

Maine Town & City

The magazine of the Maine Municipal Association

July 2020

Greenwood Fetes Its Geological Niche

Town uses Bicentennial
to spotlight specialty

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Eric Conrad, Editor

econrad@memun.org

Valarie Pomerleau,

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Sue Bourdon

Graphic Design/Advertising

MMA website: www.memun.org

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Stone in Love



The Town of Greenwood has a special place in the hearts of rock lovers. Local leaders are emphasizing it during Maine's Bicentennial year.

Does all this Zooming make you tired? If so, you're in good company. MMA President Christine Landes offers insight and advice. **Page 5**

Ethel Kelley Award: Here's how to apply for MMA's most prestigious annual award, which recognizes community service. **Page 15**

ABOUT THE COVER: MMA Website and Social Media Editor Ben Thomas took this photo in Greenwood last month.

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Outdoors Bound

*Maine residents and visitors are doing more outdoors, thanks to the COVID-19 emergency. Here's how some communities are responding. **Page 11***

Volunteer Challenges

*For some time, towns and cities have found recruiting volunteers to be a challenge. The coronavirus adds to that dilemma. **Page 21***

Mr. County – and City

*The retiring Peter Crichton had an unusual status in recent years, formerly as a high-profile county administrator, then as Auburn City Manager. **Page 25***

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FEATURED SPEAKERS



MATT LEHRMAN is a nationally recognized expert on public engagement, organizational collaboration and how to turn conflict into results. He will incorporate the current public health emergency – a stressor, if ever there was one – into his practical approach to problem solving. Hailing from Arizona, Matt has offered several presentations and workshops for the Maine Arts Commission. He will be available after his address for scheduled, individual consultations with municipal leaders.



KRISTY SENATORI is the Executive Director of the Cape Cod Commission, where she leads a process of designing innovative land-use and economic development policies that spans municipal borders. She will speak about the “One Cape Cod” approach in Massachusetts. A law school graduate, Kristy worked in the private sector for several years before joining the Cape Cod Commission in 2008.



LIAM RIORDAN is a professor at the University of Maine in Orono, where he specializes in Early American history. No surprise – he will speak to convention attendees about the 2020 Maine Bicentennial. More specifically, Dr. Riordan will explain the political events and undercurrents in the United States before and during 1820, which led to the birth of our great state.

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



A MESSAGE FROM MMA

BY CHRISTINE LANDES / PRESIDENT

With all this Zooming, is anyone else exhausted?

Since the middle of March, when this whole pandemic hit and we thought things would lighten up within a couple of weeks, I have been working from home. Yes, I am fortunate to have a position that allows me to continue working from home, uninterrupted for the most part – well, except for the hubby seeking conversation between his client calls, and the dogs thinking the door to go out is forever open. However, I also have found these past three months to be exhausting! Are you feeling the same way?

Currently, my week consists of multiple Zoom meetings each day. These Zoom meetings include various committees that continue to meet, groups meeting to make plans to better the world we live in, our city team having a “catch-up social event,” council meetings and even the Maine Municipal Association Executive Committee, to name a few. After many weeks of this routine, I have concluded that we are living in a world of “Zoom Fatigue.”

Anyone who knows me knows I just went through cancer treatments. That in itself leads to its own level of exhaustion, even though I worked all through treatment. But with all the Zoom meetings, I find myself exhausted on a new level. I find this very curious, as previous meetings in person did not exhaust me. I asked others and found they suffer from the same issue. This phenomenon led me to take some time to look up the term “Zoom Fatigue.”

The Urban Dictionary defines Zoom Fatigue as: sore buttocks and slight throbbing of head from staring at everyone in their pajamas while participating in meeting after meeting, in your dining room, due to social distancing required during COVID-19. Can we all relate to this as we stare at the Brady Bunch/Hollywood Squares/Muppet Show screen? There are opinions out there (mine included) that this fatigue is due to several things:

- Self-awareness is at a greater level as we see our profile on the screen and notice every wrinkle and double chin we now have from being in quarantine (Does anyone else now have the “COVID 15?”). We notice that the shirt is too tight from the extra pounds gained (again, COVID 15) these past few months. We see every gray hair out of place as we desperately need a haircut and color.
- Losing concentration quickly in this format as external disruptions (again, the spouse seeking conversation at the most inconvenient time, the dog deciding he needs to pee *right now*) overtake the environment.

- The need to continue a constant gaze at the camera to assure the others in the call that we are paying attention instead of reading that text that came across the cell phone, scrolling through some social media, wondering what that participant may be drinking in their “coffee cup,” or trying to catch up on the soap opera you missed for years as the TV plays in the other room.
- Watching each Zoom participant’s facial expressions and body language while gazing at their virtual background (for those talented enough to figure that out), seeing the cat prance across the keyboard and stick its butt in the camera, or even checking out their home colors, family pictures and wallpaper patterns that accent their screen.
- Lastly, getting multiple Zoom invites for meetings and clicking on the wrong ones, being booted due to Internet issues only to scurry back so you don’t lose conversation, and the constant freezing of the squares when your computer alerts you that your internet is unstable.

So, how can we alleviate “Zoom Fatigue?” I also researched that. This is what I found:

- Don’t multitask. You are much more productive doing one thing at a time.
- Decline some meetings. It’s OK to take a break and go for a 10-minute walk (not to the refrigerator to see what you can graze on).
- Hide your image on the computer screen so you don’t constantly stare at what you consider deficiencies, even though the other participants are too busy looking at themselves to notice you.
- Send emails, texts, or make phone calls instead of calling a Zoom meeting.
- And lastly, have a *fun* Zoom meeting with distant family, team members who have been working from home, and friends.

Remember my friends, we are getting through this one day at a time. Although we may be unsure what the future holds, we know we will be the stronger because of our experience. A bonus includes all of us being masters of Zoom. Stay safe and stay well.

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Rock on: Town of Greenwood honors special place in history

Geologists delight in Greenwood's unique rock formations. The town's historic-minded residents raise awareness of pegmatite during Maine's Bicentennial year.

By Janine Pineo

For the state's bicentennial, Greenwood is celebrating the bedrock of the community.

