

May 2013

# maine townsman

The Magazine of the Maine Municipal Association



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The Magazine of the Maine Municipal Association

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Federal stimulus funds helped, but Maine still has an aging network of public drinking-water supply lines. Some experts say annual replacement targets should be met to avoid costly calamities.

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Winners of MMA's second annual Middle School Essay Contest hailed from Hartland, Greenbush, Bangor and Brooklin this year. Please read how the winners responded to the hypothetical: "If I led my community..."

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The 1970s funk-rock band was nowhere in sight but 2013 Town Meeting season witnessed debates over fireworks, wind power projects, cell phone towers and marijuana dispensaries.

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Turn here to see images from the 2013 Municipal Technology Conference, which boasted one of the largest turnouts and exhibitor displays in the history of the event.

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**COVER PHOTO:** This photo, taken by freelance photographer Jill Brady, shows pipe awaiting installation at Dunstan Corner in Scarborough, where the Portland Water District was doing an upgrade.



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## A Message From MMA



by Peter Nielsen, MMA President and Manager, Town of Oakland

### Involving Young People Has Multiple Benefits

Hitting 60 years of age makes you wonder who will do municipal work in the future. I accept the occasional invitation to speak to school classes about Maine local government. Connecting the dots requires kids to be aware of municipal opportunities, but I find at all age levels, they often are not. On the other hand, students seem genuinely interested when we begin the conversation.

Most kids at least know about local recreation programs, possibly the library, but take police, fire, recycling and snow plowing for granted. Administration is just a word. Each municipal service area has its own challenges and rewards for those who carry out each function. Each has a slightly different appeal. I've found a department by department description gets a good conversation with the kids going by the time you add the word "taxes." It strikes me that we have very similar conversations whether I'm speaking to the third grade, a high school civics group or a college political science class. The Boys State event I'm invited to again also draws forth good talk about the democratic process.

The top four of 70 essays from our second annual Maine Municipal Association essay contest appear in this issue. They express some common themes. The kids want safe, clean communities. They write about getting people involved, budgets, taking care of people, plowing roads, making connections between decision makers and constituents, present and future. Sounds like we're all on the same page!

The Town of Oakland hosted a college intern for Spring semester. Dave T. spent half a day or more with us three mornings per week. He spent a week each in 12 departments to experience service delivery; spent a night or two plowing snow with Public Works, rode in the front seat of a cruiser

for the first time, did Code Enforcement (in a surprisingly friendly way, he said), worked at the Library, and wrote a grant application. He also attended Town Council meetings, budget meetings and will attend our Annual Town Meeting to see how policy is made and authorized. He went to a State legislative hearing with a Town Councilor on a matter of local interest.

We found unexpected benefits. Our staff enjoyed showing someone from outside what we do. It's unusual to get the chance. Dave gave each of us a shot of his enthusiasm, and he communicated to us that he thought our work is important. We helped him appreciate community, in the sense that he saw our organization as many of us do, as a sort of family. He made a Power Point presentation of his internship that made us look pretty good. My fingers are crossed that he'll stay in Maine, or circle back in time, maybe as a town department head or as town manager somewhere.

We also had a high school student, Brad B., who helped us do the technology to "Camcord" our Town Council meetings and post the recordings to our website. I've almost got it down pat, stay tuned.

I urge those who read the Maine Townsman to call a school and ask when they would like us to come in and talk about these things. These conversations turn everyone into actors instead of observers. I've noticed that the ranks of those who attend town meetings could stand replenishing. We had a Select board in Wilton that thought Town Meeting should begin with a public barbecue. The Chairman was a retired school principal. He thought people might agree or disagree, but it's hard to get too upset with someone with whom you've just shared a burger, chips and a piece of cake. [\[m\]](#)

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# Time of Reckoning: Water Pipes Near End

By Douglas Rooks

A break in a large water main in Portland's Bayside section last December led to a "boil water" order, the first in the city since 1996, when a deluge of 18 inches of rain sent streams raging and washed out several sections of pipe.

The Bayside break, while unusual in its consequences, was related to a problem that Maine's water district superintendents know all too well – aging infrastructure.

Water pipe in many of the state's municipal systems is a century or more old, and much of it has reached its life expectancy. Funding from the American Recovery and Reinvestment Act of 2009 (the "stimulus bill") enabled many systems to at least put a dent in the infrastructure backlog.

Roger Crouse, director of the Drinking Water State Revolving Fund for Maine's Department of Health & Human Services, said the stimulus "did have a big impact on infrastructure replacement projects" through both state and federal agencies.

Virginia Manuel, state director of U.S. Department of Agriculture Rural Development, agreed. "It allowed us to, in a short time, do what it would have taken years to accomplish otherwise," she said.

However, the infrastructure backlog is so large that it would take several stimulus packages to get even with the depreciation of water systems and federal grants and loans are being cut back due to program reductions and the "sequester" voted on by Congress.

Steve Levy, director of the Maine Rural Water Association, which provides technical assistance to small sys-

tems, put it this way: "I've been in this business for 30 years, and I could do it for another 30 if I wanted to."

A rough measure of whether a system is gaining or losing ground is whether it replaces 1 percent of its water mains a year – based on the projection that, on average, pipes last for about a century, though there are exceptions to that rule.

By that standard, most systems are falling short.

One that has met the 1 percent standard is the Kennebunk, Kennebunkport and Wells Water District, where Superintendent Norm Labbe said trustees made that commitment 20 years ago and have managed to maintain it ever since.

KKW slated three major projects over the last three years and obtained low-interest loan assistance from the state program for each. An 8,150-foot line replacement on Fortune Rocks in Biddeford should be completed by summer and comparable replacements in Kennebunkport's Goose Rocks area and a section of Route 35 in Kennebunk have already been done.

Labbe said that rate increases have been moderate – KKW is in the bottom third statewide – in part because the district does most of its engineering in-house and has cross-trained treatment plant personnel so they can help during construction season.

## INCREASED DEMAND

But another reason is that the district's demand for water is increasing. Even during the long recession, KKW has added 100-200 customers a year. "It makes a big difference," Labbe said. "We're still awash in water but greater demand does help us balance

the system."

Caribou is at the other end of the scale. Superintendent Alan Hitchcock said that, since its peak population in the 1960s of 12,500, Caribou has declined to about 8,000 customers today. Compounding the declining demand, all of the major potato plants that once called the city home – including three processing plants, a starch facility and a French fry producer – have closed or moved elsewhere.

Caribou also has some of the same challenges southern Maine communities, including old wooden pipe that dates to the 1870s.

"The system is in relatively good shape," Hitchcock, with about 15 main breaks or leaks a year, average for a system of this size. The city has benefited from state and federal funding, including a \$431,000 main replacement for 1,700 feet on Highland Avenue that will be completed this year. Hitchcock said Caribou has come close to meeting the 1 percent standard over the last 10 years.

Bangor is somewhere in the middle when it comes to rates and infrastructure status, according to Superintendent Kathy Moriarty. Bangor's water system dates to 1875, when it originally drew water from the Penobscot River. The supply was switched to Flood's Pond in Otis in 1957, which turned out to be a good investment, she said. About 98 percent of the land around the pond is protected from development.

Still, Bangor has infrastructure needs that keep it from laying enough pipe to meet the 1 percent recommendation.

"With 180 miles of pipe, we'd need to replace 1.8 miles a year," Moriarty said. "We're averaging about one

*Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the Townsman, drooks@tds.net*

mile.”

Bangor, like Portland, is building a UV treatment plant with state support. The project will cost \$5.6 million, of which \$2.15 million is eligible for state assistance; Portland is being aided for \$3 million of a \$13 million project.

For 2013, Bangor is getting support for a \$304,000 main replacement on Union Street, necessitated because Maine DOT is replacing a bridge. In general, water districts coordinate their schedules with road work, sometimes undertaking a project “out of order” because of state or municipal highway plans.

### GARDINER EXPERIENCE

The Gardiner Water District had a main break on Highland Avenue last year that also resulted in a “boil water” order, even though only two customers lost service, said Superintendent Paul Gray.

“Any time you lose pressure in the line, you can have contamination,” he said. “We need to make that call for safety and we do.”

The problem on Highland Avenue is that, although a new line was put

through in the 1960s, not all the service connections were replaced, due to a lack of funding, and the old line continued in service. “That’s the one we’re having the problem with,” Gray

said. This spring, crews are back on Highland Avenue, replacing the service connections so the old pipe can be shut down.

The Portland Water District is



Construction crew works at Dunstan Corner, Scarborough. (Photo by Jill Brady)

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the state's largest, serving more than 50,000 customers and a population of 250,000 in 11 towns and cities as far north as Standish, where the water intake on Sebago Lake is located.

"By national standards, this isn't a very dense system," said Chris Crovo, director of asset management and planning. "We have over 1,000 miles of pipe to serve those users."

In addition to the treatment plant upgrade, which will expand a 1994 facility that cost \$25 million to build, trustees are "ramping up" the pipe replacement program, he said.

At the moment, the district replaced 0.3 percent a year but by 2016 that will rise to 0.5 percent. "They recognize the need," Crovo said of trustees. "The challenge is to do it while keeping rates affordable."

