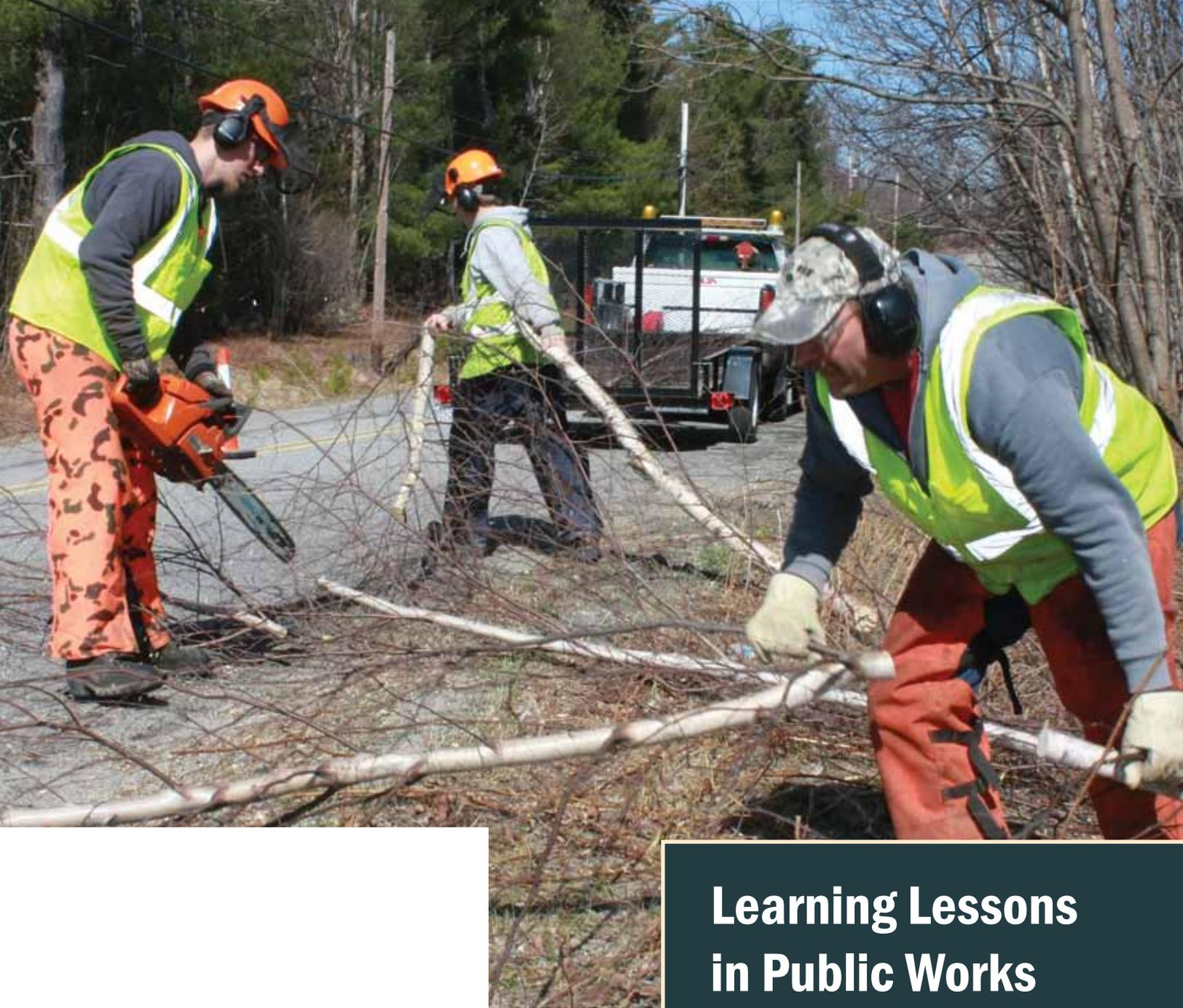


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The Magazine of the Maine Municipal Association

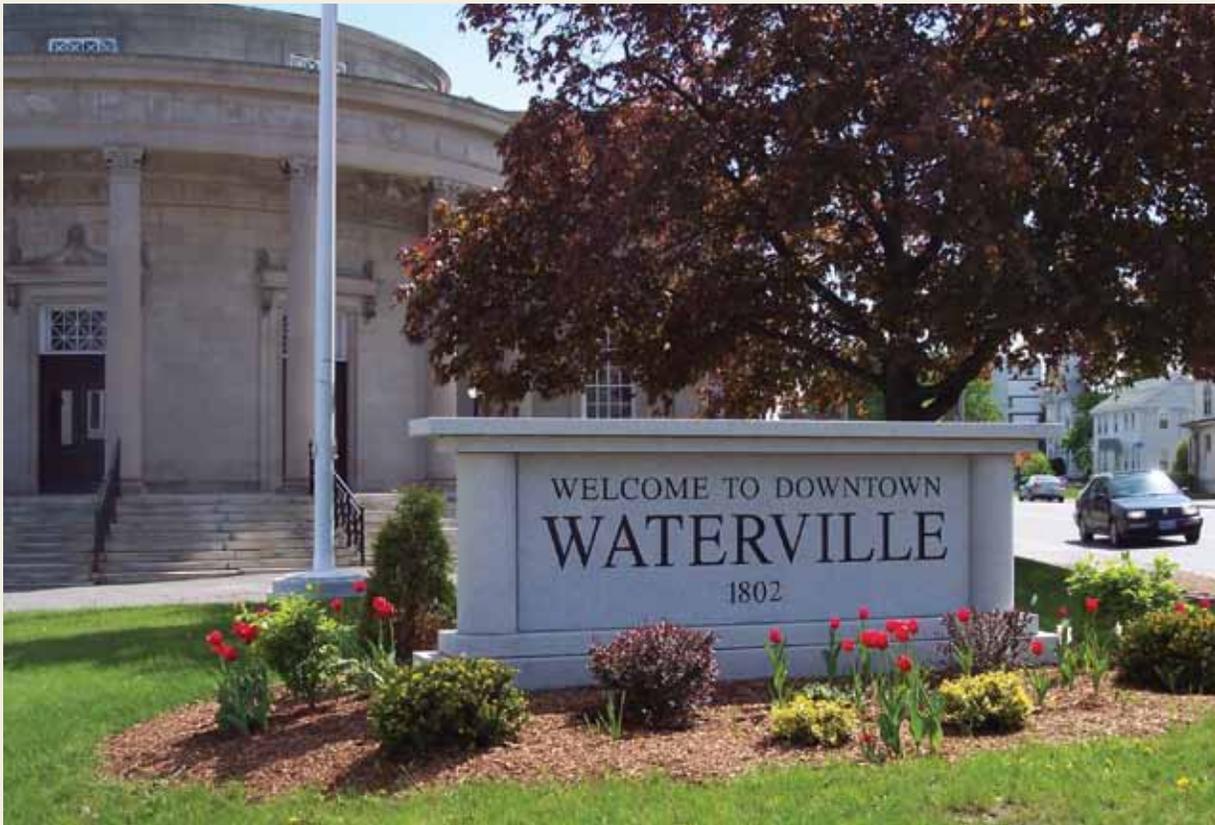


**Learning Lessons
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The Magazine of the Maine Municipal Association

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October is six months away, which means now is the time to begin planning the 2010 Maine Municipal Association Convention. Executive Director Chris Lockwood offers a peek inside some convention highlights and seeks your input on programming and vendor opportunities.

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COVER PHOTO: Photo by Jeff Pouland Photography. Readfield Public Works employee Tom Slovak, right, hauls some downed limbs to a trailer while helping cut back some brush off Prescott Road in Manchester recently with fellow employees Nick Tibbetts, left, and Matt Lincoln, center. The Readfield Public Works Department performs services for the towns of Readfield, Wayne and Manchester.



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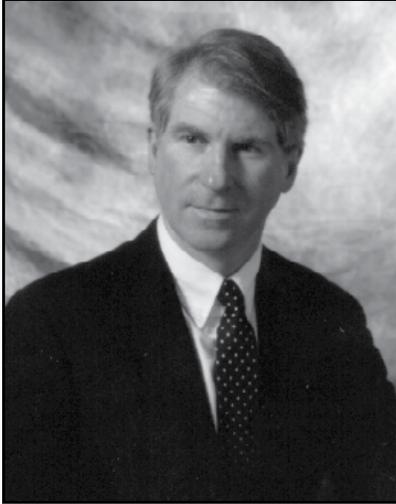
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From The Director

by Christopher Lockwood, Executive Director, Maine Municipal Association



Christopher Lockwood

If you view the calendar one way, October can seem a long way off. This is only late May, after all, and no one wants to look past a Maine summer. Here at the Maine Municipal Association, we have a saying that it's never too early to think about October. That's when we typically host our annual convention.

This year's convention will be held Oct. 12-13 at the Augusta Civic Center. The convention will begin on Tuesday, Oct. 12, with the exhibit hall opening at 7:30 a.m. Our keynote speaker that morning will be Travis Roy, a standout hockey player at North Yarmouth Academy and Boston University who suffered a devastating on-ice injury in 1995, but who emerged to write an inspirational book, work as a television commentator and become a sought-after public speaker. We will hold our well-attended awards luncheon and honor the new MMA President the same day.

On Wednesday morning, we are scheduled to host a forum for the gubernatorial candidates still standing after the June 8 primary election. That's a big deal, too: For the

first time in eight years, Maine will have a new leader in 2010.

Right now, we need your feedback about specific programming needs and requests. We all know how difficult this period has been for municipal leaders and employees, who are dealing with serious revenue reductions from the state and due to the struggling economy. Last year's convention theme was: Looking Up in Down Times. This year's working theme might sound similar: Embracing Challenges & Change.

Many new programs will be offered in 2010. For example, we plan a workshop or two designed to help selectpersons, councilors and other officials keep an eye out for fiscal problems and red flags. We are discussing a program on public communication and working with media during a time when the number of ways to get information to the public is proliferating. We will offer important updates on emerging legislative issues, grant funding, municipal budgeting, Right to Know requirements and Human Resources.

We just recently started putting the program together, which makes this an ideal time to share your thoughts. If you want to suggest specific programs or topic areas, please contact Eric Conrad, our Director of Communication & Educational Services, at econrad@memun.org, 1-800-452-8786 or 207-623-8428. If you are an exhibitor or a potential exhibitor, please contact Jaime Clark at jclark@memun.org and the same telephone numbers.

You can always give me your ideas, too. Most of you know where to find me! Either way, we are working hard already to make the 2010 MMA Convention one of our best and most valuable conferences ever. If I don't see you before October, I sure hope to see you there. 

Images from the 2009 MMA Convention



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Good Time to Start Public Works?

By Lee Burnett

Creating a new Public Works Department might seem extravagant in this era of tight budgets, but a number of small towns in Maine are making big investments in trucks and equipment. They say it gives them control of costs while improving services.