The actual bedrock.

"I love doing anything that helps people see the wonders right outside our doors," said Betsey Foster, chair of the Greenwood Conservation Commission. "We usually know the least about our backyards."

The town applied for a Maine Bicentennial Community Grant, and was awarded \$500 in the second round of grants last March, to put on a program about local geology and start an historical garden on the grounds of the Greenwood Historical Society. Plus, Foster thinks there will be money left to replace a sign at a public beach.

The geology tour was to have been held in May but because of COVID-19 has been delayed until later this summer. It may not be held until next spring.

"It would be nice to have it early August," Foster said, which would allow summer residents to participate. Otherwise it will be next spring "before black fly season."

Greenwood's geology is something to see. The town sits atop the Oxford pegmatite field, which stretches in a band across southern Maine through Greenwood and into New Hampshire.

What is pegmatite? Here, it's granite-pegmatite "in which are found feldspar, quartz, mica and gem minerals, are composed of the same min-



Quarry face at the Emmons Quarry, which is closed to the public, where there are 151 known mineral species from this locality. (Photo by Alexander Falster)

eral constituents as the ordinary granites of the state, and differ from these principally in their greater coarseness and in their very uneven texture," according to the 1911 book "Pegmatites and the Associated Rocks of Maine," by the U.S. Geological Survey.

The coarseness, it continues, is more in the irregularity of size. Where ordinary granite in Maine is flecked with minerals of a fairly consistent size, pegmatite varies wildly. "They appear to differ without limit, a crystal of feldspar an inch across perhaps having a neighbor which is several

feet across."

"Because it's so coarse-grained, it's easy to recognize," said Dr. Carl Francis, curator at the Maine Mineral & Gem Museum, which opened December 2019 in neighboring Bethel. "It was found pretty readily in the 19th Century."

Farmers could recognize it, which meant some of Greenwood's mines started on farmland.

Another benefit to coarse-grained pegmatite, Francis said, was that the large crystals allowed rocks to be sorted by hand.

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

Francis, who did a program and exhibit on the geology of Greenwood for the town's bicentennial in 2016, said the discoveries of minerals at different sites was just one more piece added to the economy and residents' finances. "Miners were local people who got hired to do it," he said.

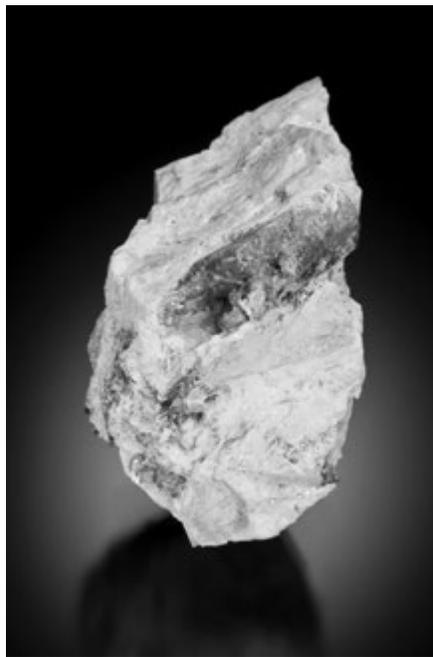
Geological history

Pegmatite discoveries put the area on the map, said Myles Felch, geologist and curator at the Maine Mineral & Gem Museum and adjunct faculty at the University of Maine in Augusta. The erosional features of granite-pegmatite can be recognized in the Greenwood landscape, specifically something called "roche moutonnée," roughly translated to "sheep-back," which shows a path where a glacier flowed over a landscape.

"In Greenwood, Maine, you see them everywhere," said Felch, who will be presenting during the town's walking tour on geology, once a date is determined.

Mount Abram in Greenwood is an example of a sheepback, defined by its asymmetrical erosion, with a gentle slope where the glacier went up and a steep or even vertical drop where the glacier went down.

These glacial erosions helped people find the riches beneath their feet. Someone would come across an outcrop of rock laid bare by erosion and glaciers and would begin to excavate, Felch said. "People were always find-



Fluorapatite from the Tiger Bill Quarry in Greenwood. (Maine Mineral & Gem Museum photo)

ing really nice minerals," he said.

For the most part, however, blasting is necessary to find the minerals, including apatites such as fluorapatite, and beryls, which include aquamarine. Maine's state mineral, tourmaline, also is in the Oxford pegmatite field. 2020 marks the 200th anniversary of the first major tourmaline discovery in Maine at Mount Mica in Paris. While black tourmaline is the most abundant, colored tourmaline

crystals are most commonly found in Oxford County, according to the Maine Geological Survey. "It is very unlikely to find very nice tourmaline" just lying around, Felch said.

In its heyday, Greenwood had more than a dozen mines that were landowner-operated. A few still operate in some capacity today.

Pegmatite in Greenwood is filled with scores of different minerals. For example, the Emmons Quarry in Greenwood, which is closed to the public, has 151 known minerals, Felch said. The more common ones are quartz, beryl, mica and feldspar.

Francis said it was feldspar that was "quantitatively mined the most."

What is feldspar? It's a group of silicate minerals often used in glass-making and ceramics. Feldspar was described thusly in "Maine Pegmatite Mines and Prospects and Associated Minerals" by the Maine Department of Development of Industry and Commerce, dated March 1, 1957: "To date, something over one million tons of potash feldspar has been shipped from the pegmatites of Maine for use in ceramic products, pottery, abrasives, and cleaning compounds. With the development of efficient mining methods and mineral concentrating techniques, Maine pegmatites have become a valuable source of low-cost feldspar which should enjoy a profitable position in the national market."

Francis said the state's feldspar quarries started down on the coast in

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the 1850s and 1860s. At that time, the raw mineral was shipped to grinding mills in New Jersey on its way to be used in the manufacture of porcelain. “The key thing is the feldspar mills,” he said.

Maine didn’t have them.

It wasn’t until the 1870s that Maine built its first feldspar mills along the coast in Topsham, Portland and Bath – which not only meant more jobs but also shorter transport with lower costs. Feldspar was initially shipped by sea, Francis said, and then by train as rail was developed.