That is indeed a concern throughout the state. The SRF program is providing larger annual packages: \$11.9 million in 2012 for projects totaling \$25.6 million; and, \$13.7 million in 2013 on projects totaling \$15.2 million. The 2012 list was a bit of an anomaly, Roger Crouse said, because it included the Portland and Bangor

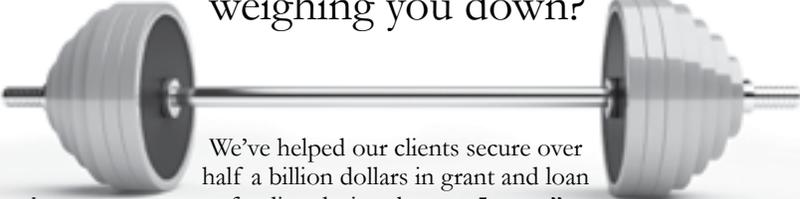
UV plants. No more than \$3 million can be committed to a single project, he explained.

The Rural Development list for fiscal 2013 totals \$5.8 million, with \$3.8 million in loans and \$2.1 million in grants. A difference between state and federal programs is that Rural Development funds are used for both drinking water and wastewater treatment projects. The three largest projects this year are: a \$1.3 million

water and waste disposal upgrade for Bethel; a \$1.4 million package for New Gloucester; and, \$1.5 million for Old Town. Each project combines grants and loans – the latter about 2 percent below market rates.

"To qualify, they have to show that there's no other source of lost-cost financing available," said Virginia Manuel. "We work closely with the state and other sources to see what will work best."

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## NOT ALWAYS USED

Rural Development funding sometimes isn't fully subscribed, she said. Although this year's grant funding is fully committed, \$722,000 is still available in the loan program.

As if the challenge of scheduled pipe replacement in century-plus-old systems wasn't daunting enough, water districts sometimes have to replace pipe that's much newer.

"Some of the pipe installed in the 1940s and '50s, when there were material shortages after World War II, is inferior to the cast iron from the 19<sup>th</sup> Century," Crouse said.

Caribou has also had several breaks attributable to poor installation, Alan Hitchcock said. Some pipe from the 1960s was positioned with large rocks under the joints, which later caused breaks as the pipes settled. "The problem is that they left the rocks in place after backfilling," he said. "They should have been taken out."

The Auburn Water District had a more alarming issue last year when pipe installed as recently as 1996 started collapsing, first on Center Street, and then in a residential neighbor-

hood at the corner of Oakland Street and Gamage Avenue.

The problem turned out to be corrosive soil. "The pipe disintegrated from the outside in," Sid Hazelton, the district engineer, said. "We'd never seen anything like that before." Soil tests confirmed the likely source of corrosion, and the incidents have gotten the district rethinking the kind of pipe it uses.

Ductile iron is the standard now, succeeding the traditional cast iron, but water pipes have been made of many different substances over the years, including concrete asbestos, since discontinued.

Auburn has decided to test a new kind of plastic pipe, called C909, for a 2,600-foot main replacement on South Main Street this summer. "If it works well, it could become our standard material," Hazelton said.

Lewiston and Auburn may be in an unusual situation, he said, because of their industrial past.

"We don't really know where all the fill came from," he said. "It could have been from the mills or somewhere we can't even trace."

## PRICE OF PLASTIC

A further advantage to the plastic pipe may be its price: For a standard

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main, it costs about \$15 a foot instead of \$42. Where Auburn does install ductile iron, it will be wrapped in polyethylene, “essentially, like a big trash bag,” Hazelton said.

Surveying the future, Steve Levy said reduced water usage – both lower customer numbers, but also conservation and an older population that uses less water than families with children – will create an uphill battle for many systems.

He cautions against avoiding annual line replacements as a way of keeping rates down, a policy that can catch up with old systems quickly.

The superintendent of the Stonington Water District recently resigned after a consultant’s report found that the system was losing 58 percent of the water it pumped, and there were so many leaks that the main storage tank was reduced to only one-third its capacity.

The Stonington situation “is not uncommon for small rural systems of this age,” Levy said. “There’s a resistance to raising rates in places with a lot of people who are older and on fixed incomes.”

To avoid such disruptions, Levy said, three things must happen. “The state and federal programs need to continue and be well-funded,” he said. “Those are critical dollars.”

Systems need to create and update asset management plans, so they know

where the critical needs are. Finally, Levy said, “ratepayers need to understand the need for ongoing increases,” though accomplishing that can be easier said than done. The typical water bill in Maine is about \$300 annually, and for sewer, \$400. [me](#)



Traffic is routed during a water-pipeline project. (Photo by Jill Brady)

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**C O U N S E L O R S   A T   L A W**

# Relentless Wave: RSU Withdrawals Continue

By Lee Burnett

The backlash against school district consolidation continues.

Portage Lake and Starks voted to withdraw from multi-town school units last spring. Frankfort, Glenburn and Veazie voted to withdraw last fall. Cherryfield, Eustis, Athens and Brighton Plantation were set to vote on withdrawals this month. Ellsworth, Hancock and Lamoine are planning to vote on withdrawal plans in the fall.

On the other hand, Arundel, Durham and North Yarmouth have taken a look at withdrawal plans, but voted to stay put.

The withdrawals all appear aimed at reasserting a measure of control over education. In some cases, it's to keep open a town's only elementary school. In other cases, it's motivated by the loss of influence caused by a shift to weighted voting, or spending priorities or educational quality.

Cost comparisons are made but they don't seem to be driving the discussion, said James Rier, Deputy Commissioner at the state Department of Education. Rier oversaw school consolidations as head of finance and administration in the Baldacci Administration's Education Department and is now witnessing the withdrawals as the No. 2 person in the LePage administration's Education Department.

"It is always about local control," observed Rier. "They bring up other subjects, but it comes down to local control. Secondarily, it's about costs."

The withdrawals are affirmation that the second era of school consolidations is over. The first began with passage of the Sinclair Act in 1957. The second began with School

Administrative Reorganization Plan of 2007. School district consolidation was built on the promise of cost savings. An early study projected savings of \$40 million by expanding the average size of school districts in Maine by 50 percent to 3,300 students, which is about the national average. Ultimately, the Baldacci administration aimed at districts of 2,500 students and in some cases 1,200 students. The Baldacci administration aimed to reduce the number of school districts from 290 to 80.

How much money was ultimately saved is anyone's guess because the legislature never spent the \$200,000 per year requested to track the financial effect of the law, explained David Silvernail, Director of the Center for Education Policy, Applied Research and Evaluation at the University of Southern Maine.

"It wasn't sexy enough to get funding," Silvernail said, though he expects the savings were modest. He's heard from some superintendents that administrative savings through consolidation were plowed back into equalizing programming throughout the district. "It was not the case that it would save great piles of money. But over time, we thought the rise (in spending) wasn't going to be as high."

## EASING THE WAY

The LePage administration eased the way for withdrawals by removing financial penalties that had been imposed by the Baldacci administration.

The withdrawal process is not to be undertaken lightly, said Rier. It involves two separate referendum votes – to form a withdrawal committee and to vote on the plan itself. In between is a long back-and-forth process of putting a plan together that meets approval of

the district and the nine-point criteria spelled out by the Dept of Ed.

A minimum cost for withdrawal planning is \$30,000, although North Yarmouth budgeted \$100,000. The threshold for approval is a simple majority, although the total votes cast must be more than 50 percent of the total number of people who voted in the previous gubernatorial election, which is a high hurdle. (The approval threshold is two-thirds for districts that existed before the 2007 consolidation law, but there is no minimum turnout required.) If the community chooses to join another district, a separate vote is required in the receiving district.

The daunting process is apparently giving some communities second thoughts, said Rier.

"Some wish they hadn't done it (withdrawal planning). They are looking at what their options are to stop the process. It's a big deal. In some cases (withdrawing) towns haven't run a school system since the SADs (School Administrative Districts) were formed in the 1960s."

Leading the withdrawal movement was the small community of Starks in Somerset County. Voters approved the separation from SAD 59 in April 2012. It came nearly two years after the closure of the town's elementary school in 2010 by a majority of district voters. Starks voters opposed closure, but eventually resigned themselves to the situation and used the experience to chart a new future, said Ernie Hilton, a leader of the withdrawal effort.

"We'd probably stay with SAD 59 if they had kept the school open, but it kind of cleared the air when it was deeded back to the town in June 2010," said Hilton. The prevailing feeling was: "Now we have a clean slate."

---

*Lee Burnett is a freelance writer from Sanford and regular contributor to the Maine Townsman, [leeburnett\\_maine@hotmail.com](mailto:leeburnett_maine@hotmail.com).*

OK, what do we do?"

Townfolk took stock of their discontents with SAD 59 and decided their children's education future lay elsewhere, Hilton said.

### **CHERRYFIELD: LOCAL CONTROL**

There is no better example of the assertion of local control than what is motivating some in the Town of Cherryfield. The town's lone elementary school had been subject of closure discussions by the SAD 37 going back a decade, according to Art Tatangelo, chairman of the Cherryfield Board of Selectmen and chair of the withdrawal committee.

"The town wants its school. It's a good school. We've always tested well," he said.

Twice the district voted to close the school and twice the Town of Cherryfield paid an extra \$400,000 to keep it open.