Last year, Readfield (population 2,360 in Kennebec County) approved funding for a Public Works Department that also provides some services to neighboring towns of Manchester and Wayne and the RSU 38 school district. In 2008, Washington (population 1,345 in Knox County) formed its Public Works Department. At least five other towns – all with populations under 2,500 – have formed Public Works Departments in the past two decades, including Windsor in Kennebec County; Long Island, Frye Island and Sebago in Cumberland County; and Veazie and Dixmont in Penobscot County.

On the other hand, Public Works proposals were considered and abandoned in New Portland in Somerset County and the mid-coast town of St. George.

The start-up investment in a Public Works Department can range upward of \$1 million, which includes acquiring trucks and equipment, building a garage and a covered salt and sand storage area, and sometimes the purchase of land. What does all the money buy? Generally, it can buy a higher level of service, quicker response to complaints, less vulnerability to the vagaries of the free market and the ability to juggle resources (in the event of a major storm cleanup).

All of this may translate into a better bang for the buck – although

not necessarily outright cost savings. As Steve Beveridge, Rockport Public Works director, tells people: “You do not create a public works department to save money.”

You also do not create a Public Works Department to make your life easier. Just ask Stefan Pakulski, town manager in Readfield, who won a 2009 leadership award from the Maine Town and City Management Association for spearheading the creation of a regional Public Works agency. “There was a great deal of controversy,” explained Pakulski. “The town had not had one in decades – maybe 40 years ago – so there was great reluctance on the part of the town and a lot of pressure from private-sector contractors.”

Winning over voters is just the beginning of the challenges.

“There’s a lot of hard work; it’s not a simple thing to do,” said Pakulski. “The political part was difficult, but the operation is also difficult, particularly when you’re creating something from scratch and have to start providing services immediately. You have to make sure you have the right people, make sure they’re trained and all the procedures are clearly defined, and safety compliance.”

Pakulski says the new department has been worth the effort. The first-

year budget of \$604,000 was about \$100,000 less than Readfield had spent contracting for services, he said. The town also received an additional \$30,000 in payments from neighboring towns. And, he said, the service is better. Crews are doing many more miles of roadside mowing, more roadside ditching, culvert cleaning, brush cutting and pothole patching. “We’re getting a better bang for our bucks. We’re more cost-effective,” said Pakulski.

HOW COMMON?

The prevalence of Public Works departments is not well documented. An unscientific survey conducted by the Maine Local Roads Center in 1989 found that 57 percent of communities supported a Public Works crew, while 38 percent contracted out snowplowing and five percent used a combination. When apprised of the survey recently, Peter Coughlin, the current director of the Local Roads Center, expressed surprise at the high percentage of Public Works crews. He thinks the actual percentage is probably lower.

While saving money is the most often cited reason for starting a Public Works Department, there are others, such as improving service and hav-

COLLABORATION CORNER

This feature article kicks off what will become a regular feature in the *Maine Townsman*, highlighting ways that municipalities work together to become more efficient and better serve citizens.

Lee Burnett is a freelance writer from Sanford, leeburnett_maine@hotmail.com

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ing greater control of contingencies. Contracting for services would be fairly straightforward if work could be planned ahead and scheduled efficiently. But potholes, washouts, snowstorms, downed trees and damaged signs happen when they happen. No contract can anticipate all contingencies.

Getting a contractor to fix a pothole – which, by law, is supposed to be fixed within 24 hours – illustrates the challenge, said Mark Doyon, Town Manager in Manchester. Not only does it mean pulling a contractor away from a bigger job, which usually takes more than a few days, but it often involves lining up other small repairs so a truck load of asphalt doesn't go to waste, he said.

"It's not the best way to respond to the situation," he said. Having a Public Works Department also makes it easier to deal major contingencies, like ice storms. Small towns without Public Works departments typically rely on firefighters on overtime wages to clear downed trees following big storms, an unanticipated cost that can exceed \$10,000. That same chore can be taken care of by a redeployed Public Works

crew with little budget impact, said Steve Beveridge, Public Works director for Rockport.

Lack of contractors or interest in bidding is also a factor. It's an obvious problem in small island communities like Long Island in Casco Bay and Frye Island, a summer colony on Sebago Lake. Both Dixmont in Penobscot County and New Portland in Somerset County said their relatively remote locations and small size make it difficult to get contractors to bid. Dixmont formed a Public Works Department because residents felt they were "at the tail end" of the priorities for out-of-town contractors, said Selectman Judy Dann.

"I think people felt if we have our own Public Works crew, they'd know who to call and say 'My road needs to be plowed,'" said Dann.

In St. George, the pending retirement of a long-time contractor prompted concern about finding a quality replacement. The town considered forming a Public Works Department but ultimately decided against it.

Readfield and its neighbors were driven to consider a department of their own due to a perception that lo-

cal contractors had them over a barrel. Recent history had shown that whenever a snow-plowing contract came up for rebidding, no one bid against the existing contractor.

When the towns tried to inject competition into the mix by consolidating all road work in a single contract, contractors refused to bid. Readfield also was hit by successive annual increases of eight percent.

"We had a situation of increasingly monopolistic contracts," said Pakulski. Opposition to change was understandable and expected from the contractors, he said. "They see it as a direct impact on their livelihood, which it is," said Pakulski. "But if it's in the interest of taxpayers, we need to be responsive to people in our communities."

Contractor opposition proved formidable. Many contractors had served as road commissioners themselves and spoke with authority about road issues. "I gave them all kinds of information, they just didn't want to listen," Pakulski said. "They're good guys, don't get me wrong, but they're not looking at long-term costs."

Local contractor Scott Lyon is a critic of Readfield's department. He



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said the full cost of running a Public Works Department is obscured by being under the wing of town government. Lyon said costs that should be directly attributed to the department “never go into the Public Works budget” and are instead carried as town expenses.

“As a businessman, I have to account for them,” he said. Retirement benefits are low because the Readfield Public Works Department is young, Lyon said. “But what happens when they start to retire?”

Pakulski said opposition has eased with the passage of time, although Wayne has still not contracted for the level of services expected, said Town Manager Amy Bernard. “It’s been a little harder sell here,” she said.

At the same time, proponents pointed out there is a continuing need for contractors to take on road paving and construction projects. “Once the contractors found (that) out, the rhetoric relaxed quite a bit,” said Doyon. Doyon described one project where the Readfield Public Works Department swept sand and removed brush from an area, one contractor ditched

the shoulder and a second contractor did the paving. “All three levels were integrated,” he said.

COST IS THE BIG ISSUE

In considering a Public Works Department, how do you know whether your current road maintenance costs are within norms? An obvious place to start is to determine how much it costs to maintain a mile of road. The “cost per mile” figure makes it easy to compare costs with other communities, although comparisons can be misleading. To determine your cost per mile, add up total snow-plowing costs and total summer road maintenance costs, for such tasks as ditching, brush cutting, cleaning culverts, sign repairs and road patching. (“Cost per mile” calculations typically exclude road construction and road reconstruction costs.)

Dividing the total maintenance cost by the total number of miles of road in town produces a per-mile maintenance cost. For reference, the current reimbursement schedule used by the Maine Department of Transportation calls for spending \$5,500 per

mile for snow plowing and \$4,200 for summer maintenance. But Coughlin of the Maine Local Roads Center said straight cost-per-mile comparisons can be misleading. Terrain, road layout patterns and maintenance standards vary widely from town to town.

“Some towns maintain their roads very well, others are just barely holding them together and not spending a lot of money compared to what should be spending,” he said. “It goes back to what level of maintenance you want.”

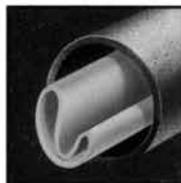
In other words, a low “cost per mile” might suggest you’re getting good value for your dollar. It might also suggest a municipality is not keeping up with wear and tear and is allowing roads to deteriorate.

The Maine Local Roads Center takes no position on contracting versus municipal Public Works departments but it does publish an extensive list of steps to consider – such as close itemization of costs, clear job descriptions, qualifications of applicants and lines of authority for employees – before any municipality creates a highway department. Additional information can be found under the Legal Issues

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A number of factors can skew the cost comparison of starting a Public Works Department. Owning buildable land or landing a grant can both change the cost equation. Readfield and its neighbors had the good fortune of landing a \$100,000 regionalization grant from the Maine Municipal Bond Bank. The money enabled the communities to buy a tractor and mowing attachments so they could do their own roadside mowing. The savings were dramatic, according to Doyon, in Manchester. The town's first-year bill came to \$800, less than a quarter of the \$3,500 the town had been spending.

"When I saw that, I said I want every road in town mowed – all 35 miles – not just the major roads," Doyon said. Changed perceptions can also be a factor.

Washington started a Public Works Department to save money but people were pleasantly surprised at an "obvious" higher level of service, said Selectman Wes Daniels. Daniels said he

used to get frequent complaints about inadequate snow plowing. "I don't get those phone calls anymore," he said. Even one-time opponents of starting a Public Works Department "have come to us and said they are very happy," he said.

Public Works Departments come in many sizes. Rockport, a tourist town of 3,209 with 64 miles of road, budgets \$1.1 million and employs seven people. "Our level of service requires it," said Beveridge, the Public Works director. On the other hand, Dixmont, with 1,065 residents scattered along 44 miles of rural roads, budgets \$232,000 and employs one full-time employee, four part-timers (including the road commissioner) and a few others on an as-needed basis. Dixmont keeps its costs low because of the "unique circumstances" of having skilled people willing to work part-time, and by allowing employees to bring town trucks home with them at the end of the day, said Dann, the first selectman. The town owns four trucks and a salt/sand storage shed, but no garage.

Readfield and its neighbors are still working on their regionalization project. While Readfield's needs are

entirely met with the new Public Works departments, both Manchester and Wayne still rely on private contractors for most of their needs. Pakulski said the keys are patience and building trust with neighboring communities. He said Readfield could have hired a Public Works director unilaterally but Readfield purposely included Wayne and Manchester in developing a job description, vetting candidates and making a hiring recommendation.

DECIDING NOT TO CHANGE

New Portland gave serious thought to starting its own department after hearing from Dixmont and other municipalities but backed off after citizen opposition to the upfront investment, said Selectwoman Lorie Agren.

"It went nowhere fast," she said. "People thought it was a lot of money and, with the economy the way it is, everything is a lot of money." Agren said the issue is dead for now, but the added, "we are going to look at it again."

The town currently pays \$190,000 to have 46 miles of road plowed. Agren said plowing contractor Gilbert Taylor provides a high level of service at a

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reasonable price, given the high cost of fuel. "It's an alright deal," she said. "I'd love to see it less."

St. George began thinking about starting a Public Works Department a few years ago because officials weren't sure they could find an adequate replacement for the town's long-time contractor, who was getting out of the business. There was continuing interest even after the town contracted with James Kalloch of Rockland for snow plowing and road maintenance.

The town eventually put together an ad hoc committee that prepared a 20-page report analyzing the issue. The committee estimated it would cost the town \$758,000 per year if it provided road maintenance with an in-house Public Works Department, which was about \$100,000 more than that town was currently paying for contracted services.