Then, in the early 1920s, feldspar was found in West Paris, which is just east of Greenwood. In 1925, a feldspar mill was built on Maple Street in West Paris. “That allowed feldspar mining to develop in Greenwood and further west,” Francis said.

In 1930, the local owners of the West Paris feldspar mill sold it to a national company, he said. With them came a mining crew that would prospect. That led to the opening of a number of mines in Greenwood and

West Paris over the next couple of decades.

Today, mining in Greenwood and surrounds is more speculative, Francis said. Some of it is in search of specimens, and some of it is done to attract curious tourists. Various discoveries since 1990 have led to 40 quarries re-opening in some capacity in the state.

A garden for history

The bicentennial grant also will help fund the creation of an historical garden between two houses on the Greenwood Historical Society campus on Main Street in the village of Locke Mills, the settlement nearest to Mount Abram.

Conservation Commission chair Foster said she and Julia Bennett, historical society president, staked out the area for the garden, which will be 16 feet wide at the front and

fan out to 24 feet wide at the back of the eight-foot bed. Next up will be tilling the soil to prepare it for planting spring bulbs.

Besides daffodils and alliums, the plants for the garden include peonies, day lilies, old-fashioned rose and rhubarb.

Foster said some of the plants will come from residents and will have been growing in Greenwood for generations. Among those will be iris grown by Jim Bennett’s grandmother and hollyhocks that were his mother’s.

Jim, who is treasurer of the historical society and is married to Julia, grew up in what is the Bennett House, one of the two houses on the society’s campus. Three generations of Bennetts lived there, he said. His mother sold the property to the historical society in the late 1990s. “Not too



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many people can say they grew up in a museum,” he said.

The Bennett House was built in 1850 by Moses Houghton Jr., a carpenter and builder who lived in Greenwood for a number of years. The timber frame house, ell and barn used timber recycled from an old barn, Jim Bennett said, with marks from its previous use still visible more than 170 years later.

The other house, Swan House, is headquarters for the historical society. It was a mill house, built for folks who worked in the wood-turning mill in Locke Mills.

The mills in the region employed many residents. “The mills, that supported everything,” Jim Bennett said.

The mill in Locke Mills was known for its rolling pins and knife handles and made wooden spools destined for holding thread in textile mills.

“Jim’s parents worked there and his grandmother,” Julia Bennett said.

The mill also had another claim to fame, one that is showcased at the historical society, Jim Bennett said.

Wooden novelty toys were produced at the mill, including a line of Popeye the Sailor toys. The fictional cartoon character was created in 1929 for the comic strip “Thimble Theatre,” which would later be renamed for the popular spinach-eating Popeye who also was featured in animated cartoons and a movie.

“We have pretty much a complete set,” he said.

Who knows what might be unearthed in Greenwood. ■

BICENTENNIAL SERIES

Throughout 2020, Maine Town & City will feature articles about municipal efforts to celebrate Maine’s 200th birthday, written by freelance writer Janine Pineo. The Maine Municipal Association also wants to highlight your community special plans and events at the special Bicentennial area of our website: <https://memun.org/bicentennial>. Please email information about your happenings to: econrad@memun.org. We hope you enjoy our articles and featured website offerings.

Eric Conrad, Editor

CELEBRATIONS MOVED TO 2021



The Maine Bicentennial Commission postponed all of its signature commemoration events until 2021 because of the COVID-19 pandemic.

“We remain very grateful for the continued support of our sponsors and partners as we all navigate the uncertainties of this time,” said state Sen. Bill Diamond, chairman of the Maine Bicentennial Commission, in a June 8 statement.

“While we are disappointed that we are unable to commemorate Maine’s bicentennial this year as planned, we are excited about coming together in 2021 to celebrate not only 201 years of statehood, but our renewed sense of community and perseverance as we emerge from this trial. We look forward to celebrating and reflecting on the State of Maine when we can all do so safely and joyfully next year.”

Tentative dates, pending any pandemic restrictions in place at that time, are as follows:

- Maine Statehood Day Ceremony: Sunday, March 14, 2021, in Augusta.
- State of Maine Bicentennial Parade Presented by Poland Spring: Saturday, May 15, 2021, cities of Auburn and Lewiston.
- Sailing Ships events: Summer 2021 (various dates), ports along the Maine coast
- Maine200 Innovation Expo Presented by Central Maine Power: Saturday, Nov. 20, 2021, Portland.
- Maine 200 Time Capsule sealing ceremony, fall 2021, Location TBD.



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As more Mainers take to bikes and hikes, can municipalities respond?

From Presque Isle south, bicycle shop owners report sellouts and strong need for parts and repairs. Some communities are forging ahead with trail extensions and upgrades.

By Glenn Adams

Jon Viti splits his bicycling time between rough trails and paved roads. On the roads, he likes to bike between Monmouth and Hallowell, part of it along the East Coast Greenway. But something's been a little different since the coronavirus pandemic struck.

"I've noticed more bike traffic," said Viti, of Hallowell, as he unpacked his mountain bike for a ride on the Bond Brook mountain bicycle trail in Augusta.

Maine highways were left wide open due to the pandemic. Combined with spring and early summer yearnings to get outside and exercise after being cooped up at home, this meant boom time for bicyclists across Maine and beyond.

Motor traffic levels dropped sharply between early March and early April, when COVID-19 stay-at-home orders took hold and businesses closed due to the virus, according to vehicle traffic statistics and public smartphone data.

Such was the case in communities like Ellsworth, a city official observed.

"In the beginning (of the pandemic's impact) and even into May, there was a substantial decrease in traffic on Main Street," said Janna Richards, development services director for Ellsworth. "At one point, there was not even one car parked there," due mainly to the closings of businesses and government offices.

In May, levels started creeping up again, but were not nearly to where they were before the pandemic hit.

Now that the summer tourist season is in what is normally its peak time, the consensus is out of state visitors are back – but not in the same numbers as in previous years.

"Now that things are starting to reopen more, we are seeing more traffic flow, not as much as would normally be there," Richards said as May turned to June. "Now we are seeing places that get congested this time of the year are getting congested." That would include High Street, where shopping centers and other larger businesses are located.