"The first vote surprised people; the second vote shocked people," said Tatangelo. The penalty payments were in addition to their cost share of SAD 37. "This is quite an undertaking for a small community of under 1,000 people."

"In a district this big, people feel they have no control at all. We continually said we didn't want to close our school," he said.

The town voted to form a withdrawal committee last fall. Tatangelo said he expects the town will vote for withdrawal and will take over running K-8 Cherryfield Elementary School in July.

"All we've been drummed into for eight years of Susan Gendron (Balducci's Education Commissioner) is that bigger is better. Big is less expensive. Get rid of small schools, everything will be fine. That is not the case," said Tatangelo.

### **NOT AN IDEAL FIT**

Consolidating three stand-alone districts of Orono, Veazie and Glenburn into RSU 26 was never an ideal fit.

Part of it may have been the cost-sharing formula, which may have imperfectly accounted for disparities. Glenburn has the largest number of students; Veazie the highest costs; and Orono, the largest valuation.

Other factors include Glenburn's refusal to send its high school students exclusively to Orono, preferring to

## **PENDING RSU WITHDRAWALS**

### **RSU 20 (Belfast, Morrill, Swanville, Northport, Searsport, Belmont, Searsport and Stockton Springs)**

Frankfort voted to withdraw Belfast-based RSU 20 in November 2012 and join Winterport-based RSU 22.

Issues: Local control, costs and proximity to Winterport elementary school.

### **RSU 23 (Saco, Dayton and Old Orchard Beach)**

Saco and Dayton are set to vote later this year to withdraw from the district that includes Old Orchard Beach.

Issue: Local control.

### **RSU 24 (Ellsworth, Hancock, Lamoine, Eastbrook, Franklin, Gouldsboro, Mariaville, Sorrento, Steuben, Sullivan, Waltham and Winter Harbor)**

Ellsworth, Hancock and Lamoine plan to vote on withdrawal plans in November.

Issue: Local control; education quality.

### **RSU 26 (Orono, Veazie, Glenburn)**

Issue: Local control.

### **RSU 32 (Ashland, Garfield Plantation, Masardis, Oxbow Plantation and Sheridan)**

Portage Lake withdrew from Ashland-based SAD 32 in June 2012, but will continue to send students under a tuition basis.

Issue: Financial. Cost sharing formula perceived as penalizing Portage Lake for high lakefront valuation and few students.

### **SAD 37 (Addison, Cherryfield, Columbia, Columbia Falls, Harrington and Milbridge)**

Cherryfield plans to vote in May to set up its own school district by July 1.

Issue: Local control; keeping Cherryfield Elementary School open.

### **SAD 58 (Avon, Eustis, Kingfield, Phillips, and Strong)**

Eustis was to vote May 14 to withdraw.

Issue: Local control; keeping Stratton Elementary School open.

### **SAD 59 (Madison, Athens and Brighton Plantation)**

Starks voted to withdraw in April 2012 and join Farmington-based SAD 9.

Issue: Local control; education quality.

Athens and Brighton Plantation have prepared withdrawal plans to be voted on in May.

Issues: For Athens, it's keeping open an elementary school; for Brighton Plantation, it's financial.

Lee Burnett

retain its historical school choice prerogative, and Orono's overwhelming voting power on the RSU 26 Board by having university students as part of its population.

Still, Superintendent Doug Smith said the arrangement "by and large worked well" until state education aid dropped, which "caused some consternation." The unraveling accelerated in

June 2012 when district voters added \$265,000 to the \$21.8 million budget, despite negative votes in Veazie and Glenburn.

By November, Veazie and Glenburn had approved withdrawal plans. Rier said he thinks the withdrawal was precipitous. "There were no financials (cost comparisons) at all. They just made up their minds to do it."

Michael O'Connor, who chaired the withdrawal committee for Glenburn, has a slightly different take. He said he thinks an opaque cost sharing formula was the root of the problem.

"We never knew if the funding formula was fair or not," he said. "The state wouldn't break it down... At end of the day, I was not entirely sure, and I'm a CPA by trade. I could not get numbers that were truly accurate."



*Eustis is among many municipalities considering RSU withdrawal. (Photo by Ben Thomas)*

## LARGE COMMUNITIES TOO

It's not just small towns that want out of their school districts Saco is the largest community in RSU 23, which includes Dayton and Old Orchard Beach. Both Saco and Dayton have voted to form withdrawal committees.

Vangel Cotsis, a member of Saco's withdrawal committee, said there is a perception that future school spending will be weighted toward Old Orchard Beach to restore historical underinvestment in Old Orchard school facilities.

"They (Old Orchard Beach) have for decades gone without substantial infrastructure renovations," he said. The precipitating factor for Cotsis was a policy giving Saco and Dayton

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students the option to attend Old Orchard Schools, which are “partially vacant” due to low enrollment.

Cotsis said the policy change was viewed as the first step in an eventual requirement to restore student populations in Old Orchard Schools

through redistricting.

“It has become apparent that education in Saco was being diluted by the RSU.” Cotsis, who grew up in Old Orchard Beach, said it is unfortunate that withdrawal rhetoric is misinterpreted as being anti-Old Orchard Beach. [\[M\]](#)



*Stratton Elementary School, at the heart of a withdrawal dilemma. (Photo by Ben Thomas)*

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:

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# Welcome to the Maine Resource Recovery Association



MARRA was formed with the intent to foster professional solid waste management practices in the recycling and solid waste arena.

MARRA is committed to the development of environmentally sound solid waste practices and other forms of resource recovery that will benefit Maine communities.

Some of the goals of the organization are as follows:

- Facilitate communication between Association members, recycling markets, equipment suppliers, State and Federal government, and national associations, as well as information exchange among members.
- Assist with the marketing of recyclable and reusable materials.
- Compiling information relevant to the education and technical needs of Maine recycling programs.
- Promoting market development and providing cooperative marketing opportunities.

*The March 2013 issue of The Scrap Paper, MARRA's newsletter, is now available for download:*

**<http://www.mrra.net/wp-content/uploads/MARRA-Newsletter-March-2013-Scrap-Paper.pdf>**

## Our Mission

### The Purpose of Maine Resource Recovery Association is:

- To foster professional solid waste management practices;
- To further the development of recycling and other forms of resource recovery as cost-effective components of environmentally sound solid waste management in Maine communities; and
- To assist with the marketing of recyclable and reusable materials.

### The Goals of the Association

- Promoting communication and information exchange between Association members and markets, equipment suppliers, State and Federal Government, and other State and national associations, as well as information exchange among members.
- Compiling and development of other information relevant to the education and technical assistance of Maine solid waste management and recovery programs.
- Promoting market development and providing cooperative marketing opportunities.

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# If I led my community...

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

**Abigail Monteyro**

Somerset Valley Middle School

If I led my community I would lead it with pride, trust and dignity. I would do this by creating teams. In these teams we would decide what a good community is. We would create a community that is a safe and clean that people would be proud to call their home.

The first team I would create is a community watch guard. The community watch guard would consist of police officers patrolling the community. I would have them do this to help reduce crime in my community. It would also consist of a couple volunteers willing to do the cross walk. Having these things in a community would hopefully help keep citizens doing the right thing and keep kids safe.

The next team I would create is an activities board. This team would help greet new people in the community, clean up days, town lake days, open gyms and more. I would create this team to help with the curb appeal of the town and to help with involvement of the town. This team would be also doing clean up days with volunteers and open gym days at the community center. This team would be very important because everyone wants to live in a community that helps out and gets involved.

The next team would be the road, lake and town safety board. This board would be responsible for who plows, when the roads need to be re-done. This board would also be responsible for where sidewalks and bike lanes are put in. Last but not least it would be responsible for the idea of a town beach and the lake rules and guidelines. I would have a board like this to help me decide on this, plus I would have multiple ideas on the matter.

Another team I would have is the school budget and education team. This team would help research what our schools need at the time being. When I say this, I mean what students should be going ahead or who needs a little more help. The team also would decide on lunches and how the money is spent. This team would also pick the sports and coaches. If the schools become in debt again this team would be held responsible.

Another team I would have is the fundraising team. The fundraising team would help "fund raise" the prices of the work that has to be done. It would also fund raise for the activities, and sports costs. Then eventually I believe we could climb out of our \$3.6 million debt.

If I lead my community like this, it would result in happiness and friendship like a good community should. I

### CONTEST JUDGING

Seventy essays were submitted by teachers from around the state as part of Maine Municipal Association's second annual middle school essay contest, part of our Citizen Education program. Essays were judged based on clarity of writing, quality of writing and showing an understanding of municipal government.

MMA wants to recognize and thank the contest judges: Beurmond Banville, Selectman, Town of St. Agatha and member of MMA's Executive Committee; Kate Dufour, Senior Legislative Advocate, MMA State & Federal Relations Department; and, Doug Eugley, Selectman, Town of Sidney and Accountant, MMA Finance Department.

would try to teach kids this, along with paying it forward. I would try to be the best leader I could be by being a role model. This way, kids know what a good leader is. That's what I would do if I led my community.

**LOCAL GOVERNMENT**  
*begins with* **YOU**

# If I led my community...

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

**Greg Penn**

Helen S. Dunn School, Greenbush

If I led my community I would want the people of Greenbush to feel safe, because everyone needs to be safe, by having more citizens on night watch and so my community is the best place to live.