Selectman Chairman William Reinhardt, who also led the ad hoc committee, said a Public Works Department could be started for less money with used-equipment or donated land but people were concerned that, once established, a department might grow

beyond original intentions.

Beveridge, in Rockport, warned Reinhardt about "service creep." The Rockport department's responsibilities grew to include cemetery maintenance and pumping out homeowners' flooded cellars.

HALFWAY APPROACH?

There is an alternative for communities trying to get better bang for the buck but that are reluctant to create a Public Works Department. Investing in a licensed sand-salt storage area is less expensive than starting a full-fledged Public Works Department and it can stimulate competition among contractors. Knowing they do not have to make an upfront investment in a salt-storage area may entice new contractors to bid.

But even convincing voters to invest in a salt-storage site is a tough sell in the current economy. Belgrade voters at Town Meeting in March defeated a measure to raise \$350,000 for a salt-storage shed.

Farmingdale is considering developing a site as long-term option, according to Road Commissioner Roger

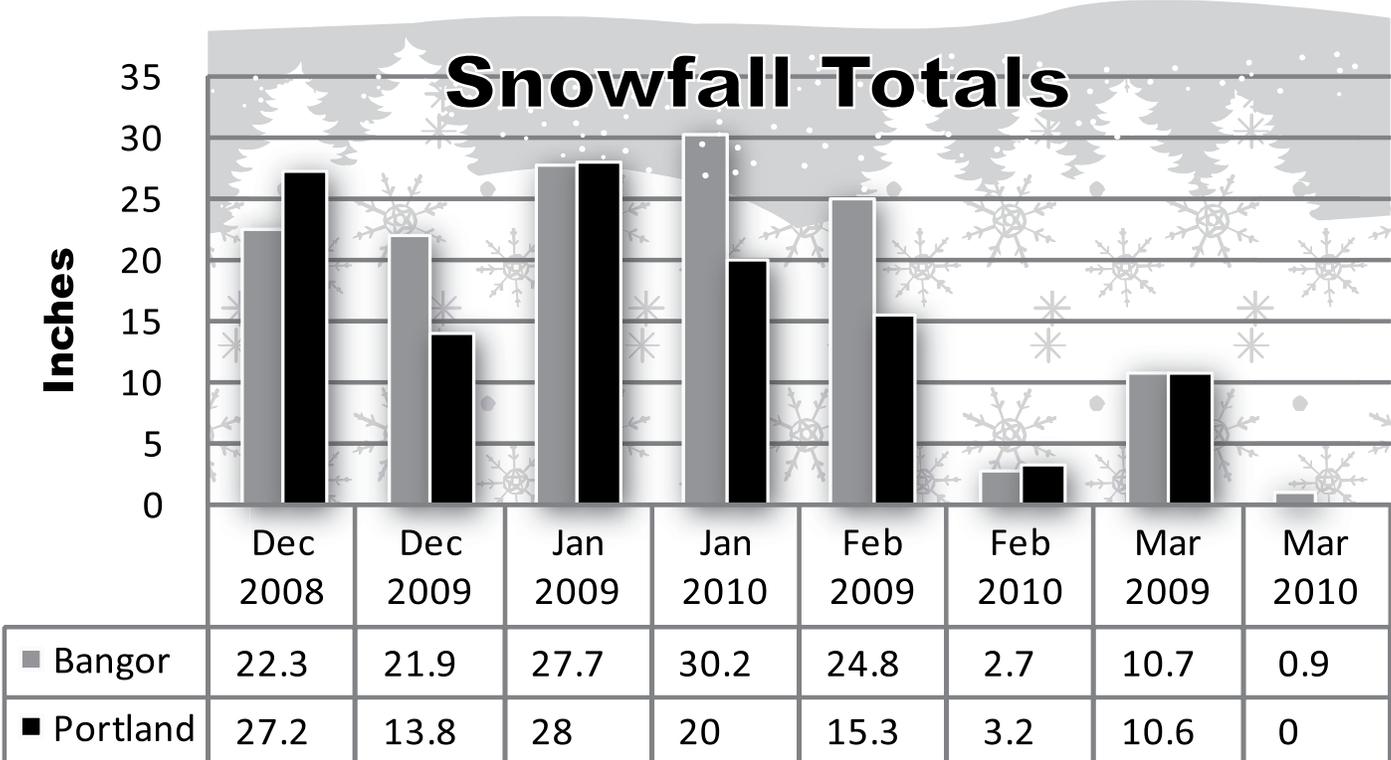
Mallar. Currently, the town relies on an unlicensed storage site, grandfathered from compliance with state environmental laws and leased exclusively to a single private contractor.

"It makes it very difficult to get competitive bids," said Mallar, a former commissioner of the Maine Department of Transportation. Developing a licensed site open to all approved contractors would give the town "all kinds of flexibility," he said.

The town could obtain sand and salt less expensively through joint purchase arrangements with neighboring communities and could attract bids from smaller contractors and that don't already have a site. "It puts us in a much stronger position," Mallar said. The town is yet not ready to assume the costs of developing a licensed site, which include land acquisition, laying a three-inch layer of asphalt and building some kind of shelter.

"It's something we'd like for the long term but it's quite a bit of upfront investment," he said. "This is a tough time to get towns to spend money. Everyone is very careful and understandably so." **[mc]**

Snowfall totals were down last winter, particularly in February and March. That helped many municipalities save on plowing and Public Works Department spending.



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COUNSELORS AT LAW

Spending on Roads During a Recession

By Douglas Rooks

Recessionary pressures have cut deeply into both state and municipal budgets, but a few Maine towns are going ahead with major road projects. In the view of their town managers, they are choosing to invest in the future despite an unfavorable financial climate, knowing that the needs aren't going away.

In some cases, towns are simply trying to get a handle on road budgets that haven't kept up in recent years. In other cases, municipalities are taking into their own hands reconstruction of smaller state-owned roads where the state and towns have traditionally shared maintenance responsibilities.

In Mexico, inadequate funding for road projects led selectmen to propose a \$2.9 million bond issue that went on the ballot last November. By a surprising margin, voters approved the measure, 605-485, with 57 percent saying "yes."

While the amount of spending may seem large, Town Manager John Madigan said borrowing will likely take place over five years. Each year, the town will borrow only enough to fund the current year's projects, combined with money from annual appropriations and capital reserve.

Engineering for the first two projects has already been completed, Madigan said. In all, the bond will permit the paving or reconstruction of 10 local roads and streets, allowing Mexico to make up for past neglect.

The longer-term focus has allowed a more deliberate approach to planning as well, he said. "We sat down

with the water district board and the sewer district to find out what they planned to do," said Madigan.

Of the five road projects now on tap, the water and sewer districts were planning line replacements on four of the five roads, with both water and sewer line work slated on two of them. Only the most rural of the roads, the descriptively named Back Kingdom Road, wasn't due for other improvements. As a result of the joint planning and communication, the town will be able to dig up pavement just once, rather than multiple times.

TARGETING THE WORK

While paving can still be done for \$100,000 a mile, Madigan said the town is targeting certain areas for more intensive work.

"A lot of these roads were never built properly. They really need to be reconstructed, so we can get them on a 20-25 year cycle for paving," he said. "We've never had the money to do that before." The town is hoping to defray costs with Community Development Block Grants and other state support.

When voters approved the bond, Madigan surveyed other municipalities to discover how they financed road projects. He found that smaller towns tend to budget only through current appropriations, which are often reduced during the budget process. Larger communities, by contrast, tend to have capital budgets that they fund through a combination of borrowing and reserve appropriations. That latter is the approach he'd like Mexico to take in the future. "That way you have some wiggle room when times are hard," he said.

REBUILDING ROUTE 88

A long-anticipated project in Cumberland to rebuild Route 88 (Foreside Road), one of the town's major thoroughfares, became a political issue when opponents succeeding in gathering signatures for a referendum after the town council in December had unanimously approved a \$4.5 million plan to rebuild 2.9 miles.

On March 2, voters approved the bond issue by a 941-915 margin. Town Manager Bill Shane called the turnout "unprecedented" for a municipal special election, with one-third of the electorate casting ballots. He credited opponents, organized as the Cumberland Taxpayers Association, with stirring widespread interest. But Shane also faulted them for what he said were exaggerated estimates of the effect on taxes. The opposition campaign featured not only the traditional signs and leaflets, but "robocalls" to every number in the 829 Cumberland exchange, he said.

The project also had vocal supporters, including those who had been meeting for more than two years as the Route 88 Pedestrian Access Advisory Committee. The committee chair, Mike Lebel, was particularly vocal on the need for improvements; his wife had once been hit by a car while riding her bicycle along a narrow section of Route 88.

Shane said a lot more was involved in the Foreside Road project than just vehicle traffic. "The clam flats along that part of the coast have been closed for two years now," he said. "We're hoping that controlling the runoff will allow them to reopen." Included in the project are 120 catch basins and storm drains. Pedestrian and

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

bicycle safety will be improved, with five-foot paved shoulders throughout the 2.9-mile length.

The only section of road in Cumberland that won't be rebuilt is the northern end. Shane hopes the town can do the last 1,500 feet in a joint project with Yarmouth, which wants to rebuild an adjacent half-mile section. Falmouth, where the rest of Route 88 lies, is paving a section this year but is not planning to reconstruct.

"A lot of this is about connectivity and a safe place for a lot of different users," Shane said. The section of Interstate 295 that runs parallel to Route 88 (and Route 1) effectively isolates part of town, with only one bridge connecting to the west. A total of 458 homes are located along the 2.9-mile section.

Shane said the project, which had been talked about for a decade, was necessitated by the realization that the state, which owns the road, was many years away from rebuilding the old, concrete-based highway.

Route 88 is among 2,200 miles of "minor collectors" the state owns and for which it shares maintenance with municipalities. Under URIP (Urban-Rural Initiative Program), the state provides two-thirds funding for reconstruction, with towns picking up the rest. But progress on rebuilding these largely "unbuilt" roads has been slow. There's no longer even a target date for bringing them up to standard.

A further incentive came when the PACTS board (Portland Area Comprehensive Transportation System), which includes Cumberland, voted to concentrate funding on 80 miles of the 200 miles of state-aid roads in the region. Route 88 is not on that list.

Some supporters of the road project felt the state should chip in, but Shane said the state and regional decisions made it clear that, if anything were to get done, the town would have to do it.

He thinks the results will be worth it. "We originally estimated that the work would cost \$5.5 to \$6 million," he said. The low bid came in at \$4.3 million from a local firm, Storey Brothers.

SCARCE STATE RESOURCES

At the Maine Department of Transportation, Pete Coughlan, director of the Local Roads Center, said

he sympathizes with those who would like to have the state do more, but the money isn't there.

At least road assistance isn't suffering the precipitous cuts municipalities are enduring with revenue sharing and General Purpose Aid to education. Under the supplemental budget approved by the Legislature, road assistance will see a slight uptick in funding next year, Fiscal 2011 – though the amount is still below what was distributed in Fiscal 2008. It remains about 8 percent of Highway Fund revenue. (See chart on next page).