Early numbers low

Still, state Department of Transportation figures showed traffic levels overall in early May were 41 percent of counts a year earlier.

Unacast, which tracks human mobility, reported Maine had 25-40 percent reduction in average mobility between early March and mid-May.

The COVID-19 Mobility Data Network, which tracks population movement using data from Facebook's Data for Good program, spotted reductions in mobility statewide in May. Reductions in mobility in May ranged -20 percent in Cumberland and Franklin counties to -9 percent in Lincoln and Washington counties.

As traffic levels plummeted early in the pandemic, the open roads signaled a green light to speeders in places like California, which clocked an 87 percent increase in cars zooming in excess of 100 mph, the Association of State Highway and Transportation Officials said in April.

The lower traffic levels brought other pluses and minuses across the country. Revenues plummeted on toll highways, but the air was cleaner due



Jon Viti of Hallowell (Photo by Glenn Adams)

to the decrease in motor vehicle exhaust.

Closures of gyms and health centers (now reopened in Maine, some with restrictions) sent consumers looking for alternate forms of exercise, and for many that meant bicycles, says NDP Group Inc. In March, sales of BMX and children's bikes were up 56 percent nationally compared to the same month in 2019, and adult bike sales rose by 121 percent over the same span, the market research group says.

The sudden crushing demand created long waits for many consumers, prompting some observers to call it "the new toilet paper."

As the pandemic reached Maine,

Glenn Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, adamsgj1@gmail.com.

bike shops were shut down under state coronavirus protection protocols. The pandemic even forced the cancellation of a major bicycling event, the Bicycle Coalition of Maine's signature event BikeMaine, in which riders from Maine and other states and countries pedal 375 miles around the state. Meanwhile, the American Lung Association's Trek Across Maine transformed into a virtual event to help prevent spread of COVID-19.

The bicycle shop closing was appealed successfully by the bicycle coalition, so in April the shops received Gov. Janet Mills' go-ahead to reopen. They've been flat-out since.

Bicycle sales skyrocket

"It's been unreal. We've had more new customers than ever," said Spencer Stetson, head mechanic at Bike Board and Ski in Presque Isle. With the spike in new-bike sales, the shop is out of new stock until the fall. Elsewhere in Maine, bike shop owners worried that supplies of spare parts will also run short due to the pandemic and its aftershocks.

Stetson said there's also a heavy demand for service as exercise-hungry people, seeing gyms closed due to

the pandemic, dug out their dusty old models for refurbishing.

That's been the case at KB Wheels in Yarmouth, which does repairs but does not sell new bikes. Owner Casey Ford also does custom rebuilds and suspension upgrades.

Ford saw a definite reduction in traffic levels as the pandemic set in but said it had picked up by late May. Still, people were riding their bikes

on the roads and going to places like Bradbury Mountain State Park if they are into mountain biking, Ford said.

In the Presque Isle area, mountain bikers headed for the Nordic Heritage Center, along the border with Fort Fairfield, which has 20 miles of trails. Presque Isle itself has a popular seven-mile loop, Stetson noted.

For those elsewhere looking for places to ride, the Bicycle Coalition of Maine has answers. Its web page features a "Where to Ride" map of the state (<https://wheretoride.bike-maine.org/findaride/>) showing dozens of road, path and rail routes, with details such as length and difficulty of the ride. Another click shows a bird's eye view of the route.

The Maine Department of Transportation's "Explore Maine by Bike" website lists 33 loop bike tours all over the state, complete with descriptions, maps and a search tool. More information is available through regional groups, such as Merrymeeting Wheelers Bicycle Club.

The state Department of Inland Fisheries and Wildlife recommended that trail users avoid those that have become congested by people out to get some exercise in the COVID-19 period. IFW's suggestions include things like going out on weekdays and making a backup plan in case the trail is crowded. Trails can be located



Opening a stretch of the new Cobbossee Corridor Trail in Gardiner (Photo by Glenn Adams)



New pedestrian-bike bridge at the start of the Cobbossee Corridor Trail (Photo by Glenn Adams)

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Making progress in Ellsworth

Bike trails are seeing plenty of use, and ideas of ramping up bicycle/pedestrian trails gained new momentum.

In Ellsworth, city officials are moving forward with plans to build a connector between the 87-mile Down East Sunrise Trail, which extends from Pembroke in Washington County to Ellsworth, to a local pedestrian/bike trail.

Closing the roughly one-mile gap between the Sunrise Trail and local streets would give trail users easier access to community businesses and neighborhoods, while opening the longer trail to local users, said Richards, the city development services director. In addition, it would provide a passage for local users to the East Coast Greenway, the biking and walk-

ing trail that stretches 3,000 miles from Maine to Florida.

Studies are being wrapped up and the city plans to apply for a state DOT grant next year. The state would match the \$25,000 local contribution for the work.

In Gardiner, plans for an extension of the popular Kennebec River Rail Trail connecting Augusta and Gardiner gained new momentum with the spike in interest in outdoor recreation. A state Department of

Transportation project to replace two busy bridges over Cobbosseecontee Stream incorporates development of a walking-cycling trail along the stream.

“As part of the overall bridge project, it is the ideal time to make this trail,” said City Manager Christine Landes. “Although funding may be limited for the original trail extension, the City of Gardiner is pleased that some progress is being made.”

The period of reduced traffic

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brought on by the pandemic also opened up opportunities for local improvements, a city councilor said. Landes noted that the city did not take on additional projects and is continuing with items that were budgeted and planned for in the fiscal year.

“I do think it was fortuitous timing as Gardiner did work on sidewalks and infrastructure repair,” said Councilor Colin Frey. The work wasn't a direct result of the pandemic, but its timing was just right, he said.

Rockland officials decided to close Main Street to vehicular traffic from 5 to 11 p.m. on Friday, June 19 and 26, and 11 a.m. to 11 p.m. on two Saturdays, June 20 and 27, in order to allow restaurants a chance to put tables out on the sidewalks. With pandemic restrictions remaining in effect and limiting spaces available indoors, especially in smaller eateries, this gave owners a chance to seat more customers, Councilman Benjamin Dorr said.

