuable and long-running workshop on Basic Municipal Budgeting on June 27 at the Ramada Inn and Conference Center, just off Interstate 95 in Saco.

The interactive session looks at understanding, preparing and presenting town and city budgets. Attendees won't just listen to how the budget process is done – they will be asked to do it themselves. Cost for the workshop is \$75 for MMA members and \$150 for non-members. Registration begins at 8:30 a.m.

SPECIAL SESSION!

JULY 11

Firearms Laws (includes Concealed Handgun Permitting)

The laws, they are a-changin'. As local officials may know, requirements have changed in Maine recently regarding firearms and concealed handgun licensing. Please join Assistant Attorney General Laura A. Yustak and Sgt. Michael Johnston of the Maine State Police as they explain the changes, requirements and explanations for local elected officials, managers and law enforcement going forward.

The 90-minute session, to be held at the MMA Conference Center in Augusta, begins with registration at 2:30 p.m. and the first-time workshop is expected to conclude at 4:30 p.m. Cost for the workshop is \$35 for MMA members and \$70 for non-members.

JULY 14

Elected Officials Workshop: Bridgton

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on July 14 at Bridgton Town Hall. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

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

JULY 19

Municipal Law for Clerks: Waterville

Lewiston City Clerk Kathy Montejo and Amanda Meader, staff attorney with MMA's Legal Services Department, will lead a day-long workshop on Municipal Law for Clerks at the Waterville Elks Banquet and Conference Center in Waterville, on July 19.

The workshop is designed to strengthen clerks' knowledge in major subject areas. It will be a refresher for veteran clerks and it will offer a broad-based discussion for new clerks about the position, its duties, obligations and administration – and much more. Registration begins at 8:30 a.m. and the workshop will end at 4 p.m. It is sponsored by the Maine Town & City Clerks Association. Cost is \$55 for MTCCA members and \$75 for non-members.

JULY 21

Planning Boards/BOA: Farmington

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on July 21 at Franklin Memorial Hospital in Farmington.

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.

JULY 28

MFCA Meeting, Luncheon: Hope

The Maine Fire Chiefs' Association will hold a membership meeting and networking luncheon on July 28, beginning with a business meeting promptly at 10 a.m., at the Hope Fire Station. The event includes a lobster bake or steak dinner. All fire chiefs and members are welcome.

Cost for registration is \$35 for chiefs who pre-register or \$45 for those who register after July 18. Guests can attend as well. Please provide a billing address if it will be different from the municipal address. ■

LEGAL NOTES

U.S. DOL Issues New Overtime Regulations

The U.S. Department of Labor has issued long anticipated regulations revising the overtime pay exemption rules under the federal Fair Labor Standards Act (FLSA).

The new regulations increase the minimum salary required for an employee to be exempt from overtime pay requirements from \$455/week to \$913/week (or \$47,476/year), effective Dec. 1, 2016. This salary threshold will be updated automatically every three years. The regulations make no changes to the "duties test" for determining whether salaried workers who earn more than the minimum are exempt from overtime pay requirements.

To prepare for the new minimum salary, we recommend that employers review all positions currently assumed to be exempt. For employees who earn less than \$913/week, the employer may (1) raise the employee's salary to the new minimum and continue to treat the employee as exempt (assuming the "duties test" is also met), or (2) treat the employee as nonexempt and pay time and a half the employee's hourly rate for all work hours exceeding 40 in a workweek, or (3) treat the employee as nonexempt and limit the employee's hours to no more than 40 hours in a workweek.

For more information on the new overtime regulations, see the U.S. DOL webpage at <https://www.dol.gov/featured/overtime/> and our "Information Packet" on the FLSA, available free to members at www.memun.org. (By S.F.P.)

Update: Remote Participation in Board Meetings Not OK'd

The Legislature again this year had an opportunity to authorize members of all public bodies, including municipal boards, to participate in meetings remotely by telephone or video conferencing. And again, lawmakers declined to do so. (Maine is in a distinct minority on this.)

Two years ago the Legislature similarly failed to act, leading to the clear inference that remote participation in public meetings is not currently allowed under Maine's "Right to Know" law (see "Is Remote Participation in Board Meetings OK?," *Maine Townsman*, Legal Notes, June

2014). This year's inaction only reinforces that conclusion.

LD 1586 as drafted would have authorized appointed boards to use remote participation but would have barred elected boards from doing so. MMA opposed this nonsensical distinction and urged the Legislature's Judiciary Committee to permit both elected and appointed boards to use remote participation, with appropriate safeguards to protect the public's right to know. But committee members were unable to agree among themselves, so they killed the bill instead. At virtually the same time, however, the committee approved, and the full Legislature later passed, legislation authorizing four special State boards to use remote participation (see LD 1241).

We're not entirely sure what all this means, but we're as confident as ever about one thing: There is still no clear legal authority for members of local boards, elected or appointed, to participate in meetings remotely by any means.

For details on the "open meeting" requirements of Maine's Freedom of Access Act, see MMA's "Information Packet" on Right to Know, available free to members at www.memun.org. (By R.P.F.)