The state's priority is to focus funding on arterials and major collector highways which carry the most traffic, Coughlan said. Many of those roads carry more than 10,000 vehicles a day, some as much as 40,000. By contrast, the section of Route 88 in Cumberland carries 2,400 vehicles a day, though the road's northern end, in Yarmouth, carries 7,000.

Spreading the money around to include minor collectors in the state funding stream isn't an efficient use

of limited dollars, from Maine DOT's perspective.

Coughlan said DOT encourages towns to take the lead on minor collector roads when they can. They can often do the work more cheaply and the state is willing to be flexible on design standards as long as safety is maintained.

For the longer term, DOT is now meeting with municipal representatives on a potential plan for minor collectors. What the state has on the table is a swap, where it would fix up minor collectors and then turn them over to municipalities, while assuming winter maintenance responsibilities on rural major collector roads, which are now carried out by municipal crews.

EXPERIENCE IN HERMON

One of the members of the state-municipal study group is Hermon Town Manager Clint Deschene, who has personal experience with the minor collector issue.

Last year, the town voted to borrow up to \$1 million to fix Billings

The Skowhegan Experience

For Greg Dore, Skowhegan's veteran public works director, maintaining spending for paving and reconstruction has not been easy – a common situation for many towns and cities this year.

The Fiscal 2011 town budget is not complete but Dore is trying to fend off a proposal to cut the \$500,000 road budget by \$100,000. He doesn't know yet what selectmen will propose for the June town meeting but he's made his case and hopes level spending can be preserved.

"When you're looking for places to cut, maintenance is easy for towns to do," he said.

Still, he said, Skowhegan's budget may be better off than most. "I heard from one Public Works director that he'd been given a choice of laying off two of his crew or cutting \$100,000 from paving." There wasn't another option.

Dore said cutting back is particularly unfortunate this year in that towns could get great deals, because contractors need the work. "The bids that are coming in are really low. We haven't seen prices like this in 20 years." Yet few towns seem to be taking advantage. "Nobody wants to spend," he said.

Skowhegan tries to maintain five miles of road a year, paving four miles and reconstructing one mile. With a 100-mile town road system, that's a 20-year cycle, but Dore said the budget hasn't always kept up. "There were two years when we did less than two miles and we lost ground."

Skowhegan used to have a 15-employee road crew and now has 10. Still, the town is able to do most of the road work. "We don't do ditching or line painting anymore," he said. "Those we contract out."

Dore is confident that, if his regular appropriation makes it through the budget process, voters will support it at town meeting. "The majority of people understand what it is we have to do," he said.

State Revenue and Municipal Road Aid

Fiscal Year	Highway Fund Revenue	Municipal Allocations	% of Revenue
2008	\$328.2 million	\$27.3 million	8.3
2009	\$324.2	\$26.2	8.0
2010	\$312.7*	\$23.6	7.5
2011	\$308.7*	\$24.7	8.0

*Projected

Source: Legislature's Office of Fiscal and Program Review

Road, one of the town's busiest, after Interstate 95, Route 2 and Union Road. Nearly 10 years ago, the state rebuilt 1.5 miles of Billings Road, which serves the school, town office and many businesses. "We were getting tired of waiting for them to do the rest," Deschene said. "Our town roads are in a lot better shape now than this one. It really stood out."

The project, which will be com-

pleted this year, will rebuild another 1.5 miles at a cost of \$1.2 million, of which \$900,000 will be borrowed. The only section of Billings Road not included is the approach to the Route 2 intersection.

"That's a state arterial and we're not looking to get involved with that," Deschene said. Prospects are better for state action on that section than it was for the rest of the road, he said.

Unlike the situation in Cumberland, the town council's vote to pursue local funding was not controversial. "Given its importance to the town, people decided it was too important not to fix it up," Deschene said.

He doesn't expect the pressure on the town budget to ease, or for the council to undertake any other major road projects soon. But on this one, "the time for patience had run out." **mt**

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2010 FALL BOND ISSUE SCHEDULE

Capital financing through the Bond Bank's General Bond Resolution Program allows borrowers to take advantage of the Bond Bank's high investment grade rating, low interest rates and reduced issuance and post issuance costs. **This issue will include the sale of federally subsidized taxable bonds for qualified projects under the Recovery Zone Economic Development (RZED) bonds allocation, the Qualified Energy Conservation Bonds (QECC) allocation, Build America Bonds (BABs) as well as traditional governmental tax exempt bonds.** The Bank will review all applications to determine the most cost effective borrowing available to each applicant. Below is the schedule for the Bond Bank's Fall Issue.

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

Wednesday, August 4th
Application Deadline.

Wednesday, August 25th
Application approval (Board Meeting).

Thursday, September 9th
Preliminary opinions and loan agreements due from bond counsel of each borrower.

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

Friday, September 10th
Last date for signing school contracts and rates in place for water districts.

Monday, October 4th & Tuesday, October 5th
Maine Municipal Bond Bank Pricing.

Wednesday, October 6th
Maine Municipal Bond Bank Sale Meeting (Board Meeting).

Wednesday, October 20th
Final documents due from bond counsel.

Wednesday, October 27th
Pre-Closing.

Thursday, October 28th
Closing - Bond Proceeds Available (1:00 PM).

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

If you would like to participate in or have any questions regarding the 2010 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



MMA Opposes Repeal, Supports Bonds

By Geoff Herman, Director of State & Federal Relations, MMA

Five separate questions will be on the statewide referendum ballot on June 8. The slate includes four separate borrowing proposals and a “people’s veto” initiative that, if supported by the voters, would repeal tax-reform legislation enacted in 2009. At its April meeting, MMA’s Executive Committee identified four of the five ballot questions as municipally relevant and staked-out a position on each.

No on Question 1. The first ballot question asks: *“Do you want to reject the new law that lowers Maine’s income tax and replaces that revenue by making changes to the sales tax?”* If Question 1 is approved by the voters, the comprehensive tax reform legislation enacted by the Legislature in 2009 would be repealed. By its vote, MMA’s Executive Committee is urging voters to reject Question 1 and allow the reform legislation to go into effect.

Maine’s municipal leaders have been trying to get the Legislature to modernize Maine’s out-of-date and exemption-riddled tax code for nearly 20 years. It has been an extraordinarily frustrating effort. Any number of comprehensive tax-reform proposals have been rejected, some for being too comprehensive, some for being too incremental, some for being proposed in a negative economic cycle, some for being proposed in a positive economic cycle. There was always an excuse for not tackling comprehensive tax reform; the task seemed politically impossible.

To create that political opportunity, a major component of the Question 1A initiative adopted by the voters in June 2004 expressly directed the Legislature to undertake comprehensive tax reform in order to restructure the entire state tax code so that fully 55

percent of the cost of K-12 education could be paid for with broad-based tax revenue. Despite the directive, the Legislature never reached a 55 percent commitment level and is now moving away from the 55 percent standard at a discouragingly rapid pace.

It should also be noted that from the municipal perspective the 2009 tax-reform package that is now on the table doesn’t address property-tax issues and is in other ways a less robust package than the truly comprehensive reform package developed by the Taxation Committee in 2007. That package was strongly supported by municipal officials but ultimately killed in the State Senate.

Bottom line: Even if the 2009 version of tax reform is less than 100 percent of the municipal vision, MMA’s Executive Committee members are saying with their vote that a good-faith stab at updating Maine’s archaic tax code should be supported by the electorate, and the attempt to repeal it should be rejected.

Yes on Question 3, the Transportation Bond. As adopted by the Legislature on April 12, the Transportation Bond is a \$47.8 million package with its various components listed below. Given the current status of Maine’s roads, highways and bridges, and the obvious difficulty in properly maintaining the state’s transportation infrastructure with the current “gas tax” financing system, a transportation bond is considered necessary by most municipal officials, who believe a quality transportation system is directly related to economic development. This bond package contains:

- \$24.8 million for state highway reconstruction and paving;
- \$7 million to help finance the

purchase and preservation of 240 miles of railroad track in Aroostook County;

- \$5 million to purchase a portion of rail line and make other rail improvements to create a connector to the Lewiston-Auburn area;

- \$4 million for repairs and improvements to the state-owned Mountain Division Railroad located in southern Maine;

- \$6.5 million to help finance the Ocean Gateway deep water pier in Portland; and

- \$500,000 to provide challenge grants through the Small Harbor Improvement Program.

Yes on Question 4, the Economic Development Bond. The \$23.75 million Economic Development bond package was originally developed and adopted by the Legislature in May 2009, but slightly amended during this legislative session. Resources devoted to the encouragement of economic development are often considered favorably by municipal officials.

In this package, the component that would assist in the redevelopment of the Brunswick Naval Air Station site is considered particularly important, not only to the mid-coast region but to the whole state. This borrowing proposal is slated to leverage over \$39 million in matching funds from the federal government and other sources. The package contains:

- \$8 million to redevelop the Brunswick Naval Air Station site;

- \$3.5 million for the “Communities for Maine’s Future” program;

- \$3 million for research and development investments;

- \$4 million for the Small Enterprise Growth Fund;

- \$3 million for an economic recov-

ery loan program;

- \$1 million to provide grants for food processing and lumbering industries; and

- \$1.25 million for acquiring historic properties.

Yes on Question 5, the Environmental Bond. The \$10.25 million Environmental bond was adopted by the Legislature in May 2009. MMA's Executive Committee and municipal officials generally strongly support these environmental bonds, which among other accomplishments use the bond resources to leverage federal resources to capitalize the revolving loan systems that help local government reconstruct drinking water and wastewater facilities.

The only municipal disappointment with this specific plan is that it doesn't leverage the full amount of financial support the federal government is making available. Municipal officials do not understand why the Legislature gave a thumbs-down to an offer from Washington to provide more federal dollars to help with what are essentially federal (Clean Water Act) mandates. If it were the state

government rather than local governments providing drinking water and waste water services, chances are the full federal match would be realized. That disappointment aside, this environmental package is expected to leverage over \$33 million in federal matching funds and includes:

- \$3.4 million designated for the Drinking Water revolving loan fund program;

- \$3 million for the wastewater revolving loan fund program;

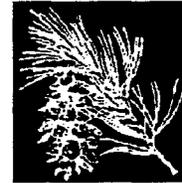
- \$600,000 for wastewater facility grants;

- \$1 million for the small community septic tank abatement program;

- \$1 million for agricultural facility pollution protection; and

- \$1.25 million for the uncontrolled sites/overboard discharge program. **mt**

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A Look at State Ballot Measures for 2010

By Pamela M. Prah, Stateline Staff Writer

Voters will consider a wide array of ballot measures this year on issues ranging from property taxes to health care to abortion. And there will be more: A number of states have yet to reach their filing deadlines. In an unusual twist this year, it's state legislatures — not citizens — who are putting many of the most contentious measures on the ballot. Below is a sampling of the 74 measures that have already qualified for the November 2 ballot and another 21 that will be voted on before then.

① ABORTION

- Alaska: Should minors be required to notify their parents before receiving an abortion? (August 24)

- Colorado: Should the state constitution be amended to define "personhood" as beginning at conception?