It is quiet and there are not a lot of bad actions as in violence against others. There would be six checkpoints one at each intersection and then all the citizens would feel safe and would stay in the community. I would want to help all the people who needed help, especially the people in business. I would want the businesses in the town to flourish so they can pay taxes to the town. By paying taxes the town can have special programs for young and older people and that would be a fantastic thing for the town because people would be healthy and create less time at the doctor's office.

I would make sure that everyone recycles because it would help to stop some of the pollution and it would keep the neighborhoods clean. I would also have people buy permits so they can take their trash to the landfill. This would be another admirable idea for collecting more money for the town.

I would take care of people in need of supplies such as food, water and fuel to assist them with their bills.

My town would have the best fire and police departments in the state because I want the best for all the citizens of my community. My community would have a center so people could exercise their bodies and feel marvelous about themselves.

My community and I will help take all the abused animals and kids and find them caring families that will treat the kids and animals nicely and give them good homes. There is a place you can go. It is called the Caring Community Center. The shelter will give you food and water and it would be located on the Military Road in the small town of Greenbush.

In my community in the winter, all of the roads would be plowed and if there was a big snowstorm the roads would be plowed two or three times a day. I would have a special place for the snow to go so the children could play in it and they would have a great time.

My community would have a hospital for sick people and there would be a pharmacy in the town. I would put a Wal-Mart in my community and I would put in affordable housing for poor people.

If I led the community, this would be my plan. It would help the citizens of Greenbush and it will bring more people to the town so the town can prosper and grow, so citizens can have better lives. I wish that the people of Greenbush would help and give a hand to the people in need. A person can help in any way in giving food, water and clothing. Thank you.

**LOCAL GOVERNMENT**  
*begins with* **YOU**

# If I led my community...



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

**Mei Tian**

William S. Cohen School, Bangor

If I led my community I would try my hardest to make my community a better place. The community is sort of like a web, consisting of the citizens, trust, friendship and the government. The government is kind of like the spider, building and connecting the citizens and incorporating trust and friendship so everyone feels like they belong in the community.

To better enhance this thought, I would start with the children and youth of this community, knowing that when they grow up they will be leading this community. I would start with developing an even better education, incorporating more technology but also getting teachers more trained to teach in a fun but learning way. For example, I could apply for a teaching grant first supplying the teachers with more materials and also getting very experienced teachers to train the teachers of my community.

Next, I would move on to the elders of the community and make their living experience a good one, especially for the ones who have served as citizens in the community for a number of years. It is very important for the elders to be able to support themselves and afford medications or other medical supplies such as wheelchairs or walkers. I would create a program for such elders and provide money and supplies for these citizens.

Next, I would think about the safety of my community. In my community safety is not a big problem but I'd rather be safe than sorry. Many people have some type of an alerting system in their home and many people do not. I want to make sure that those who want an alert system can afford one and I would be able to do this by raising money from certain festivals, activities etc.

The environment is a very beautiful and important aspect in a community. It puts a certain feeling in the citizens of the community when they look out the window and see a beautiful or rather ugly environment. To help stop littering I would put a few recycling bins and trash cans in the dirtier parts of my city.

Last of all, all the citizens must be a part of this community for a good community to last. They are responsible for themselves and each and every one of us has to pitch in and help make our community a better place.

So if I led my community, this spider of ours would be catching all of the flies of the community and rebuilding the web, making it stronger each time it might break. This web of ours does not necessarily have to be big, but it must be strong.

**LOCAL GOVERNMENT**  
*begins with* **YOU**

If I led  
my  
community...

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

**Leigh Brooks**

Brooklin School

If I led my community, there are a few different things I would do. I live in a small town so I would try to be very involved with everything that happened in my community. There are some things I would make sure I did first:

- **Balance the budget.** Without money, a town cannot function properly. I would make sure that important things like the school and library and local businesses have plenty of funding, cut unimportant funding and generally make sure there's enough to go around.
- **Familiarize myself with my constituents.** I would travel to local businesses. I would make sure people know who I am and what I want to do. I would ask them questions about what they think our town needs.
- **Familiarize myself with future constituents.** I would visit the school and sit in on classes and talk to students. I would find out what students think and I would take them seriously, because lots of adults don't listen to kids.

Then I would also try to encourage people to tell someone what they think, because if no one expresses any opinions at any time other than voting the town will go down in flames because no one is stepping forward. I would encourage small programs that did interesting things like teaching kids about the importance of voting and free speech and being well-versed in current events.

I would try to get funding for maintenance of the town because that is important in keeping a town running. I would make sure crosswalks got repainted and the roads were taken care of. I would try to get funding for sidewalks because my town has none.

I would devote funding to the school, as I have said, and I would try and get students involved in town meetings. Children can attend town meetings in our town, they just can't vote until they are 18. I would encourage that. I would try to make sure guns were not taken into the school by making sure the school office checks everyone who visits the school and issues them visitor passes.

I would start a program to keep the streets and town cleaner by ensuring that every building has a trash can for every room and by organizing litter pickup walks. I would try to do good things for my town, and try to make sure that at the end of my term I'd done something good.

LOCAL GOVERNMENT  
*begins with* **YOU**

# Financing Tools For a Down Economy

By John A. Moore, Bangor Savings Bank  
and Charlie Spies, CEI Capital Management LLC

Municipal leaders are working hard to make a positive difference in their communities. They have a unique ability to seize the reins and steer their way through fiscal crisis. Who knows better than they which projects will amplify those things that make their communities special? By creatively engendering community development projects their cities and towns will not only emerge from the financial brink, but also seed opportunity that will flourish in short order.

What follows are the stories of three communities which, with local municipal leadership and community support, have leveraged public and private sector resources to move ahead even in difficult times. These are the stories of success from Grand Lake Stream Plantation, the Town Livermore Falls and the City of Sanford.

## GRAND LAKE STREAM

They're sitting pretty in Grand

*John A. Moore is Senior Vice President, Community Development Banking, CRA Officer Bangor Savings Bank. He serves as the primary institutional liaison for outreach and delivery of community development lending, investment, and service with non-profit organizations and governmental agencies particularly those engaged in affordable housing and economic development activities in Maine. He also coordinates the Bank's public sector lending and tax exempt bond financing program as well as leading the Bank's Community Reinvestment Act compliance program.*

*Charlie Spies is CEO of CEI Capital Management, overseeing capital sourcing, capital deployment, project sourcing, project underwriting, investment recommendations, organizational management, and compliance work. It is a wholly owned subsidiary of Coastal Enterprises, Inc., a Wiscasset-based nonprofit community development institution.*

Lake Stream. And yes, do we mean pretty. Located in a far corner of Washington County, Grand Lake Stream is surrounded by protected pristine lakes and 55,000 acres of unspoiled community forest. There the West Grand Lake Community Forest project provides the missing link - 21,870 acres - in a nearly 1.4 million acre international wildlife corridor between Maine and New Brunswick.

Yet the back story of securing this forest bridge is anything but ordinary.

In the 1980s and '90s, paper and timber companies across Maine's North Woods began exploring different options for subdividing, selling or developing thousands of acres of their holdings, as well as planning for capacity shortfalls at their mills. The area around Grand Lake Stream was no exception. Yet the options under consideration threatened to forever change the nature of the landscape and rural way of life in this small community, triggering a multi-decade process of negotiations and incremental conservation.

"We have always made our living from the forests, lakes and streams that surround our village," said Village Selectman Louis Cataldo. "People return to Grand Lake Stream year after year because of our unspoiled lakes, our famous landlocked salmon and bass fishing, the wildlife in our forests and the friendships they make in our community."

By late 2008, Grand Lake Stream, like the rest of the nation, faced deep economic crisis. Washington County's poverty rate topped 20 percent, and its unemployment rate was more than twice the national average. This was not an ideal environment for the town to take advantage of what might be a one-time-only chance to acquire and

preserve more than 21,870 acres of working forest including 17 miles of lake shorefront, a missing link that would sustain its identity.

Despite the dark fiscal climate, municipal officials felt it was time to act and made their case to the town, asking residents to approve a \$10,000 donation to the non-profit project sponsor Downeast Lakes Land Trust toward a \$2 million option payment for critical conservation easements. The people of Grand Lakes Stream surprised everyone, and unanimously voted to allocate four times the "ask," supporting the property purchase with a \$40,000 contribution. The vote was an unambiguous endorsement for preserving Grand Lake Stream's future.

Financing the total land purchase was not as simple. The task required agreement among a diverse partnership of like-minded public and private entities and a creative pursuit of available monies. The package included \$19.8 Million in New Markets Tax Credit capacity from CEI Capital Management to catalyze financing of debt and equity from Bangor Savings Bank; U.S. Bancorp CDC; and Lyme Timber Company.

The community supported this transformative project in difficult economic times not only to promote sustainable forestry in the region, but because it preserves a way of life for the local residents who support themselves as registered Maine Guides, loggers, truckers, and operators of vacation lodges and sporting camps.

"This project is one of the greatest things that's ever happened to Grand Lake Stream," said Selectman Cataldo.