“The city is working to identify other locations we can close to vehicular traffic without affecting overall traffic flow while allowing businesses

to set up tables on sidewalks,” said Dorr.

While Dorr has not noticed a lot of additional bicycle traffic within the city amid the pandemic, he does see heavier bike use in surrounding parks and trails.

In Farmington, Selectman Stephan Bunker observed increasing numbers of people walking but no big changes stemming directly from the pandemic.

“I think it's going to force us to change our business practices here,” Bunker said.

Elsewhere in Maine, Portland has also closed several downtown streets

to spur business, and Bangor has considered the idea.

As far as bikes in downtown areas, their resurgent popularity is not lost on the organization People for Bikes, which noted a number of cities and towns across the country closing their streets to motor traffic to allow for two-wheel transport.

The Colorado-based advocacy group says any new stimulus bill prompted by the coronavirus should include additional funding for bike infrastructure that is proportional to funding for other transportation programs. ■

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Ethel N. Kelley Memorial Award

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NOMINATIONS BEING ACCEPTED

Deadline for Receipt of Nominees – Friday, August 21, 2020 by 12:00 noon.

ETHEL N. KELLEY devoted 45 years of service to the Maine Municipal Association – from its founding in 1936 until her death in 1981. The award honors her immense contributions to the MMA and the cause of strong local government in Maine. Some have described her as the “cement” that held the organization together, particularly during World War II. During those years, she served in many capacities. She virtually held every title and did every job in the Association.

In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel N. Kelley's memory by recognizing other volunteer or employed municipal officials of the same character and dedication. This year MMA will recognize its 34th Recipient!

CRITERIA: Do you know an individual in your municipality who...

- Is dedicated to the cause of good local government.
- Has conscientiously served local government and made this a lifetime achievement for 20 years or more.
- Has demonstrated the capability and willingness to “Hold the Community Together.”
- Has a selfless concern for others in their community.
- Has not received full recognition for their service in local government.
- Is currently serving or has retired in the past two years (may be given posthumously if within the past two years).

NOMINATION PROCESS: Please forward your Nomination and up to five letters of support from local or state officials, business leaders and/or members of the community. The Nomination Form is available on the reverse side or can be completed interactively on the MMA website at www.memun.org. The supporting letters are a critical part of the process. Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts.

SELECTION PANEL: The Award Selection Panel will consist of three MMA Past Presidents who will meet in mid to late September to make their selection.

PRESENTATION: The Award will be presented at the MMA Annual Convention during the Awards Luncheon with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Luncheon is scheduled for Wednesday, October 7, 2020 at 12:00 p.m. at the Augusta Civic Center, in Augusta, Me.

MMA wants to hear about this special individual! Send your nomination and give MMA the opportunity to recognize their achievement and dedication to local government.

For more information, please contact :

Theresa Chavarie

MMA Manager of Members
Relations & Executive Office
1-800-452-8786 ext. 2211 or
tchavarie@memun.org



Maine Municipal Association
60 Community Drive, Augusta, ME 04330
207-623-8428 www.memun.org

MAINE MUNICIPAL ASSOCIATION
Ethel N. Kelley Memorial Award

NOMINATION FORM

Due Date – Friday, August 21, 2020 by 12:00 noon.
(Please complete all applicable sections)

Nominee's Name (Individual Only): _____

Municipality Served: _____

LIST MUNICIPAL ELECTED/APPOINTED POSITIONS (Please include services provided to any municipality):

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

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

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

LIST MUNICIPAL VOLUNTEER POSITIONS (Please include services provided to any municipality):

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

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

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

Please Include Total Number of Years Dedicated to Municipal Service: _____

Membership in Professional Associations:

Recognitions Received:

Is the Nominee Retired from His/Her Municipal Positions/Career?

YES (When did Nominee retire?) ___/___/___ NO (Anticipated retirement date?) ___/___/___

Is the Nominee Retired from His/Her Non Municipal Work Career? YES NO

Is the Nominee deceased and being considered posthumously? YES

Nominated by:

Name: _____

Title: _____

Municipality: _____ Date: _____

Name: _____

Title: _____

Municipality: _____ Date: _____

Please complete and return with up to (5) supporting letters. **The supporting letters are critical to your success.**

Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award.

Send completed Nomination Form and letters by **12:00 noon on Friday, August 21, 2020** to:

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

The Municipal RISK MANAGER

SUMMER 2020

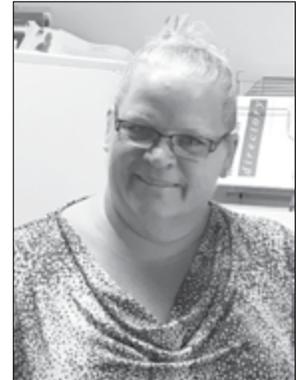
A Publication of the Maine Municipal Association

UNEMPLOYMENT COMPENSATION FUND

MMA's Unemployment Compensation Fund (UC Fund) was created in 1978 at the request of MMA members to assist them in meeting their obligations under the Employment Security Act in an efficient and cost effective manner. Never before in the history of the UC Fund have the events been more challenging and the need for help been so great. During this difficult period, the UC Fund has been proudly assisting our members to navigate through the changing rules, massive filings and rampant fraud. Through the months of March, April and May of this year the UC Fund processed more claims than those typically filed over a five (5) year period. All the while, Denise Kolreg our Unemployment Compensation Fund Coordinator has worked tirelessly to help our municipal employees and protect our communities. Please join all of us at MMA Risk

Management Services as we recognize and thank Denise for her dedication, support and kindness. We thank you Denise.