② AFFIRMATIVE ACTION

- Arizona: Should preferential treatment in public employment, education and contracting be banned? (This measure was put on the ballot by the Legislature.)

③ CAMPAIGN FINANCE

- Alaska: Should public funds be used in political campaigns and campaign activity by government contractors be restricted? (August 24)
- California: Should the public fi-

nance the 2014 and 2018 campaigns for secretary of state? (June 8; This measure was put on the ballot by the Legislature.)

- Florida: Should the state's public campaign financing option for statewide candidates be repealed? (This measure was put on the ballot by the Legislature.)

④ CONSTITUTIONAL CONVENTIONS

- Iowa, Maryland, Michigan and Montana: Should the state hold a constitutional convention? These questions are triggered automatically at regular intervals by state constitutions.

⑤ ELECTIONS

- California: Should a "nonpartisan blanket primary" be established for legislative and congressional seats and statewide offices? (June 8; This measure was put on the ballot by the Legislature.)

- Illinois: Should a process whereby voters can recall the governor be established? (This measure was put on the ballot by the Legislature.)

- Oklahoma: Should statewide officials have term limits like state legislators do? And should voters be required to show a photo ID before receiving a ballot? (Both measures were put on the ballot by the Legislature.)

⑥ GAMBLING

- Ohio: Should the location of the Columbus casino that voters approved in November 2009 be changed? (May 4; This measure was put on the ballot by the Legislature.)

- Maine: Should a casino in Oxford County be permitted?

⑦ HEALTH INSURANCE

- Arizona and Oklahoma: Should mandatory participation in any health care system be prohibited? (Both measures were put on the ballot by the legislatures.)

⑧ HUNTING

- Arkansas, South Carolina and Tennessee: Should the right to hunt and fish be added to the state constitution? (These measures were put on the ballot by the legislatures.)

⑨ MARIJUANA

- California: Should the possession of marijuana be legal and taxed?

- South Dakota: Should medical marijuana be legalized?

⑩ TAXES AND BUDGET

- Arizona: Should the state sales tax be temporarily increased? (May 18; This measure was put on the ballot by the Legislature.)

- Colorado: Should property, income and other taxes be cut and should state government debt be prohibited without voter approval?

- Maine: Should a law passed in 2009 that lowers the income tax rate and makes up the lost revenue by changing sales taxes be repealed? (June 8)

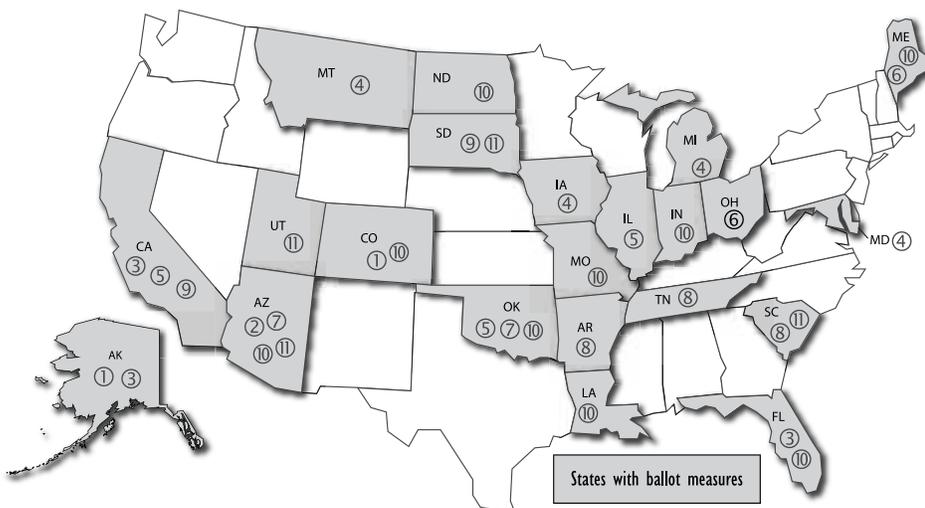
- North Dakota: Should the state create the North Dakota Legacy Fund, with revenue coming from oil and gas taxes? (This measure was put on the ballot by the Legislature.)

- Oklahoma: Should the constitution be amended to prohibit any entity other than the Legislature from setting budget amounts? (This measure was put on the ballot by the Legislature.)

- Florida, Indiana, Louisiana and Missouri: Should property tax increases be cut or capped? (All four were put on the ballot by the legislatures.)

⑪ UNIONS

- Arizona, South Carolina, South Dakota and Utah: Should the right to vote a secret ballot in all state and federal elections as well as labor-representation elections be guaranteed? (The measures were put on the ballot by the legislatures.) [mt](#)





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Q&A: Veteran Managers Cite Fairness, Dedication

By Liz Chapman Mockler

Even some of Maine's longest-serving and most-respected municipal managers have learned lately that nothing is certain – including keeping a job.

Longevity and hard work are not guarantees from controversy or the desire – which can come abruptly – by some community leaders to take a different path for the future, which can lead to a new town or city manager.

Although many of Maine's nearly 500 municipalities are run by small elected boards, scores of cities and towns are managed by professional administrators whose primary job is to carry out the policies passed by public officials and town meeting voters.

The Townsman recently interviewed three veteran administrators who have been on the job for 25 years or more, to ask how they've lasted so long in a stressful and uncertain profession. What are some of the secrets of their success?

The managers interviewed were: David Morton, who started his career in Casco in 1978 and has never left; Dale Olmstead, who has managed Freeport for almost 30 years; and Susan Lessard, who has managed four Maine towns over a 25-year career, the last 10 of which she's been in Hampden.

Parts of the managers' responses are printed below. More of their commentary is available on the Maine Municipal Association's Web site (www.memun.org) as an audio feed.

Q: To what do you credit your longevity and success?

Lessard: I love what I do. I approach this job with the idea that my job is

to make sure I give the council good information that they need in order to set good policies for the community ... and to see that (staff members) have the resources, are paid fairly and have a good working environment in which to provide good services to the citizens of the community.

Morton: It's a wonderful community to work in. People are great. For the most part it's a very positive community. A lot of community spirit. I think it was just one of those good matches and I was fortunate that in my first community as manager I found that good match.

Olmstead: I have the ability to read my council... If I had to compare the manager to an animal, I would say the manager has to be like a chameleon. After every election, they need to read their council, understand what their wants and needs are and be willing to make changes to accommodate those wants and needs.

Q: What do you like best about your job?

Morton: The variety. Lots of times you'll plan your day ahead then never get to any of those things you planned because other issues come up. Sometimes that can be stressful, sometimes that's very invigorating, as well as challenging.

Olmstead: The diversity. I never know on any given day what the issues are that I'm going to be facing. I always have things scheduled and I have a game plan in my head, but that can change the minute I walk in the door. The other thing I really like about this job is you can actually positively impact people's lives. You can make decisions that make people's lives better and my position has always been we're here to serve the people and we're here to try to help them, not hinder them.

Lessard: Every day when I come here the only thing I really know is where I'm going. I have no idea when I come in that door in the morning what the whole day might entail. There is always the possibility that just about any-



DAVID MORTON

EDUCATION:

University of Southern Maine
Criminal Justice, sociology

EXPERIENCE:

Casco town manager (1978-present)

PROFESSIONAL:

Member, Regional Waste Systems Board of Directors (now Ecomaine), Maine Town & City Management Association, MTCA Ethics Committee, International City/County Management Association; chairman, Cumberland County Municipal Oversight Committee

Hometown: Windham

Age: 54

Family: Married, two children

Liz Chapman Mockler is a freelance writer and media advisor from Augusta, lizmockler@hotmail.com

thing could happen. It's never boring.

Q: How do you handle and resolve serious problems?

Olmstead: I usually try to understand all sides of the issue and approach it from a "this problem is solvable" (attitude). And if we're all willing to ... give and take, then we can solve every problem that's presented to us... I (sometimes) tell my councilors that once you make a decision, if everyone is somewhat unhappy with that decision, you've probably made the right decision.

Lessard: I'm a process-oriented individual and if a problem occurs I first sit down with whoever's involved and listen because assuming is not the answer... When someone comes in and complains about one of my staff members, I might listen but my next step is to bring (the staff member) into the office so that the person who's got something to say has to say it to the person they're saying it about. It's not fair otherwise to anyone. You need to open a line of communication where

everyone can hear what's going on. Little is accomplished by trying to govern to the extremes. You need to find the middle. If there have to be winners and losers, everybody's a loser.

Morton: I like to work with people to the extent that's possible, where people are willing to sit down and come in and talk about (problems or concerns). I think the issue is really to deal with them head-on, not to put them off (and) to engage people. For the most part, I think that works quite well. The worst thing you can do is let it fester. I learned a long, long time ago you need to tell people what you need to tell them. You have to do the right thing (even if) that's not what they want to hear.

Q: What is your management style or philosophy?

Lessard: I'm more a leader than a manager. Depending on what you do, sometimes trying to get people to do something is like pushing a rope. You're not going to go anywhere. But if you give them good information that

gets them engaged in where you're going and the desire to get there, then you lead them. It's a better way than pushing them.

Morton: I would say inclusive, collaborative, team approach. I like to work with my employees. I really don't like to tell them anything. I like to ask them a lot and the same with (residents). I like to engage them and work with them.

Olmstead: Hire good people and let them do their jobs. I identify and hire the best administrators I can find and I let them do their jobs. I don't micro-manage. Some people will argue that



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SUSAN LESSARD

EDUCATION:

University of Maine, Orono
University studies

EXPERIENCE:

Former town manager of Vinalhaven, Fayette and Livermore Falls; Hampden town manager 2000-present

PROFESSIONAL:

Member, Maine Board of Environmental Protection (2007; elected chairman, 2008); President, Maine Municipal Association (2003); Governor's Environmental Excellence Award (2002); Maine Town & City Management Association Leadership Award (1999); Maine Engineering Excellence Award (1998); U.S. Coast Guard Public Service Commendation (1996)

Hometown: Belfast

Age: 53

Family: Two sons, four grandchildren

perhaps I give them too much flexibility, but if you have people you can count on, rely on and know they have good judgment, then you need to let them do their jobs.

Q: What are some of the jobs that you will not delegate?

Morton: If there are real problems or people who are really unhappy, I want to make sure that (staff members) send them to me. So, I don't say to my employees, "That's your problem. You've got to deal with it."

Olmstead: Final decisions on personnel... Final approval of things like budget proposals (and) personnel pol-

icies. When it comes to the implementation of personnel policies, I make sure they're implemented correctly and I don't delegate the interpretation of those (policies) to anyone else.

Lessard: I don't delegate ultimate financial review (or) staffing the finance and infrastructure committees (of the council)... I'm not unwilling to take an action, I just need more people involved in the decision-making.

Q: What book are you reading right now?

Olmstead: *Sick Puppy*. It's a great book.

Lessard: The (Board of Environmental Protection) Record Hill wind appeal. That's my light reading when I go home. (Otherwise) I'm a sort of whodunit kind of reader ... as an escape.