## LIVERMORE FALLS

In Livermore Falls, some 200 miles away, at about the same time, the town

manager faced the same dire fiscal straits. The paper company long anchored in the center of town closed its operations in 2009, eliminating an important commercial tax source. The town reacted like many others, consolidating its school system with nearby Jay, a move dozens of cash strapped Maine communities made to save money.

Facing a day-to-day struggle to find the monies to meet basic municipal services, could Livermore Falls find the means to invest in its downtown and turn the tide?

Yes. But like Grand Lake Stream, it couldn't go it alone.

Working with a local developer the town supported a smaller but no less meaningful project: \$2 million to renovate a marquis historic building, the Lamb Block. The downtown property was refurbished to become home to a new health clinic and private offices, creating new jobs and attracting other commercial enterprises to the area. The project would not have gone forward but for over \$1 million in project financing through a combination of New Markets Tax Credit enhanced loans put together by CEI Capital Management and Bangor Savings Bank. The project was also made feasible by a \$400,000 Communities for Maine's Future grant, Federal and State historic tax credits, and interim financing through the Maine Rural Development Authority.

Of course the town leaders of Grand Lake Stream and Livermore Falls would not have succeeded if their resources were limited to just the town's balance sheets. With the help of experienced partners and a dedicated project lead, they took advantage of other creative sources of capital, available to all municipalities with qualifying community development projects. There are several options available to municipalities where an experienced banker or economic development corporation can lend guidance:

• **Brownfields Revolving Loan Fund** Maine's Department of Economic and Community Development (DECD) was awarded \$1 million in Brownfields Revolving Loan Fund (BRLF) monies from the Environmental Protection Agency in 2010. The dollars are dedicated to cleaning-up and remediating sites, and fostering business redevelopment. A combination of low inter-

est loans with DEP technical support allow eligible parties to tackle costly contamination issues so that these areas can be returned to productive use. The fund is an important resource to leverage private developer funds, municipal funds and/or state funds.

• **Community Development Block Grant (CDBG)** For 2013, Maine has \$10 million in various grants and municipal assistance available, ranging from housing assistance grants to infrastructure grants to downtown revitalization to workforce development.

• **HUD Neighborhood Stabilization Grants** This program was established to stabilize neighborhoods whose viability has been and continues to be damaged by the economic effects of properties that have been foreclosed upon and abandoned. Maine has earmarked over \$26 million in funds.

• **Historic Tax Credits (federal and state)** The Federal program provides a 20 percent tax credit for the certified rehabilitation of historic properties. In addition, that can be combined with a matching 25 percent tax credit from



*Lamb Block Building in Livermore Falls is targeted for renovation. (Submitted photo)*



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the state.

• **New Markets Tax Credits** These are designed to support business opportunities in low-income communities by attracting private capital. These projects typically exceed \$8 million to meet the economic thresholds of the program and provide adequate subsidy to the project.

• **Municipal Tax Increment Financing** A local economic development tool that utilizes new property tax revenues as a credit enhancement to the private developer to support the development project.

### CITY OF SANFORD

The City of Sanford has been especially creative using a variety of these funding sources to make its historic textile mill district redevelopment a success. It collaborated with Portland-based developer Northland Enterprises and the Sanford Regional Economic Growth Council to turn its vision into a reality.

The first stage involves the adaptive reuse and redevelopment of the three-story former Webster textile mill in the community's historic downtown. The project includes building more than 22,000 square feet of commercial office/retail space and 36 residential units, with nine units reserved for tenants at 50 percent of AMI and the other 27 market rent units leased to tenants at up to 120 percent of AMI. The project will create 150 construction jobs and provide space for more than 75 potential office/retail employees.

The Sanford Textile Mill project is financed via a grant from the Maine Department of Economic Development and HUD's Neighborhood Stabilization Program III, interim financing from the Maine Rural Development Authority, debt from Bangor Savings Bank and Coastal Enterprises Inc., Southern Maine Region Planning and the U.S. Department of Environmental Protection, tax increment financing from the City of Sanford, and the sale of Federal and State historic tax credits to Tax Credit Capital and Coastal Enterprises Inc.

"Collaboration and creativity among public and private entities are the themes for successful cities and towns laying a foundation for future growth," said James Nimon, Executive Director of the Sanford Regional Economic Growth Council. "That and

tenacity of purpose, which was evident in all parties having begun discussions prior to the Great Recession, re-grouped afterwards, will finally conclude the first comprehensive redevelopment of an historic mill building in Sanford."

Knowing that these various funds are available makes the task of re-energizing Maine's downtowns and rural communities a brighter prospect. Perhaps the biggest hurdle is getting started.

Busy municipal leaders will be well served by collaborating with an intermediary, both private and public sources of expertise and capital, who understand the landscape. That may be your banker or a local development corporation.

From Grand Lake Stream to Livermore Falls to Sanford, and in between, with effective local municipal leadership, public and private sector capital is working for a greater public good. 



One of many scenic views in Grand Lake Stream. (Submitted photo)

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Maine Municipal Association

# - 2013 - Elected Officials Training Opportunities

## Elected Officials Workshops

### Who Should Attend:

This workshop is a “must” for newly elected and veteran officials, councilors & selectpersons, as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state.

- What are the rights and duties of elected officials?
  - Can elected officials hold multiple offices?
  - Which meetings are open to the public?
- Must there be an agenda and minutes taken?
  - What ordinances can be enacted?
- What authority do elected officials have over schools?
  - What liabilities and immunities exist?
- What is a disqualifying conflict of interest?

If you're wondering about these things, sign up for MMA's Elected Officials Workshops and hear our experienced attorneys and instructors discuss the important duties of elected officials, have your questions answered and more! These courses are perfect opportunities 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.

**Course meets state FOAA training requirements (Right to Know)**

## Roles of Elected Officials & Municipal Managers

### Who Should Attend:

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

## Managing Freedom of Access Requests

### Who Should Attend:

This timely workshop is aimed at helping municipal staffs, newly designated “Public Access Officers” and elected and appointed officials understand Maine's Freedom of Access Act, why FOAA requests are filed and how to handle them properly.

**Course meets state FOAA training requirements (Right to Know)**

## EOW

### Dates & Locations:

**East Millinocket – 5/16/2013**

Town Hall - 53 Main Street, East Millinocket, ME 04430

**Orono – 6/4/2013**

Black Bear Inn - 4 Godfrey Drive, Orono, ME 04473

**Machias – 7/10/2013**

Univ. of ME - 116 O'Brien Avenue, Machias, ME 04654

**Augusta – 8/28/2013**

MMA - 60 Community Drive, Augusta, ME 04330

**Caribou – 8/28/2013**

**(Live Video Conference)**

Northern Maine Development Commission  
11 West Presque Isle Road, Caribou, ME 04743

**Skowhegan – 11/12/2013**

Skowhegan Armory - North School Street,  
Skowhegan, ME 04976

**Lewiston – 12/12/2013**

490 Pleasant Street, Lewiston, ME 04240

## Roles of Elected Officials & Municipal Managers

### Date & Location:

**Dedham**

Thursday, June 13, 2013

The Lucerne Inn

2517 Main Road

Dedham, ME 04429

## Managing Freedom of Access Requests

### Date & Location:

**Dedham**

Tuesday, June 18, 2013

Captain's Galley

168 Saco Avenue

Old Orchard Beach, ME 04064



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# Debates Heat Up Over Wind Power, Fireworks

By Liz Chapman Mockler

Earth, wind and fire were common themes in the March-April round of 2013 town meetings, with voters in Maine's smallest towns gathering to debate big-ticket spending items, restrictions on wind power and fireworks, and how much to spend on critical roadwork.

At least a half-dozen towns, many located in the mountains of western and northwestern Maine, took actions to prepare for, pre-empt or revise wind power ordinances.

Voters in Cambridge, in Somerset County, endorsed several measures to control wind power projects and other developments before they're even proposed in what town officials call their "be prepared" policy. The approved ordinances establish rules for wind power facilities, cell phone towers, marijuana dispensaries and adult entertainment establishments.

Woodstock residents, meanwhile, approved the town's first wind power ordinance nearly two years after Patriot Renewables of Quincy, Mass., erected 10 turbines along a ridge in the town of 1,400 near Bethel. The project boosted the town's tax base by \$40 million and reduced by 20 percent the amount property owners pay to support local services, according to Town Manager Vern Maxfield.

"It's been a great thing for the town. We look forward to continuing to work with Patriot Renewables," Maxfield said recently. Although no other projects are in the wind, Maxfield said the town would welcome more. "We are certainly open to applications."

Maxfield said the new ordinance will be amended next year to allow for

taller turbines, since Patriot is seeking more efficient equipment. "The chances are excellent that they will be quieter, which was the big issue" for opponents – most of whom live near the project site, Maxfield said.

In Canaan, voters revised the town's wind power ordinance so it would apply to residential projects. Industrial sites already were covered under the original ordinance. Industry voters passed their first "wind safety" ordinance, which gives the town some control over how projects are sited and operated.

"It's a starting point that won't leave us unprotected," Planning Board member Dan Maxham told Industry voters, according to published reports.

In Clifton, residents hotly debated whether to allocate more money to fight a court appeal of the town's 2011 decision to allow a five-turbine project on Pisgah Mountain. Some foes of the project were unhappy that some of their tax dollars would be used to defend a decision they opposed.