Sport Shooting Ranges 2.0

The Legislature has further tightened the restrictions on municipal regulation of sport shooting ranges.

Since 1995 State law has preempted or prohibited municipal noise control ordinances from being applied so as to limit or eliminate shooting activities that have occurred on a regular basis at a sport shooting range prior to enactment of the ordinance (see 30-A M.R.S.A. § 3011).

This preemption has now been extended to any type of ordinance, including but not limited to noise control, provided the range conforms to generally accepted gun safety and shooting range practices or is constructed in a manner not reasonably expected to allow a projectile to cross the boundary of the range (see PL 2015, c. 433, eff. July 29, 2016).

The new law also preempts a municipality from restricting various types of maintenance and improvements to sport shooting ranges established prior to Sept. 1, 2016 as long as the maintenance or improvements are otherwise in com-

MUNICIPAL CALENDAR

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

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

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

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

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

pliance with the municipality's generally applicable buildings code and zoning ordinance.

At the same time, the new law amends 17 M.R.S.A. § 2806 to further curtail the right of neighboring property owners to sue a sport shooting range for private nuisance. Formerly the restrictions on private suits were limited to noise complaints, but now they apply to any type of nuisance.

This legislation was prompted by a long-running and highly publicized dispute between an upscale residential neighborhood in Cape Elizabeth and a nearby preexisting shooting range.

As we've noted here before, these statutes reflect Maine's strong public policy bias in favor of gun rights (see "Sport Shooting Ranges," *Maine Townsman*, Legal Notes, April 2012; "Municipalities & Firearms," *Maine Townsman*, Legal Notes, October 2002). (By R.P.F.)

LEGAL NOTES

Shorter Nominations for Special Elections

For municipalities that elect officials by secret ballot, there is a statute that authorizes the municipal officers (selectmen or councilors) to shorten the normal nomination process when they decide to fill an unanticipated vacancy that can only be filled by election. (Generally this applies only to the office of selectman or councilor and only to vacancies due to death, resignation, etc.)

Under these specific circumstances, 30-A M.R.S.A. § 2528(4)(E) permits the municipal officers to shorten the normal 40-day period for the availability of nomination papers to as few as 10 days. They may also shorten the normal 45-day filing deadline to as few as 14 days before the election. Thus, the total 85-day nomination process can be shortened to as few as 24 days.

If the municipal officers do decide to shorten the nomination process, this should be done by motion and vote at a properly noticed public meeting of the board. Also, the municipal clerk should be notified immediately so that the clerk will know which nomination papers to prepare and what time periods govern them.

There are two other procedural requirements as well. Notice of the shorter times must be posted wherever town meeting warrants are posted, and local representatives of the media must be notified.

One unanswered question is how absentee ballots can be made available for a full 30 days before the election, as required by 21-A M.R.S.A. § 752, if the filing deadline for nomination papers has been shortened to less than 30 days (even to as few as 14 days) before the election. The law is totally silent on this dilemma. Perhaps the best answer is to set at least a 30-day filing deadline if possible; if not, the clerk should endeavor to have absentee ballots prepared as soon as possible after nomination papers have been filed.

For more on the secret ballot nomination process, see Chapter 8 of our *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

When to Post a Warrant

The person to whom a town meeting warrant is directed (either a town constable or a town resident by name) must post an attested copy "in some conspicuous, public place in the town at least seven days before the meeting" unless otherwise provided by municipal charter (see 30-A M.R.S.A. § 2523(4)).

Under this language, the day of the meeting itself is not included in the seven-day period, so to calculate the seventh day before the meeting, start with the day before and count back seven days, including weekends and holidays – this will be the last day on which the warrant can legally be posted.

Even so, what is not clear is whether the law requires at least seven 24-hour days' notice before the meeting, or whether a posting at, say, 11:59 p.m. of the seventh day would be legally sufficient. We'd like to think a court would not interpret the statute this strictly, but to avoid the argument, the warrant could be posted on the seventh day no later than the hour specified for the meeting, or even better, the warrant could be posted eight days before the meeting.

If a town meeting warrant is not posted at least seven days before the meeting, the meeting will be illegal, and all action taken will be void (see, e.g., *State v. Williams*, 25 Me. 561 (1846)).

Incidentally, the same seven-day posting requirement applies whether it's an annual or a special town meeting.

For more on what must be in a warrant and who can post it, see the last two issues of this magazine. For more on where to post it, see the next issue. (By R.P.F.) ■

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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: www.memun.org

2016 FALL BOND ISSUE SCHEDULE

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

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

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

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

NOVEMBER						
		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, August 3rd

Application Deadline.

Wednesday, August 31st

Application approval (Board Meeting).

Thursday, September 15th

Preliminary opinions and loan agreements due from bond counsel of each borrower.

Friday, September 16th

Last date for signing school contracts and rates in place for water districts. PUC approvals due.

Tuesday, October 4th & Wednesday, October 5th

Maine Municipal Bond Bank Pricing.

Thursday, October 6th

Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Wednesday, October 19th

Final documents due from bond counsel.

Wednesday, November 2nd

Pre-Closing.

Thursday, November 3rd

Closing - Bond Proceeds Available (1:00 PM).

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



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