The benefits of belonging to the UC Fund are most evident during difficult fiscal times which is why the UC Fund maintains a conservative funding strategy, and thus is able to support our members through this period of high claims and extended benefits without sacrificing the financial stability of the Fund. For more informa-



tion about the UC Fund or if you would just like to say hello, please call Denise at 1(800) 590-5583. 📞



Ed MacDonald Safety Enhancement Grants and Scholarships

The Maine Municipal Association has been awarding safety grants and scholarships to members of the Workers' Compensation fund since 1999, bestowing more than \$5 million in the funding of 3,938 safety enhancement grants and 489 scholarship grants. These programs offer financial incentives to members of the Fund by supporting their purchase of safety equipment or safety services that will assist in reducing the frequency and/or severity of workplace injuries. **The Spring 2020 Grant Committee received 102 grant applications and awarded 93 for a total grant distribution of \$140,190.**

*****Please note that application deadlines have changed**.*** The deadlines for the Safety Enhancement Grants are now **April 15** and **September 15** of each year.

For more information about any of the Maine Municipal Association Risk Management Service programs, including the Ed MacDonald Safety Enhancement Grants eligibility and applications, please visit our website at <https://www.memun.org/Insurance-Services/Risk-Management-Services/Grants-Scholarships> or call us at 1-800-590-5583. 📞

Risk Management Advisories

MMA Risk Management Services is announcing a new *Advisory Section* to Maine Municipal Association's website. The Advisories are located at: <https://memun.org/Insurance-Services/Risk-Management-Services/RMS-Advisories>. Risk Management Services is dedicating this space to alert members of important issues that relate to your participation in the Property & Casualty Pool, Workers' Compensation Fund and the Unemployment Compensation Fund. Please monitor this new feature as we continue to add further tools and information. 📞

Returning to Normal Operations

Returning buildings and the equipment that supports the building's function to normal operation after an extended idle period, such as following the COVID-19 pandemic, can increase the risk of equipment failure, particularly during startup. Different types of deterioration, such as sagging of rotating elements and settling of lubricants, which is largely caused by gravity, as well as oxidation of metal parts, can occur.



In most cases, building service equipment (HVAC, electric power distribution, plumbing systems, etc.) will have remained in service during the shutdown. Whether or not these systems were shut down, their proper operation should be verified before re-occupancy of the building(s).

Qualified contractors or employees familiar with the proper operation of the equipment should verify that the equipment has no sign of leakage, is maintaining proper operating temperature, and that fluid levels are sufficient. Where applicable, equipment cycling should occur within the normal operation parameters.

Electricians should restore electrical loads slowly to prevent damage to electrical systems. Maintenance personnel should monitor equipment operation as power is restored.

Investigate any unexpected conditions and resolve them prior to further operation. Normal preventive maintenance steps should be taken, and a schedule of maintenance reestablished.

Test emergency systems, such as emergency power generators, as soon as practical for proper operation in accordance with original equipment manufacturer (OEM) guidelines and normal practices. A service contractor or qualified technician should physically observe testing of the emergency equipment.

Restoration of Equipment to Normal Service

The necessary steps to restore equipment to normal service following an extended period will depend on the amount and type of usage the equipment experienced during the shutdown. Age-related deterioration occurs in all equipment, even when equipment is not being operated.

For equipment that was shut down and not used:

- Consult original equipment manufacturer (OEM) guidance for initial setup or returning equipment to service.
- Develop a checklist for the equipment restoration process, including verification of oil and coolant levels, removal of desiccant, checking for obstructions such as blocking or strapping that was placed to prevent unwanted movement, etc.
- Replace lubricants and cooling fluids for critical equipment, if necessary.
- Consult manufacturer's guidelines for startup and break-in periods. Most equipment should not be operated at full capacity on restart.
- Test installed safeguards, controls and interlocks as applicable during the restoration process.
- For close tolerance machinery, calibration and alignment checks may be needed to help ensure sensors and measuring devices are functioning properly.
- If possible, verify that moving parts of each piece of equipment are free and unobstructed prior to energizing.
- Continuously monitor parameters for proper operation (fluid levels, oil pressure, temperature, etc.) during the startup process.
- Increase the inspection frequency following restoration to service until normal operating conditions are established.
- Check for fluid leaks, water infiltration or pest nests that could cause additional hazards.

Repurposed Equipment

In response to the COVID-19 pandemic, your equipment may have been repurposed for an alternate use. This repurposing may have presented new exposures to your equipment. As you return to normal operations, it is important to return the equipment configuration to its original use. Be sure to pay attention to restoring alterations and verifying that the alternate use did not result in a detrimental condition.

Develop a checklist for the equipment restoration process. This checklist should reverse any steps taken when the equipment was altered. It also should include routine maintenance per the manufacturer's guidelines.

Thoroughly examine repurposed equipment, paying attention to safety guards, any equipment parts that may have been stressed differently than during normal operation. Predictive testing (non-destructive examination, vibration analysis, lube oil analysis, etc.) should be used as necessary to verify machine integrity.

Repurposing machinery may create debris that is not present during normal operation. Clean unusual substances from all areas of the equipment.

Repurposing equipment may accelerate the normal wear and tear of parts such as belts, chains and bearings. Inspect and replace these components as necessary prior to returning the equipment to regular service. Implement a more frequent inspection schedule until normal wear patterns are reestablished. 🐞

Property & Casualty Pool Members

We would like to send a reminder to all of our members that the 2020-2021 P&C Pool Coverage Documents, Auto ID Cards and your invoice have been emailed. Please look for an email from MMA Risk Management – Underwriting. As always, we thank you for your continued dedication and membership.

Avoid COVID-19 Scams

Scammers are using fear and the unknown to take advantage of everyone that they can in an attempt to obtain personal information and steal from you and your employer. During this pandemic many of us are working from home and conducting business through emails, video conferencing and personal phones. Cyber criminals are using the COVID-19 virus to deploy dangerous malware onto your computer and ultimately into your organization.

The emails and posts may be promoting awareness and prevention tips or fake information about outbreaks in your area. Other cyber-attacks are asking you to donate to victims or offering advice on treatments all in the hope of having you click on a link or opening malicious email attachments.

Please follow the guidance below to reduce the risk of being a victim.

- Treat any Coronavirus email with a high degree of suspicion and we do not recommend that you click on any attachments or links unless you are 100% confident that it comes from a trusted source.
- Common scams may offer virus vaccine and treatments and ask for personal information or for you to complete an attached form to verify eligibility.
- Do not visit untrusted sites that contain COVID-19 information.
- Use only trusted sites such as www.cdc.gov and www.coronavirus.gov and <https://www.maine.gov/dhhs/mecdc> for information about the virus.