They also worried their property values would drop and doubted they



*Daniel Lennon studies the Richmond Town Meeting warrant during the annual meeting in early April. Richmond voters spent about five hours deliberating nearly 40 warrant articles. Residents approved a budget of \$2.6 million, excluding school costs, and also accepted the donation of two church buildings. (Photo by Liz Mockler)*

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

would see any positive tax gain from the project.

The plaintiffs asked that the Planning Board's decision be overturned by the town's Board of Appeals and then filed suit in superior court in March 2012 after the board upheld the approval – which was granted after three years of investigation, research, site walks and public hearings.

Voters ultimately agreed to budget \$19,000 for professional services, estimating about half would be needed for legal expenses. Last year, Clifton voters approved \$25,000 for legal expenses and the account was still overdrawn by \$7,000.

### FIREWORKS FALLOUT

Voters in several towns took up the

tricky question of whether to regulate or allow the sale and use of fireworks in their towns. Debate has continued across the state since the Legislature passed a 2012 law allowing citizens to use fireworks, as long as they obeyed local rules. The law also allowed municipalities to prohibit their use, which many have done over the past year.

Anson residents voted in March to restrict fireworks to private property and to set a 75-foot buffer zone between where fireworks are ignited and any nearby structures. Bristol voters, meanwhile, rejected an ordinance to restrict fireworks to only July 4 and New Year's revelry. The proposed ordinance also would have outlawed the sale of fireworks in the town, restricted them to private property, established set-back limits from buildings, as well as restricting their use on days when fire dangers are high.

Several residents were upset over what they considered governmental overreach. One man said he fought



*Richmond officials listen as residents discuss and question town meeting warrant requests, including, from left, Finance Director Laurie Boucher and Selectmen Clarence Cummins, Tracy Tuttle and Rose Beckwith. (Photo by Liz Mockler)*

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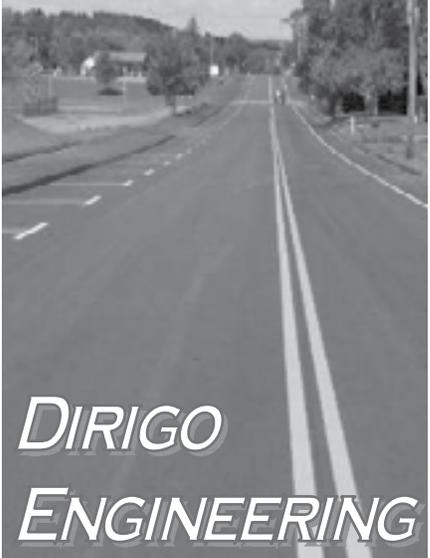


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in two wars to protect American freedoms, including the freedom to light fireworks.

The ordinance was defeated by a vote of 55-72.

Although financial matters consumed most of the town meeting discussions in every town, there were a few other ordinances or proposals that generated lots of heat.

Waterford voters passed a resolution opposing a proposed "tar sands" oil pipeline. Opponents are worried about scarring the environment and the impact of any spill along the 246-mile stretch, since oil made from tar sands is more difficult to clean up than crude oil and other petroleum products.

Residents of West Paris rejected a property ordinance that would have focused on unsafe and unsanitary properties. They thought enforcing the local law would be time-consuming and expensive and opted instead to continue using state standards.

Washington residents rejected a proposal to relax permitting rules for mining operations, deciding to keep the requirement that miners get new permits every seven years.

In Greene, townspeople voted overwhelmingly to keep intact a two-year-old ordinance requiring flea market operators to keep their properties neat and orderly. A flea market owner had asked voters to repeal the ordinance,

likening his operation, which nearly spills onto Route 202, to the seven-year effort to complete the Sistine Chapel in Rome. "Give me seven years," the man asked, "and see where we are (then)." Voters were not willing to wait; the vote

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## More Town Meeting Election Round-ups

This is a partial list of town meeting election results from March and April, based on media reports and interviews with municipal officials. Uncontested races are not included.

**Bremen:** Outgoing Selectman Henry “Hank” Nevins handed in the town office keys during the annual town meeting March 30, exchanged gifts with town officials after being honored for his dedication and service and then took back the keys after being re-elected anyway with 60 write-in votes. Nevins served as selectman from 1990 to 2000 and finished out the last two years of an unexpired term that ended this spring. He will now serve a new three-year term.

**Durham:** Incumbent selectmen Jeffrey Wakeman and Deborah Larrabee held off a challenger to win re-election with 138 and 129 votes, respectively. The challenger received 63 votes.

**Kennebunkport:** Edward Hutchins bested two challengers to win the seat of the late Selectman Mathew Lanigan, who died last November from complications from surgery. Hutchins received 584 votes, double his closest rival.

**Hudson:** Following a recount in early April, incumbent Selectman Michael Kelley remained in third place in a close race for two seats on the board. Donald Grant was the top vote-getter with 81, followed by Deanna Thurston, who collected 64.

**Montville:** First Selectman Jay LeGore and Second Selectman Cathy Roberts held off a challenge by Randy Hayes, winning re-election with 93 and 103 votes, respectively. Outgoing Third Selectman Herman Peaslee will be succeeded by Robert Price, who defeated Hayes’ wife by a vote of 107-39.

**Turner:** Five candidates vied for two selectmen seats, with Chairman Angelo “Terry” Terreri winning the most votes with 176, followed by former Selectman Dennis Richardson, who collected 163. Incumbent Selectman Lawrence “Punk” House received 120 votes, far outpacing the final two contestants, but falling short in his re-election bid.

**Unity:** Incumbent Selectman Christopher Rossignol defeated a challenger, 163-143, to win another three-year term. 

to keep the existing ordinance passed by a vote of 142-25.

Sangerville residents approved a six-month moratorium on development of an east-west highway that would slice through the center of Maine from Calais to Canada. The vote was nearly unanimous, with only three voters objecting. The Town of Monson already has passed two six-month moratoriums while the towns of Garland and Charleston are now working on moratorium language. Other towns are expected to act similarly.

Many of Maine’s smallest towns were able to nip and tuck their budgets to either keep taxes stable or mitigate any increase. Voters in some towns lopped off whole budget requests, while other voters cut over scabs still healing from earlier cuts at the budget committee and selectmen levels.

At the same time, voters also approved some major spending requests, all involving capital improvements and roads repair.

Durham voters, for instance, agreed to spend nearly \$3 million to establish the town’s first Public Works Department. Under the plan, a 60,000-square-foot facility will be sited on 10 acres of land.

Mercer voters accepted a budget increase in order to spend \$217,000 repairing and maintaining roads – many of them dirt.

Rome voters agreed to spend \$90,000 for a new community center roof, while residents of Solon decided to repair roads in the coming year rather than just pave them over. Farmington voters endorsed a \$133,000 request for a five-year capital improvement plan and Burnham voters opted to rehabilitate the former elementary school as a new town office, at a projected cost of \$100,000. Repairing the town office would have cost even more.

Minot voters approved building an addition to the public works garage at a cost of \$35,000 but rejected for the second time a request to double the size of the central fire station. Andover voters agreed again this year to keep the town’s elementary school open by contributing more money to SAD 44. Last year, taxpayers ponied up \$100,000 to keep the school doors open while the town prepared to withdraw from the district. This year, they approved giving SAD 44 \$68,000 to buy another year in the building. 

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*Photos by Jeff Pouland*

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Former Brewer Fire Chief and Bangor City councilor, **Richard Bronson** has been hired as Town Manager of Baileyville. He began his new duties on April 16, replacing Linda Pagels-Wentworth. Bronson owned and operated Rick Bronson Productions for 30 years, providing production services to the Bangor Auditorium and Augusta Civic Center as well as 10 other public venues in the Northeast. A veteran volunteer firefighter for the town of Veazie, Bronson sold his business in 1997 and was hired as Brewer fire chief in 1999. He served on the Bangor council from 2008-2011.

Orono Police Chief **Gary Duquette** resigned in April to seek new career opportunities, but will remain a town employee through October because of accumulated paid time off. He also offered to help the town until his replacement is hired. Duquette was hired by the Orono department in 1993 and has worked as chief for the past eight years.

Chesterville Town Clerk **Patricia Gordon** will retire on May 31, more than three decades after initially being hired as a part-time clerk. Her job was made full-time in 1996. Gordon worked for the Maine Department of Conservation until the clerk's job became a full-time position. During her long tenure, Gordon also worked as registrar of voters, general assistance director and assistant to selectmen and the tax assessor. An open house to honor Gordon was planned for May 11. Gordon said she hopes to spend a lot of time outdoors, as well as traveling, after retiring.

**Amber Harrison** has been named the new code enforcement officer for the town of York, succeeding **Ben McDougal**, who accepted the CEO job in Cape Elizabeth in December. Harrison, most recently assistant CEO in Kittery, was selected from a field of nearly 40 applicants. Harrison, who has experience in shoreland and land-use certification, is a New Hampshire native and graduate of the University of Montana.

Boothbay Harbor Selectman **Ar-**

**thur Hathaway** resigned last month to accept a private-sector job in Jackman. Hathaway completed his three-year term and was seeking reelection when he received the job offer.