Morton: I've been reading some Sci-Fi novels just to escape. I just got done reading a fishing book ... and that was interesting.

Q: What should be the No. 1 priority for a town or city manager?

Lessard: Public service. I should say "customer service." I don't ever want anyone coming in the door of the town office feeling that they are anything less than a valued customer. We only are here because they're there. It's not the other way around.

Morton: To make sure that you have the best people possible in all the positions that you need to staff. The man-

ager can't do everything. The manager needs to rely on staff and you need the best people possible.

Olmstead: To serve the will of the people ... and you do that through the council. My top priority is to make sure that I understand the majority will of the council and that I implement the majority will of the council.

Q: What is your biggest fear or concern for municipal government in the coming decade?

Morton: I think that there has been an eroding of trust and respect in government in general that seems to still be occurring and I think that's a problem that's endemic across the country; it's happening here in Maine as well.

Olmstead: We are not going to be able to provide the same level of service 10 years from now that we provide today. I'm just concerned at the municipal level, without drastically increasing taxes over the next few years, we're not going to be able to provide the same level of service.

Lessard: I think we need to be open to change ... (and consolidation of more services). As we go forward, local government is going to change because there's not enough money in the world to sustain (services) across all (levels of government). It's not a fear because it's exciting to me that we can do service delivery in a better way.

Q: If you could have one true luxury for the town, what would it be?



DALE OLMSTEAD

EDUCATION:

University of Maine, Presque Isle
University of Maine, Orono

EXPERIENCE:

Former Caribou Assistant Manager
Freeport Town Manager 1982-present

PROFESSIONAL:

Outstanding service awards from the Freeport Town Council, Regional Waste Systems (now Ecomaine), the Maine Municipal Association Health Trust (founder and 20-year board member), Maine Town & City Management Association and the International City/County Management Association; former Cumberland County Civic Center trustee

Hometown: Woodland

Age: 60

Family: Married, three children, one grandchild

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Olmstead: This is going to be a strange answer, but it would be a recreation department – because we don't have one. We have a lot of recreation facilities and they're all kind of orphaned out to here, there and everywhere.

Lessard: We don't take anything off the (capital improvement) list because it's big. We view these things as things that need to be eaten in small bites. It doesn't mean that what we really want isn't where we're going or we can't get there.

Morton: Right now, given all that's been going on, I would say "peace (and) tranquility." I think those would be the things that would be very desirable right now.

Q: Where did you grow up and what did you like best about it?

Lessard: Belfast ... The kids all walked places ... and it was a "community" community. I love this state and I learned that when I was just a little kid and the ocean was just down the street and the people that I knew and that raised me were all very hard-working, down-to-earth people. I have a strong work ethic but it came from where I came from.

Morton: In North Windham (at

a time when it was a little, rural community where I could walk safely a half a mile to elementary school down (Route) 302. I (also) could walk a half of mile down behind my house and (swim) in Sebago Lake.

Olmstead: Woodland, which is north of Caribou ... When I say Woodland I always tell people "Caribou" because everyone thinks it's (the other Woodland) somewhere on the coast. ... What did I like about it? It's Aroostook County. (In) Aroostook, you know who your friends are and you know who your enemies are because everybody's up front, everybody's straight with you. There are no hidden agendas.

Q: What is your favorite thing to do when you are not working or spending time with your family?

Morton: Fishing ...in particular, fly fishing. There's a certain rhythm to it. You don't have to be catching fish but you're doing something. I just find it very therapeutic.

Olmstead: Travel. When I retire I'm going to travel as much as I possibly can. I don't care where it is. If I haven't been there, I want to go. ... Spain, Portugal – big time, I want to go there. And New Zealand.

Lessard: I'm an outdoors-oriented kind of person and that is a good antidote to a lot of (time spent) inside. **me**

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Surviving Health-Care Reform

By David Barrett, Director of Personnel Services & Labor Relations, MMA

In late March, the Congress passed the Patient Protection Affordable Care Act and the Health Care & Education Affordability Reconciliation Bill of 2010. Taken together, these laws represent the largest overhaul of the U.S. health-care delivery system in generations.

Clocking in at over 1,000 pages, the legislation starts to take effect this year and has other provisions that will be implemented between now and 2018. The reform is intended to eventually provide health-insurance coverage to 32 million individuals currently without coverage, slow the rate of increases in health-insurance premiums and is projected to lower the federal deficit by \$140 billion over the first 10 years and \$1 trillion dollars over 20 years.

The laws will have a significant impact on health-insurance plan design, new requirements on employers and new requirements for employees. Municipalities are considered employers and therefore many of the reforms will affect how municipal employers provide health-insurance benefits to employees.

The first effects of the legislation will be felt by the end of the year, as health insurance plans will have to be amended to include a number of new or modified provisions. From the perspective of an employer, these changes will be made by your insurance provider, but it will be important for each employer to make sure that their insurer complies and provides updated documents. These plan design changes:

- Prohibit dropping an individual's coverage when they get sick.
- Prohibit pre-existing condition exclusions for children.
- Eliminate maximum lifetime limits on benefits and in 2014 eliminate annual limits on benefits paid to an

individual.

- Require plans to allow dependent children up to their 27th birthday to stay on a parent's plan.
- Require plans to cover preventative medicine and immunizations without cost-sharing.
- Require companies to provide effective appeal processes for insurance company decisions.
- Start closing the "doughnut hole" in the Medicare Part D prescription drug plan, and provide a \$250 rebate for seniors who hit that limit in 2010.
- Provide a temporary high-risk insurance pool for people who are currently uninsured due to a pre-existing condition.
- Limit maximum out-of-pocket expenses to \$6,000 per year for an individual and \$12,000 for a family.

Another major provision taking effect this year, which will not affect municipalities, is a tax credit for small businesses that provide health insurance coverage for their employees. This tax credit is only available to private employers or non-profit organizations. It is an income-tax credit for small businesses and a payroll-tax credit for non-profit corporations. Governmental entities are not eligible. This tax credit is being provided to help small business and non-profit organizations provide or continue to provide coverage for their employees.

ALREADY IN MAINE

Several of the newly enacted provisions are already in effect as the State of Maine had previously restricted insurance companies from denying coverage for pre-existing conditions or excluding dependent children.

Stephen Gove, Director of the Maine Municipal Employees Health Trust, said the Trust is looking at the

health-care reform legislation to identify all modifications the Trust will need to make to its existing plans to bring them in compliance. Once identified, the Health Trust Board of Trustees will vote to amend the plan and will notify employers and participants of those changes. Gove also said many of the provisions will be subject to additional rule making at the federal level and that the Trust will continue to monitor the rule making process.

There are significant new requirements on employers and, for the most part, municipalities are considered employers in this new legislation. First, the insurance policies that local governments provide to the employees, just like all employers, must meet the minimum standards. Some of those standards are the ones listed above. Second, local governments that already offer insurance will have to provide insurance to all workers – full-time or part-time.

For the purposes of this section, full-time employees are defined as persons working 30 hours or more per week. This employer mandate covers employers with 50 or more employees and takes effect in 2014. Municipalities, like any other employer, may decide not to provide insurance coverage for their employees. If the municipality does not provide a subsidy for employees to go out and get their own insurance, the municipality would be subject to the same penalties in place for any other employer – up to \$3,000 annually per full-time employee.

Additional changes include a requirement that employers report the value of their health-insurance premium payment on each employee's W-2 wage statement. This requirement starts for tax year 2011. If the municipality does its own payroll, it will have

to include this information. If the municipality uses a payroll company, it must provide that information to the payroll company so it can be included.

There are a number of other provisions that employers will need to respond to, and they start taking effect in 2010 and continue to come online through 2017.

EMPLOYER REQUIREMENTS

2010-2017:

2010: Employees may now enroll dependent children up to 26 years of age on their employer provided health-insurance plan. Employers should notify their employees of this option and enroll those who wish to be covered. These young adults will be considered dependents just like any other dependent child. The provision does not mandate any change in the portion of premium paid by the city or town for dependent coverage.

2011: As noted above, the value of the employer provided health-insurance needs to be added to the 2011 W-2 wage statement that all employees receive.

Also, employers who offer Health Savings Accounts (HSA) or Health Flexible Spending Accounts (HFSA) will need to notify employees that over-the-counter medicines and drugs will no longer be considered eligible expenses in employer-provided health plans. If the town's HFSA or HAS is administered by an outside vendor, it will deny ineligible claims. If the HAS or HFSA is administered in house, it will be the town's responsibility to appropriately classify eligible claims.

2013: The maximum amount of money an employee may set aside in a Health Flexible Spending Account to use to pay for reimbursement of qualifying medical expenses will be \$2,500 per year, down from the current maximum of \$5,000 per year.

2014: States will, by this time, have established health-care exchanges that will provide health-insurance plans for small employers, those defined as having less than 100 employees. These exchanges will be another option for employers to look at when deciding where to purchase health-insurance coverage for employees.

2014 also is the year that penalties kick in for employers with 50 or more full-time equivalent employees which do not offer health-insurance cover-

age. "Full-time equivalent" appears to be defined as an employee working 30 or more hours per week. Employers who do not provide coverage will be fined up to \$3,000 annually per employee. Employers must also provide a free choice voucher for the purchase of health-insurance coverage for any employee earning less than 400 percent of the federal poverty level.

Employers with more than 200 employees will now be required to automatically enroll all employees in the employer's health-insurance plan. Any individual employee may elect to opt out of the employer's plan.

Many employers have waiting periods for new employees before they are permitted to enroll in the employer's health-insurance plan. Effective this year, no waiting period can exceed 90 days and fines will be levied for waiting periods longer than 30 days. Employers should check their personnel policies or plan documents to ensure that the waiting period you have is what you want it to be.

While not an employer requirement, this is also the year that the individual health-insurance mandate kicks in. Individuals who elect not to be covered by any type of health-insurance plan will be assessed an annual

amount. The assessment starts at \$95 per year in 2014 and rises to \$695 per year in 2016. Thereafter, the penalty is indexed to inflation.

2017: Employers with more than 100 employees may now opt to provide health insurance to employees through a state health-insurance exchange.

MANY UNKNOWNNS

There remains much to learn about the health-care reform effort. Much remains unknown as the federal agencies responsible for implementation of the effort start to issue rules and guidance on implementation.

What is clear is that, in the early stages, most of the changes will be in provisions that health-insurance companies must change or include in their health-insurance products. From an employer's point of view, these changes should happen more or less automatically, without the need to take any action. As more time goes by, there are more specific changes that employers themselves will have to make.

MMA will continue to monitor health-insurance reform and will stay positioned to assist municipalities with the ongoing implementation of health-insurance reform. 