- Treat any electronic communication that relates to governmental benefits and check suspiciously. Scammers are asking for bank account information and social security numbers for direct deposits.
- Never surrender personal or company credentials to COVID-19 email requests.

Scammers are setting up websites to sell bogus products, and using fake emails and social media posts to take your money and get your personal information. They are impersonating business partners and governmental institutions in an attempt to get users to open the messages and unleash malware. Don't fall for their traps. Follow the normal on-line tips to protect yourself and most importantly do not click on links or respond to emails that you do not know and trust. ■■

Spring Cleaning

Never before in our memory has the term spring cleaning held so many potential benefits and ramifications. So as the season changes from winter to spring, and now to summer, many of us are attempting to clean, sanitize and sort through the clutter that has accumulated over the winter months. Many work place injuries involving slips, trips and falls are caused by the pure fact that the areas are cluttered, poorly organized or just a mess.

There are many important factors that should be considered when organizing the office environment. Considerations such as cleanliness, ergonomics, and maintenance are all critical elements of a proper "housekeeping" plan. A basic housekeeping plan as directed by OSHA Standard 29 CFR 1910.22 should involve all staff and volunteers while attempting to identify and address such hazards as:

- Cleaning Supplies
- Food Storage and Handling
- Chemical Storage
- Air Quality Standards
- Storage, and
- Sanitation



Paperwork is a material of life that we have all become all too accustomed to working with, or in some cases being enveloped by. Excessive amounts of paper or other materials can create a harmful environment. Paperwork which is allowed to pile up creates such hazards as a falling risk, a tripping hazard or even increasing the risk of fire. It is recommended to organize and retain documents in an appropriate fashion that eliminate hazards.

Careful consideration should also be given to the type of cleaning supplies that are used/required. All cleaning supplies must be clearly marked and stored in proper spill proof containers. Proper training in the use of cleaning supplies is critical as well as the use of personal protective equipment to avoid chemical exposures. It is also recommended that cleaning supplies be stored out of the reach of children and that the phone number of the local poison control office be clearly posted.

Restrooms should be properly maintained and cleaned daily. Ensure that such necessities such as bath tissue, soap and paper towels are available and in

Story Continued on Next Page

Navigating Stress and Adapting to Change



We have all been dealing with an increase in stress with the onset of the Coronavirus and the Federal and State response to slow the outbreak. This response has sent many of us to work from home, trying to do our job and balance child care, home care, and helping the seniors in our families. At this point in our lives it is absolutely NORMAL and TYPICAL for our worry, anxiety, stress and even changes in our moods to occur and even increase. We are unable to control what we once thought to be controllable and stress can take on many forms.

We were contacted by a municipal member with the suggestion of MMA hosting a webinar on helping municipal employees cope with the stress and changes encountered in our lives since the pandemic arrived in Maine.

MMA Risk Management Services reached out to Dr. Laurie Cyr-Martel and asked her to provide two presentations on Navigating Stress and Adapting to Change webinars. She has over thirty-five years of experience in the field of emergency services and mental health and wellness. She provides training and consultation for public safety departments and organizations to assist in their health and wellness.

These two sessions – one on May 21 and the other on June 4, were free of charge to all members of the Maine Municipal Association and directed towards all levels and departments of municipal employees. Her presentation discussed what happens and continues to happen to our brains and bodies given stressful times. She provided strategies to navigate these turbulent times and to assist our members to maintain their health. If you would like to view this presentation it is located in the member's area on the MMA website at: <https://memun.org/Member-Center/Video-Training-Library>. 📺

Spring Cleanup (cont'd)

adequate supply. Also ensure that the floors and surfaces are clean and that no slip/trip hazards are present.

Kitchen and food preparation areas are at high risk for health hazards and the opportunity to spread disease. In an attempt to avoid such hazards it is recommended to:

- Provide sufficient trash containers,
- Have all spills on the counters or floors cleaned promptly to avoid injuries sustained from slips and falls on wet surfaces.
- Ensure that refrigerators are cleaned at least once per week,
- Properly wipe down surfaces, stoves, microwave and sinks daily,
- Dispose of trash at least daily to avoid the attracting insects, mice, rats and other pests.

This time of year is a perfect reminder to us all that we should clean our work areas and help prevent accidents and injuries to others as well as ourselves. Through proper planning and the simple application of house cleaning practices, injuries at the work place can be wiped clean. 📺

FREQUENTLY ASKED QUESTIONS

How does Fine Arts Coverage Work?

The Property & Casualty Pool automatically provide \$50,000 of coverage for fine arts owned by you or in your care, custody or control, to the extent of your interest in them.

Fine Arts is defined as "paintings, etchings, pictures, tapestries, sculptures and other bona fide works of art, of rarity, historical value, or artistic merit, including rare or ancient books, manuscripts, maps, deeds and papers."

The Property & Casualty Pool covers Fine Arts:

1. If, at the time of the commencement of this Certificate or prior to the occurrence of a covered loss or damage, whichever is later, the Named Member has provided us with an appraisal accepted by us regarding the stated value of an object or we have otherwise agreed in writing to the stated value of an object, we shall pay, in the event of covered loss or damage, the least of:
 - the fair market value of the object at the time of the loss or damage;
 - the cost of reasonably restoring the object to its condition immediately before the loss or damage;
 - the cost of replacing the object with a substantially identical object; or
 - The stated value of the object.
2. If, at the time of the commencement of this Certificate or prior to the occurrence of a covered loss or damage, whichever is later, the Named Member has NOT provided an appraisal accepted by us regarding the stated value of an object and we have NOT otherwise agreed in writing to the stated value of an object, we shall pay, in the event of covered loss or damage, the least of:
 - the fair market value of the object at the time of the loss or damage;
 - the cost of reasonably restoring the object to its condition immediately before the loss or damage;
 - the cost of replacing the object with a substantially identical object; or
 - \$5,000.