Rockland officials honored police Officer **James Jillson**, who retired in April after serving the department for 33 years. "He personifies everything that is good in a police officer," City Councilor Eric Hebert said during the ceremony, according to the Bangor Daily News.

**William MacDonald**, former long-time Gardiner public safety commissioner, died at his home on April 10 at the age of 88. He began his career in Gardiner in 1954, leading the police and fire departments for two decades. He also served as mayor in the early 1980s.

**Bill Najpauer** has been named to replace Rockport Planning and Economic Development Director **Tom Ford**, who will retire this month after 13 years with the town of Rockport. Najpauer resigned as Waldoboro planning and development director in April and was set to begin his new job on May 14.

**Norman Poirier** has been hired as parks and recreation director for the City of Belfast after working for Orono for 24 years. Poirier was the unanimous choice of the hiring committee, according to officials. Poirier, 54, lives in Winterport and said he's been watching Belfast develop over time and wanted to be part of it. He replaces Jim Bell, who resigned last fall.

Veteran Manager **Larry Post** has accepted the job as Eastport city manager, replacing Jon Southern, who decided not to seek a new contract. Southern will work with Post during the transition period. Post most recently worked as Somerset County administrator for two years. He managed the town of Hartland for two years, and spent 30 years as St. Albans town manager. Post was among 25 candidates for the job.

Former Auburn Police Chief **Richard Small** died of natural causes at his camp in Eustis on April 10. A native of Lewiston, Small worked as chief from 1999 to 2006, when he retired and moved to Florida. He returned to Maine and enjoyed spending time at his camp. Small, who spent his entire police career with the Auburn department, beginning as a beat cop in 1979, was remembered for his love for and dedication to the city. He was 55.

Kingfield selectmen have made a number of changes at the town office. Former Town Clerk and Treasurer **Leanna Targett** was appointed administrative assistant to the selectmen. Former Deputy Town Clerk **Erica Bracy** was appointed the new clerk, while newly-hired Treasurer **Emily Hatfield** will serve as deputy clerk. Meanwhile, **Tom Marcotte** was named code enforcement officer. [mc](#)



Leanna Targett

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**Atkinson:** Residents continued to discuss the merits of deorganizing the town of 300 located between Dover-Foxcroft and Milo in Piscataquis County. Townspeople have considered the idea on three previous occasions and selectmen are torn. They concede property taxes are a problem, but think closing the town could be worse. The town has no public safety services and one general store. Costs associated with deorganizing could reach \$3 million, according to state estimates; the town's annual budget hovers around \$400,000. Voters in 1997 rejected the idea of joining Maine's sprawling unorganized territory. In both 2002 and 2004, the issue reached the legislative level, but was rejected both times. State officials said about 100 towns have deorganized in the last century, but that Atkinson would be the largest ever. It was incorporated in 1819.

**Bremen:** Special town meeting voters in April unanimously endorsed a plan to buy 10 acres of land off Route 32 for public water access and conservation. The property, with frontage on Medomak River, will cost the town \$120,000, down from the initial asking price of \$249,000.

**Bucksport:** Thirteen has turned out to be the town's lucky number. That's how many years town officials worked to bring natural gas to their constituents. Selectmen in April reached a deal with Bangor Gas Co. to extend natural gas service from the Verso Paper mill to the center of town. The company estimates laying 12,500 feet of main lines will take through the fall to complete. Once complete, all town schools will use natural gas, as well as many municipal buildings and private properties.

**Dover-Foxcroft:** The town's police department has converted a room to use exclusively for interviewing child victims of sexual abuse. The room will be used by other police agencies, who hope the new room will offer children a safe space to talk about alleged wrongdoing. It also will help reduce the number of times children are interviewed by officials – hopefully now only once, and briefly. The room and protocols were created in partnership with Cor-

nerHouse, a Michigan nonprofit group that specializes in training professionals around the world how to handle forensic interviews with children.

**Lewiston:** Firefighters from 11 municipalities, along with air support from the Maine Forest Service, battled a 20-acre wildfire on April 30, one day after mutual aid played a key role in fighting a fire that destroyed three downtown apartment buildings, left 75 people homeless and closed numerous roads. The wildfire started a day after the forest service issued a warning about especially dry conditions statewide and the potential for wildfires. The residential fires started in a condemned apartment house and spread to two neighboring buildings. No one was injured, but many pets were killed in the fires.

**Pittston:** Voters recalled Selectman Ted Sparrow Jr. by a vote of 290-90 in April out of anger over the firing of the town clerk. Voters also elected Jean Ambrose to replace Selectman Tim Marks, who resigned after also getting heavy public backlash over the March firing. Ambrose garnered 171 votes to replace Marks, holding off four other candidates, including Sparrow. The recall was triggered by citizen petition,

which included three times the number of registered voters necessary to hold a recall vote.

**Stonington:** Selectmen have hired an engineering consultant to operate the Stonington Water Company for one year following a report outlining myriad problems with the operation. Selectmen also serve as trustees for the water company and they voted 5-0 to hire Olver Associates, based in Winterport, to improve the operation and efficiency of the utility. According to the report released in March, the company was losing more water than it was selling. Town officials will use the water system's \$140,000 annual budget, along with trying to win grants and possibly borrowing money, to make the needed improvements.

**Washburn:** A \$50,000 grant from The Stephen and Tabitha King Foundation will allow the town's Memorial Library to renovate and upgrade its plumbing, heating and electrical systems, along with buying new carpet and making the library accessible to disabled patrons. Numerous other groups made donations to get the project launched. The work is expected to be completed by late summer. [\[m\]](#)

## NEW ON THE WEB

Highlights of what's been added at [www.memun.org](http://www.memun.org) since the last edition of the *Maine Townsman*.

- **Real Estate Development.** The Maine Real Estate & Development Association will hold its Spring Conference on May 22 at Holiday Inn by the Bay in Portland. The theme is, "The Retrofitting Movement: Repositioning Underutilized Commercial Real Estate."
- **Better Downtowns.** Maine Development Foundation/Maine Downtown Center will hold its 13th Annual Conference on May 31 at Point Lookout in Northport and in the City of Belfast.
- **Boston Marathon Bombings.** The Massachusetts Municipal Association and local leaders there released a joint statement about the bombings near the finish line of the Boston Marathon, expressing condolences for the victims and a determination to pool all available, local resources going forward.
- **Proposed State Budget.** MMA created a separate website that will track the proposed 2014-15 state budget throughout the current Legislative Session. The website includes five topic areas: Key Facts; Impact Data & Analysis; Resolutions & Local Action; Municipal Collaboration; and, In the News.

[www.memun.org](http://www.memun.org)



# Municipal Bulletin Board

## PLANNING BOARD/BOA: WINDHAM

The Veteran's Center in Windham will be the site for a Local Planning Boards & Boards of Appeal workshop to be presented by an attorney from MMA's Legal Services Department on May 22. The workshop is designed as a basic introduction to the legal rules governing decisions made by local planning boards and boards of appeal. While it is aimed at new board members, veterans may find attending the workshop to be a valuable refresher.

The presenter will explain jurisdiction issues, conflicts of interest, public notice requirements, site visits, the use of e-mail and other topics. The workshop begins with registration at 4 p.m. and ends at 8:30 p.m. A light meal is included. Cost for the event is \$50 for MMA members and \$100 for non-members.

## LICENSING WORKSHOP

The Maine Town & City Clerks' Association will hold a one-day licensing workshop on Thursday, May 30 at the Elks Banquet & Conference Center in Waterville. The workshop will focus on dog licenses, hunting and fishing licenses, business and liquor licenses. All attendees should bring both their Municipal Licensing & Permitting Handbook and Municipal Clerk's Manual.

The event begins with registration at 8:30 a.m. It is scheduled to conclude at 4 p.m. Instructors are: Patty Brochu, City Clerk in Old Town; and, Kim McLaughlin, Town Clerk in Old Orchard Beach. Cost for the day is \$55 for MTCCA members and \$75 for non-members.

## PLANNING BOARD/BOA: AUGUSTA, CARIBOU (VIDEO)

The MMA Conference Center in Augusta will be the site for a Local

Planning Boards & Boards of Appeal workshop to be presented by an attorney from MMA's Legal Services Department on June 3. This session also will be available via video-conference at the Northern Maine Development Commission office in Caribou.

The workshop is designed as a basic introduction to the legal rules governing decisions made by local planning boards and boards of appeal. While it is aimed at new board members, veterans may find attending the workshop to be a valuable refresher.

The presenter will explain jurisdiction issues, conflicts of interest, public notice requirements, site visits, the use of e-mail and other topics. The workshop begins with registration at 4 p.m. and ends at 8:30 p.m. A light meal is included. Cost for the event is \$50 for MMA members and \$100 for non-members. (Caribou spaces for MMA members only: \$40.)

## ELECTED OFFICIALS: ORONO

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on June 4 at the Black Bear Inn in Orono. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner.

It 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; and, conflicts of interest, among others. Cost for the workshop is \$50 for MMA members and \$100 for non-members.

## ROLES OF ELECTED OFFICIALS & MANAGERS

One of MMA's most popular workshops, which explores the Roles of

Elected Municipal Officials & Municipal Managers, will be held at the Lucerne Inn in Dedham on June 13, from 4 p.m. to 8:30 p.m. The workshop addresses differing responsibilities, legal requirements, open communication and personnel decisions, among other topics.