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COMMITMENT & INTEGRITY DRIVE RESULTS

FCC Puts Towns on the Clock

by Tom Hildreth of the McLane Law Firm

FCC's New "Shot Clock" Ruling Sets Time Table for Approval of Wireless Telecommunication Facilities

As of July 2008, there were 3,300 pending zoning applications for wireless telecommunication facilities. Of those, 760 had been pending for more than a year and 180 had been pending for more than three years. Moreover, almost 350 of the 760 that had been pending for more than a year were requests to collocate on existing towers, and 135 of those collocation applications were pending for more than three years. Depending on the area of the country, processing times for wireless telecommunication facilities can be as long as 3 years. In a recent ruling, the Federal Communications Commission ("FCC") noted with some understatement that this evidence "demonstrates that unreasonable delays in the personal wireless service facility siting applications process have obstructed the provision of wireless services." In response, the FCC has decided to institute a "shot clock" on local governments by clarifying federal requirements for the time table for approval of wireless telecommunication facilities.

Federal law mandates in 47 USC § 332(c)(7)(B) that a local government "shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed" (emphasis added). The FCC's recent ruling defines "a reasonable period of time" as 90 days for collocation ap-

plications and 150 days for all other wireless telecommunication facility applications. Additionally, it provides applicants with potential remedies in court if a local government exceeds a reasonable period of time acting on the application.

The FCC also noted that reviewing authorities are bound to notify applicants within a reasonable period of time if their applications are incomplete. In deference to this principle, the time it takes for an applicant to respond to a request for additional information will not count toward the 90 or 150 days if the local government notifies the applicant within the first 30 days that the application is incomplete.

The effective date of the Shot Clock regulation was Nov. 18, 2009. For applications that were pending on that date and had been so for 90 or 150 days or longer, the applicant may provide notice to the local government and file suit if the local government fails to act within 60 days. For applications that were pending on that date for less than 90 or 150 days, the local government has 90 or 150 days from Nov. 18, 2009, before the applicant may seek assistance from the court.

The evidence of unreasonable delays in the approval and deployment of advanced wireless communications services was the impetus for this ruling, but the FCC noted public policy concerns as well. It stated that "the deployment of facilities without unreasonable delay is vital to promote public safety, including the availability of wireless 911, throughout the nation. The importance of wireless communications for public safety is critical, especially as consumers increasingly rely upon their personal wireless ser-

vice devices as their primary method of communication."

One question left open by the Shot Clock rule is whether the clock resets itself upon the completion of each procedural phase, *e.g.*, one clock for zoning relief and another clock for the site plan review that follows. However, given the wording of the law it is likely that there is one clock and it begins when the first application is submitted. The statute states that a local government shall act "on any request for authorization to place, construct or modify personal wireless service facilities" within 90 or 150 days. The statute does not address each layer of procedural review, but rather addresses the application process as a whole for each contemplated wireless telecommunication facility project.

To avoid potential litigation, the best practice for local governments is to treat each wireless telecommunication facility project as having one clock regardless of the approval required from different local boards. Many municipalities have focused authority for review and approval of wireless communication facilities in a single land use board – most often the planning board – sometimes requiring site plan review, sometimes a conditional use permit. Towns that still require separate zoning and planning review might be well advised to revisit that divided authority.

This ruling can be seen as a compromise between the concerns of wireless service providers and local governments. According to its discussion in the ruling, the FCC sought to "ensure timely...local government action and preserve incentives for providers to work cooperatively with them to address community needs." 

Tom Hildreth can be contacted at: (603) 628-1177 or (603) 566-4154, email: thomas.hildreth@mcclane.com

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MARRA works with towns and cities statewide.

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Brochure and registration forms will be sent out in mid-April. Registration Deadline is May 21, 2010. For more information call the Affiliate Services Office—Maine Chapter APWA, 1-800-452-8786.

Joseph Clark has been hired as the new town manager of Island Falls in Aroostook County. The former state lawmaker has worked as manager for the towns of Mattawamkeag and most recently Sangerville. He started his new position in mid-April.

Former long-time state trooper **Kevin Conger** has been named Monmouth police chief. Conger, 56, served the Maine State Police for 23 years and most recently worked as a lieutenant with the University of Southern Maine Police Department.

The city of Scarborough lost two well-known retired public servants last month, including its first fire chief, **Eldred Harmon**, who died April 7 at the age of 99. **John Flaherty Sr.**, Scarborough police chief for the last 18 years of his 30-year career with the department, died April 19 at the age of 92.

Portland police Detective **Don Krier** has returned to the city force after serving most of 2009 in Afghanistan helping ensure troop supplies made it safely to soldiers fighting the Taliban. The 50-year-old officer enlisted in the Maine National Guard in order to serve in the war because he was too old to rejoin the Army Reserves. He was inspired to serve by the Sept. 11, 2001, terrorist attacks on the U.S.

Lois Libby has been named interim town manager for Newburgh, effective April 14. She is the town's deputy clerk and deputy tax collector and will serve until a permanent replacement for outgoing manager **Nancy Hatch** is hired.

Librarian **Judith Macdougall** retired earlier this month after serving the town of Milo for nearly 35 years, beginning her career as the town's assistant librarian in 1976. An open house honoring Macdougall was held May 1.

Walter Morris was elected in April as the new Jefferson fire chief. He is a 35-year veteran of firefighting and was elected by members of the Jefferson Fire and Rescue crew. Morris, 52, is a former fire chief for the community of Spring Valley, N.Y. He also worked in New York as a firefighting instructor before moving to Jefferson in 2006.

Eastport councilors hired **Jonathan Southern** as the coastal city's new manager, effective April 26. Southern, 37, replaces long-time manager **George "Bud" Finch**, who resigned last December. A native of England, Southern has lived in the Eastport area for nine years and presently resides in Perry. He holds a master's degree in management and technology.

ELECTION RESULTS

Following is a *partial* list of officials elected at annual town meetings in March:

Wyatt Andrews received 44 votes to win a seat on the Waterford Board of Selectman, replacing outgoing board Chairman **John Bell**. Andrews ran as a write-in candidate after no one submitted nomination papers for the job.

Earl Bachelder collected 124 votes to defeat two challengers to win re-election to the Friendship Board of Selectmen. Among the three candidates was former Selectman **Arthur "Bubba" Thompson**, who received 45 write-in votes.

Donald Bedford and incumbent **Ronald Grant** won three-year terms on the Greene Board of Selectmen. Bedford received 42 votes, while Grant garnered 40.

Michelle Boivin easily defeated a challenger to win a seat on the Albion Board of Selectmen. The vote was 67-17.

Robert Campbell easily defeated a challenger to win a two-year term as Sidney selectman.

Brent Chase defeated Burnham incumbent Selectman **George Robison** by a vote of 59-30.

Brownville voters elected **Paula Copeland**, one of three candidates for a three-year term on the Board of Selectmen. Copeland garnered 30 votes, two more than her closest rival and 10 more than the third-place finisher.

Benton incumbent Selectman **Kimberly Cormier** easily defeated a challenger to win another term, while **Melissa Patterson** received 223 votes to finish the three-year term of **Mark Brown**, who retired a year before his

term ended.

Canton voters replaced two incumbents, Selectmen **Lisa Cummings** and **Brian Jordan**. Former Selectman **Donald Hutchins III** received the most votes with 71, while another challenger, **Shane Gallant**, collected 61. Cummings garnered 51 votes and Jordan received 49.

Roxbury voters elected **Timothy Derouche** to replace outgoing Selectman **Deborah DeRoche**. Derouche defeated one challenger by a vote of 27-18.

Cambridge voters returned **William Digby** and **Ronald Strouse** to the Board of Selectmen and elected **John Hoak** to replace outgoing Selectman **Bernard Watson Sr.**, who was elected road commissioner.

Charleston voters elected **Richard Goodwin** to replace Selectman **Terri Hall**, who resigned after 21 years on the board.

Cornville voters supported **Michael Gould** to replace his uncle, retiring Selectman **Carroll Gould**, for a three-year term on the board. Gould beat his challenger by a margin of nearly 2-to-1.

Canaan Selectmen **Daniel Harriman** and **Louise Townsend** defeated challengers by votes of 126-116 and 86-83, respectively.

James Henderson collected 640 votes to easily defeat a challenger and win a second three-year term on the Harpswell Board of Selectmen. Henderson is the present chairman.

Harmony voters elected **Irving Herrick** as selectman by a vote of 81-26.

Carrabassett Valley Selectmen **Robert Luce** and **Lloyd Cuttler** held off one challenger to win re-election with 88 and 65 votes, respectively.

Former Clifton Selectman **Brian Melvin** was defeated by **Nancy Hatch** by six votes, 39-33. Melvin served on and off for a decade. Hatch's term is for three years. 

For more election results, please visit: www.memun.org

Auburn: The city is studying the benefits and feasibility of merging its fire and police departments into one new public safety department in what officials hope would create economy-of-scale cost savings as well as more efficiency.

Bangor: City officials are increasingly worried about an infestation of bedbugs, a problem more typically found in the south. Calls about the *cimex lectularius*, or Common Bedbug, have been rising for the past three years in the central part of Maine. Since the state does not keep track of bedbug reports, it's unclear how many communities are affected.

Buckfield: Selectmen have authorized the town manager to codify a code of ethics for board members and municipal employees intended to ensure unbiased decisions, including a ban on gifts. The new code also will apply to appointed members of town boards and committees.

Hartland: Voters indicated at town meeting on May 1 that they favor moving the town office to a different building, but they want to wait until the town finds a buyer for its present office. Town officials had predicted that the new mortgage would be paid by renting out part of the proposed new town office – a building now used for medical offices. But residents didn't like the idea of taking on new debt.

Jay: Public works staffs from Jay, Livermore Falls and Wilton are joining forces this spring to sweep and wash down roads in the three western Maine towns. The joint effort worked well during the winter road-maintenance season and saves each town money by freeing up employees to work on other assignments while only one crew – comprised of workers from each municipality – focuses on road work.

Litchfield: After twice rejecting a town-wide property revaluation in recent years, voters in April approved spending \$185,000 for the town's first revaluation since 1994.

Mt. Desert: Town meeting voters on May 4 approved borrowing \$2.2 million

for upgrades at the town's main marina in the village of Northeast Harbor. The vote was 220 to 184.

Naples: Town officials are seeking the toughest fines possible against a landowner who clear-cut trees and uprooted vegetation on his property that controlled erosion into Long Lake. The maximum fine under the town's shoreland zoning ordinance is \$660,000. Selectmen have asked their attorney to work with the landowner to develop a reforestation plan and authorized legal action if necessary.

New Gloucester: Town meeting voters rejected 10 warrant items on May 3, including money to pay the selectmen and spend \$245,000 on administration. Voters asked selectmen and town staff to schedule a special town meeting once they have reworked a spending plan for the accounts that were voted down.

Newry: Town officials are drafting an "alarm ordinance" that would levy fines and include possible police action if the fire department responds three times to a false alarm at any one home or business. The ordinance also will target people who make non-emergency calls to 911. Some neighboring towns in the Sunday River ski region already have enacted "three strike" alarm ordinances.

Rockland: Town employees, includ-

ing about 50 who are Teamsters union members, have agreed to forego a pay raise for the current budget year. A new three-year union contract, retroactive to July 2009, calls for 3 percent raises in each of the two final years of the pact. In a separate decision, firefighters gave up raises for the current year, as did non-union city administration staff.