Presenters are: Pamela Plumb of GreatMeetings! Inc. and former Mayor of the City of Portland; Don Gerrish of Eaton Peabody Consulting, former Manager in Gorham and Brunswick; and, David Barrett, Director of Personnel & Labor Relations at MMA. Cost to attend is \$50 for MMA members and \$100 for non-members.

## MANAGING FREEDOM OF ACCESS REQUESTS

This timely workshop is aimed at helping municipal staffs, newly 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 workshop will be held on June 18 at the Captain's Galley in Old Orchard Beach. 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; and, Nathan Poore, Manager in the Town of Falmouth. Cost for the workshop is \$30 to MMA members.

## BASIC MUNICIPAL BUDGETING: AUGUSTA

James Bennett, City Manager in Presque Isle, and John Eldridge, Finance Director in Brunswick, will co-present a workshop on municipal budgeting on June 20 at the MMA Conference Center in Augusta. The program begins with registration at 8:30 a.m. and concludes at 3:30 p.m.

The course, sponsored by MMA, is designed for municipal officials with primary responsibility for budget preparation and management. The cost is \$65 for MMA members and \$130 for non-members. The workshop counts toward Maine Town, City & County Management Association certification. 

All of the upcoming workshops can be found on the MMA website. Use the following link:

<http://www.memun.org/public/MMA/svc/training.htm>



## STAFF MEETINGS NOT PUBLIC

*Question:* Are meetings of our town office staff required to be open to the public?

*Answer:* No, because staff meetings are not *board* meetings, and because they are not, they are not required to be publicly noticed or open to public attendance.

“Public proceedings” are defined by Maine’s Freedom of Access Act (“Right to Know” law) as including the meetings of “[a]ny board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision” (see 1 M.R.S.A. § 402(2)). All public proceedings of a body or agency consisting of three or more persons require prior public notice (see 1 M.R.S.A. § 406). And all public proceedings, with certain limited exceptions, must be open to public attendance and recording (see 1 M.R.S.A. §§ 403, 404). But again, because municipal office staff meetings are not board meetings, they are not public proceedings under the Right to Know Law and are therefore not required to be open to the public. (By R.P.F.)

## SCHOOL BUDGET VALIDATION PROCESS: VOTERS MUST VOTE THIS YEAR WHETHER TO KEEP

Officials responsible for preparation of school budget validation referendum warrants are reminded that State law requires this year’s warrant for the 2013-14 fiscal year budget to include an article asking voters whether they wish to continue the school budget validation process for another three years (see 20-A M.R.S.A. § 1486(1)).

We suggest a warrant article (and ballot question) substantially as follows: “Do you wish to continue the school budget validation process for another three years?”

A vote to continue the process retains it for another three years, at which time the voters must again be asked the very same question. This must be repeated every three years for as long as the school budget validation

process is retained.

A vote to discontinue the process ends its use beginning in the following budget year and prohibits its reconsideration for at least three years. After that, an article to reinstate the process may be included on a referendum warrant either by vote of the school board or by petition signed by at least 10% of the number of voters voting in the last gubernatorial election within the school administrative unit. If reinstated by the voters, the process may not be changed for three years.

Incidentally, since all school budgets except for an alternative organizational structure (AOS) are subject to the school budget validation referendum process, the requirement for an article in this year’s warrant applies whether a school system is a regional school unit (RSU), a school administrative district (SAD), a community school district (CSD), or a municipal school unit. (By R.P.F.)

## INTEREST ON TAXES

*Question:* Must we charge interest on delinquent property taxes? And if we do so, may we waive interest in certain cases, for example, when the taxpayer didn’t receive a bill?

*Answer:* No, to both questions. Maine law authorizes municipalities to charge interest on delinquent property taxes, but municipalities are not technically required to do so. As a practical matter, though, we’re not aware of any municipalities that do not charge interest because, by not charging interest on delinquent taxes, a municipality would effectively be making an interest-free loan to delinquent taxpayers. Plus, without an interest penalty taxpayers would have no financial incentive to make timely

tax payments.

There are some important limitations on charging interest, however. Foremost is that the rate may not exceed the maximum rate established by the State Treasurer for that calendar year (see 36 M.R.S.A. § 505(4)). (The maximum rate for 2013 is 7%.) In addition, the interest rate may be set only at the meeting of the municipal legislative body when it votes to raise a tax or at any subsequent meeting prior to the annual commitment of taxes. The interest rate set for taxes committed in a given year will then apply to all delinquent taxes for that year for as long as they remain unpaid.

Significantly, by law, interest on property taxes is added to and becomes part of the tax, so the failure or refusal to pay accrued interest is legally equivalent to failing or refusing to pay the tax itself.

Because interest is part of the tax, the only lawful way to “waive” any portion of it is through the property tax abatement process (see 36 M.R.S.A. § 841). No local body or official has any authority to abate any part of a tax, including accrued interest, except as authorized by statute. There are a limited number of reasons under law for abating property taxes (error or mistake, hardship or poverty, inability to pay after two years), but failure to receive a tax bill is not one of them. Maine law does not even require a tax bill, so not receiving one is no excuse (see *Clark v. Gray*, 113 Me. 443 (1915)).

For more on setting and calculating interest on delinquent property taxes, see MMA’s *Tax Collectors & Treasurers Manual*. For more on abatement of property taxes, see MMA’s *Municipal Assessment Manual*. Both



**ON OR BEFORE JUNE 15** — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General As-

sistance Unit, DHS #11, Augusta, ME 04333 (22 MRSA §4311).

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



# Legal Notes

are available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## DATE OF TOWN MEETING

It's been almost 45 years since Maine law required annual town meetings to be held in March, so what is the law now on setting a date for a town meeting or municipal election?

For annual town meetings, unless a date is specified by municipal charter, setting the date is left to the "good judgment and discretion" of the municipal officers (see *Allen v. Hackett*, 123 Me. 106, 113 (1923)). Likewise, for special town meetings, the choice is within the municipal officers' discretion, again, unless otherwise specified by municipal charter.

Municipal officers should remember, though, that certain actions affecting the choice of officials and other aspects of municipal government require approval at a town meeting held at least 90 days before the annual town meeting at which they are to take effect. Examples include changing the number or terms of office of selectmen or assessors and adopting the secret ballot method of voting. For a full list, see "Annual Meetings & the 90-Day Rule," *Maine Townsman*, "Legal Notes," December 2009.

Also, if a town meeting will be a two-part or "bifurcated" meeting, where a secret ballot election is called on the same warrant with a traditional "open" town meeting for other business, the second part of the meeting must be held within 14 days of the election (see 30-A M.R.S.A. § 2528(3) (A)).

As with the date of a town meeting, the time of the meeting is also within the municipal officers' discretion. For a secret ballot election, however, the polls must be open for at least four consecutive hours (see 30-A M.R.S.A. § 2528(3)). But if a municipal election will coincide with a State or federal election, we recommend that the polling hours be the same as specified in 21-A M.R.S.A. § 626.

Incidentally, there is no law generally prohibiting a town meeting or municipal election on a Sunday or legal holiday (school budget validation ref-

erendum elections are an exception, see 20-A M.R.S.A. § 1486(2)). Calling a meeting on these dates could invite criticism, however, since government

business is not customarily conducted on weekends or holidays, and a Sunday meeting could also interfere with religious practices. (By R.P.F.) [\[m\]](#)

## CORRECTION

*Editor's Note: An article in the April's Maine Townsman ("Supreme Court Rules in Tax Lien Case") contained some errors. The article was not reviewed by an attorney prior to publication. The following is offered as a summary of current law by MMA's Legal Services Department.*

The Maine Supreme Judicial Court's recent decision in *Stoops v. Nelson*, 2013 ME 27, was significant because it again confirmed the validity of Maine's tax lien procedures and the content of tax lien notices. These are issues that the Court had not directly addressed in several years. Although a 2006 U.S. Supreme Court decision, *Jones v. Flowers*, does require additional procedures when lien notices are returned unclaimed, the *Stoops* decision confirmed that *Jones* did not overrule important Maine court decisions on the subject. Obviously, municipalities should strive to ensure receipt of every lien notice.

However, neither the lien statute nor state/federal constitutions require actual receipt of lien notices in all cases. Instead, lien notices must be "given" or sent by a method listed in the lien law and must be provided in a manner "reasonably calculated under all the circumstances," to be effective. As a result of the *Jones* decision noted above, if notice to a taxpayer or interested party is returned, and the municipality is therefore aware that the notice was not received, the municipality should take additional reasonable steps to try to notify the party. These requirements are discussed in detail in Chapter 1 of MMA's *Guide to Municipal Liens*.

We would also like to clarify lien time frames (which even the *Stoops* Court misstated at one point). Please note that the initial 30-day demand notice must be sent to a taxpayer after the expiration of 8 months and within 1-year after the date of tax is originally committed. In addition, the Notice of Impending Foreclosure must be sent between 30-45 days before the 18-month redemption period ends. Also, filing of a lien certificate does not prevent sale of the property, but the tax lien will remain in force despite a sale. For more information, see the Tax Collection Timeline in the manual above.



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