York: The town police department will sponsor its second annual summer camp for teenagers in two sessions in July. The camps give high school students a chance to interact with officers, complete projects to benefit the community and get opportunities for physical activity. Two hours each day is set aside for discussion about Internet use, drug and alcohol abuse and local and state laws. The day camps are paid for by a grant from Seacoast Crime Stoppers. 

CORRECTION:

A "News" item from the April Townsman about Newport should have said selectman decided to allow the Sebasticook Valley Community Center to go ahead with three summer sports – baseball, softball and T-ball – because parents and children had signed up to do so. Newport does run a separate recreation program involving swimming, tennis and, potentially, basketball.

NEW ON THE WEB

Here are some highlights of what's been added at www.memun.org since the last edition of the *Maine Townsman*.

- **Citizen Education.** Posters, handouts and a newly narrated presentation of how property taxes work are now available in a branded "toolkit" that leaders can use to answer common questions about municipal government.
- **Municipal Priorities Paper.** The State & Federal Relations staff updated its legislative Priorities Paper after the 2010 session ended. The paper also was shared with gubernatorial candidates and statewide media.
- **Lyme Disease.** May is all about Lyme Disease Awareness, a big topic for municipal workers who work outdoors. This link provides valuable information on prevention and treatment.
- **Marijuana in Maine.** Many municipalities are deciding how best to regulate medical marijuana dispensaries, after a law making them legal was recently passed. This link highlights an upcoming conference on the issue.



Municipal Bulletin Board

RECORDS MANAGEMENT

Lewiston City Clerk Kathy Montejo and Bangor City Clerk Patti Dubois will co-instruct a workshop on Records Management on May 25, from 8:30 a.m. to 4 p.m. The event is sponsored by the Maine Town & City Clerks' Association.

The workshop will address: record-keeping that is required by state law; a local government-records retention schedule; access to records under the state Right to Know Law; and, records preservation. Certificates will be given following completion of the all-day training.

The cost of the workshop is \$50 for MMA members and \$60 for non-members. All participants should bring a copy of their Municipal Clerks Manuals. If you do not have one, please contact the MMA Publications Department at 1-800-452-8766. Attendees can register by calling that number or through the MMA website, www.memun.org.

HIGHWAY CONGRESS

The 19th Annual Highway Congress, sponsored by the Maine Chapter American Public Works Association, will be held at the Skowhegan Fairgrounds from 7 a.m. to 3 p.m. on Thursday, June 3.

The event includes a snow plow rodeo, for which registration is at 7:30 a.m. All rodeo contestants must be at the registration area. There also are workshops and lunch, awards ceremony and door prizes. Lunch costs \$7 for people who did not register by May 21. Otherwise, the event is free.

ELECTED OFFICIALS: AUGUSTA, SACO

The MMA staff will host Elected Officials Workshops in Augusta and Saco on June 16 and 17, respectively. Both workshops will run from 4 p.m. to 8:30 p.m.

These are opportunities for elected officials to learn about their rights and legal obligations from MMA staff. A new component has been added about effective communications and dealing with the media. Officials who attend do meet Right to Know training require-

ments, which are set by state law.

The Augusta EOW will be held at the MMA office, 60 Civic Center Drive. The Saco workshop will be held at the Holiday Inn Express, on North Street off Interstate 95.

The cost is \$40 for MMA members and \$60 for non-members. Officials can register at the MMA website or by calling the Educational Services office at 1-800-452-8766.

EXCISE TAX

Lincoln Town Treasurer Gilberte Mayo will lead a Basic Excise Tax Workshop from 8:30 a.m. to 3 p.m. on June 17, at the MMA office in Augusta. The event is sponsored by the Maine Municipal Tax Collectors' and Treasurers' Association.

The one-day workshop will focus on procedures of the excise tax, including how to price source manuals and how to handle commercial vehicles, re-registrations and watercraft. An emphasis will be placed on how to calculate excise tax and the mil rate for various types of vehicles.

The cost is \$50 for MMA members and \$60 for non-members. The registration fee includes lunch and work-

shop materials. To sign up, please go to the MMA website at www.memun.org or call the Educational Services staff at 1-800-452-8786. The MMTCTA manual is available for free at www.mmtcta.org.

PB/BOA WORKSHOP: MACHIAS

Attorneys from the Legal Services staff from MMA will lead a workshop for Local Planning Boards and Boards of Appeal in the Science Building at the University of Maine-Machias on June 24, from 5:30 p.m. to 9 p.m.

The workshop is designed to introduce officials to legal rules governing decisions made by local planning boards and boards of appeal. It is primarily aimed at new or less experienced board members but long-time members may find the refresher to be helpful.

Among the topics to be covered: jurisdictional issues; conflicts of interest; public-notice requirements; site visits; use of e-mail; and, procedures used for reaching decisions.

The cost for MMA members is \$40 and non-members will be charged \$60. To register, please see the MMA website or call the Educational Services team at 1-800-452-8786. [\[m\]](#)

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>



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GOT A CHARTER?

Question: Does our municipality have a charter? If so, where can we get a copy?

Answer: If you're a city, you do. If you're a town, you might. About 75 municipalities in Maine – out of a total of 492 – have a “charter” in the modern sense of the term (a document specifying the form of government, the distribution of powers and the procedures for exercising them, among other things).

This type of charter was adopted either by your voters pursuant to municipal “home rule” or by the Legislature on your behalf prior to home rule (before 1969). In either case, your clerk should have a copy.

In another, archaic sense, every municipality in Maine was “chartered” or incorporated by act of the Maine (or before statehood in 1820, the Massachusetts) Legislature. This type of charter simply established your municipality as a legal entity and described its boundaries. It's *not* a “charter” as the term is commonly used today. Still, you can probably get a copy from the State Law and Legislative Reference Library (<http://www.state.me.us/legis/lawlib/refemail.htm>).

If you're wondering whether you *should* have a charter, see “Why a Municipal Charter?,” *Maine Townsman*, “Legal Notes,” April 2009.

For more on municipal charters, see our “Information Packet” on the subject, available free of charge to members at www.memun.org. (By R.P.F.)

IN MUNICIPAL ELECTIONS, MAJORITY OR PLURALITY?

Question: When electing officials, is a majority vote (50% plus one) or a plurality vote (one more than any other) required? And what's the rule for transacting other business?

Answer: For officials, if the election is by traditional “open” town meeting vote, election is by majority vote in towns with a population of 4,000 or less and by plurality vote in towns with a population greater than 4,000 (see 30-A M.R.S.A. § 2526(1)).

If the election is by secret or “Australian” ballot (a pre-printed ballot listing nominated candidates), election is by plurality vote in all cases regardless of population (see 30-A M.R.S.A. § 2528(10)). (A secret ballot election, in contrast to an open town meeting, is also conducted at a polling place, during polling hours, with absentee voting and so forth.)

For all other business, a majority vote is required regardless of population or how the election is conducted.

These voting rules may be altered by municipal charter but not otherwise.

For more on this and related topics, including tie votes, see MMA's *Town Meetings & Elections Manual*, available free to members at www.memcun.org. (By R.P.F.)

IN ROAD-NAMING DISPUTES, OFFICERS' CHOICE IS FINAL

A new law settles the question of who gets the final say when interested parties can't agree on an official name for a public or private road.

Public Law 2009, c. 477 (eff. July 12, 2010) enacts 30-A M.R.S.A. § 3110, which simply states that unless otherwise provided by local ordinance or charter, when there is a dispute over the naming of a town way, private way or private road for E-911 purposes, the decision of the municipal officers (selectmen or councilors) is final.

The new law is the result of a long-simmering dispute between the selectmen and a group of property owners in Stockton Springs over a private road name that many, including the Maine Legislature, now consider offensive. For details, see “Offensive

Place Names 2.0,” *Maine Townsman*, “Legal Notes,” October 2009. (By R.P.F.)

VOTING QUESTIONS REDUX

Since we've had a number of related inquiries recently, we've decided to republish the following two “Legal Notes” from the December 2003 and May 2005 *Maine Townsman*:

VOTING BY NON-RESIDENTS

Question: Because non-residents own property and pay taxes in our community too, it seems only fair to allow them to vote in local elections. Is this permissible?

Answer: No, only persons registered to vote *in the municipality* may vote in municipal elections or at town meetings – property ownership and taxpayer status have nothing to do with eligibility to vote. Furthermore, there is no “home rule” authority to waive this requirement.

According to 30-A M.R.S.A. § 2501(3), “[t]he qualifications for voting in a municipal election conducted under this Title are governed *solely* by Title 21-A, section 111” (emphasis added). In order to vote in a municipal election, 21-A M.R.S.A. § 111(4) states that a person “must be registered to vote in that municipality.” And to register to vote in that municipality, a person must be a U.S. citizen, at least 18 years of age, and a resident of that municipality (21-A M.R.S.A. § 111(1), (2) and (3)).

A person's voting residence is “that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return” (21-A M.R.S.A.

 MMA Municipal Calendar

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

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

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

§ 112(1)). Without reiterating all of them here, a variety of factors, including the person's sworn statement of intent, the location of any current dwelling, and the place where any motor vehicle is registered, may be considered by a registrar of voters in determining a person's residence (see 21-A M.R.S.A. § 112(1)(A)).

Needless to say, perhaps, a person can have only one residence, and be registered to vote in only one place, at any one time. Therefore, a seasonal or part-time resident whose principal domicile remains elsewhere and who is registered to vote in that place is ineligible to register to vote in your municipality, regardless of property ownership or taxpayer status. (By R.P.F.)

NO ABSENTEE VOTING AT 'OPEN' TOWN MEETINGS

Question: We have a town meeting coming up, but some voters will be unable to attend. They have asked if they can vote absentee. Can they?

Answer: No. State law governs the conduct of the traditional "open" town meeting, and it does not authorize or provide for absentee ballots or absentee voting. Only qualified voters who are *present* at the meeting at the time a particular vote is called for may vote on that matter.

There are good reasons for this. First of all, most warrant articles may be amended from the floor, so the question finally voted on may be different from the article as posted (or as voted absentee, if that were permitted). Secondly, a town meeting is, by its nature, a deliberative body, where the pros and cons of a proposition are openly debated; an absentee voter would not have the benefit of hearing this discussion or (possibly) being swayed by it. Third, there are technical requirements associated with obtaining, casting and counting absentee ballots that an open town meeting is simply not designed to accommodate.

Absentee voting is, of course, permitted at any *secret ballot* election, where voters go to the polls during polling hours and mark paper ballots in the privacy of a voting booth. For more on absentee voting and secret ballot elections, see MMA's *Town Meetings & Elections Manual*, available free of charge to members at www.memun.org. (By R.P.F.) 

MMA Personnel Services and On-site Consulting Services

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

Labor Relations — Representation of the municipality in labor negotiations, mediation, arbitration and grievance processes.

Executive Search — Assistance with the recruitment of a new city or town manager or department head.

Training — On-site training in a variety of topics.

Testing — Entry level police and fire testing.

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

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



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