The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you of developments in municipal risk management which may be of interest to you in your daily business activities. The information in these articles is general in nature and should not be considered advice for any specific risk management or legal question; you should consult with legal counsel or other qualified professional of your own choice.

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Local leaders find ways to adapt as COVID-19 affects volunteers

Recruiting municipal volunteers has been a challenge for years or more. Given the fact that many volunteers are older, the coronavirus presents another challenge.

By Betty Adams

In the best of times, recruiting volunteers for municipal activities can be challenging. During and after the coronavirus pandemic, it could prove even more challenging and require additional training.

But the social distancing requirements and crowd limits also offer opportunities for new ways for town departments and committees to use volunteers and to connect with the public.

“With COVID, we were one of the first rec departments to transition everything to online programming,” said Matthew Foster, Farmington’s Parks and Recreation director. Foster and his staff produced a number of online tutorials on daily sports skill drills where volunteers, including a varsity field hockey coach, a Division I basketball coach and a number of other people, offer their expertise.

“Everybody saw there was a big need,” Foster said. “I think it helps people a lot to help other people. At this point (in mid June), we’ve got over 80,000 views from 14 countries and tons of states around the country. It is a blessing to our little department to be able to help people.”

One of those video efforts resulted in the daily “Mindful Minute” by Dr. Susan Sanders, a clinical psychologist who helps to organize Rotary’s Festival of Lights, which is held in the town’s Community Center. In her five-minute presentation, Sanders talks directly to viewers about various issues they might face during the pandemic.

“This is right up my alley,” said Sanders, who lives in Phillips. “My doctoral work had been around trauma and resilience. To have the opportunity



Dr. Susan Sanders (Submitted photo)

to address a community during a crisis is to have the opportunity to help them build their resilience.

“I pay attention to research literature for one and pay attention to what people are talking about or hearing about right now,” Sanders said. “I imagine the entire Franklin County area hearing me. That’s who I am speaking to.”

Foster said, “The issue of volunteerism has impacted lot of agencies. Volunteers have been on a downward trend for quite a while.”

In a year minus the pandemic, Foster says many parents are among the volunteer coaches helping with youth basketball and youth soccer programs. “Each year, we probably have around 30-35 people who help volunteer coach for us,” he said.

Basketball sign-ups – usually about 125 children – make up about 10 teams with one or two coaches per team. “The teams meet a couple of times a week, and the commitment is several hours at a time,” Foster said. “That’s about two-month commitment.” Fall soccer seasons see about 200 children split

among 16 teams, again with about 25 volunteer coaches.

Foster also said the town has had many volunteers help to maintain the various municipal flower gardens. “Over time, they kind of gradually dwindled off,” he said adding that he wonders, “Is it a generational thing? Is it that people have busier lives? When you look at how big and fast the world is now compared to how it used to be, we’re moving at light speed now.”

So far, the department has had to cancel swimming lessons and the all-day, every day summer camp. And while the department planned some summer programming, Foster said those will include doing things outside with appropriate social distancing, something that would involve training any volunteers.

A Maine ‘second wave?’

“Everything really depends on if we have a second wave of COVID,” Foster said. “I do think it would be possibly pretty difficult to get volunteers if it’s going to be a really big hassle for them or if there are difficult guidelines for them to follow. I try to make things as easy as possible for volunteers because they are doing things for you out of the goodness of their hearts. If there’s too much training, people might think, ‘Do I really want to do this anymore?’ ”

Foster too talked of concern for the many volunteers on municipal boards, such as the Planning Board and Conservation and Budget committees, something echoed by other municipal leaders.

“I think one thing in general Winthrop and most other communities face is finding people to serve on boards or community groups whether civic or charitable organizations,” said Sarah Fuller, chair of the Winthrop Town

Betty Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, adamsbetty00@gmail.com.

Council. “People are so busy, and if you’ve got kids, there’s always a million activities.”

Fuller also noted, “The core of Maine volunteers are older and often retired and entering the twilight of their careers.” Those are the same people are among the highest risk groups for coronavirus.

“What we did in Winthrop was to open lines of communications and email exchanges with community groups throughout the region,” Fuller said. “The intention was to keep open lines of communication so if organizations have issues, we could talk and work that out.”

She said that while some charitable and other civic groups were concerned about losing older volunteers, other individuals stepped in with offers to help. The United Way of Kennebec Valley offered an exchange on its website listing volunteer opportunities and people who could help. Fuller noted that high school and college students asked for opportunities to help others during that pandemic.

“It remains to be seen how those activities will be carried out,” Fuller said.

She noted that some town boards and groups which had been formed ahead of the pandemic had done most of their work remotely or by using appropriate guidelines. “It took a little for the Planning Board to use Zoom.”

Fuller said the town will continue to adapt. “No one knows what ‘normal’ is going to look like going forward,” Fuller said, adding that there would be a determination of “the comfort level about working together.”

Volunteer resource

Volunteer Maine offers a primer for managing volunteers, including “Restarting efforts in a COVID-19 world.”

In a three-part video presentation posted on that organization’s website (<http://www.volunteermaine.org/news/2020/4/23/essential-volunteers-covid-maine/>), Ed Molle, Medical Volunteer Coordinator for the Maine CDC’s Public Health Emergency Preparedness office, gives what he calls a “snapshot in time” and advises checking up to date recommendations for social distancing and lists the categories for those at high risk for corona virus, concluding with the people who are age 65 years and older.

“This last category is especially relevant in the state of Maine since our citizens have the highest median

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age of any state in the U.S.," he says, adding, "Anyone in the U.S. CDC's high risk categories for COVID-19 should not be asked to leave their home by any organization." Molleo notes that many organizations have transitioned to having volunteers work remotely.

In late May, Deb Palman who is chairman of the Amherst Planning Board and chief of the Aurora Volunteer Fire Department, wrote, "I think it is too soon to know whether or not COVID-19 is having an effect. Right now most town operations are halted or slowed. I hope to do some recruiting for the fire department soon this summer, and would have a better idea by fall."

Palman spent 30 years as a game warden with the Maine Department of Inland Fisheries & Wildlife, retiring from there in 2008.

While the pandemic had hit home in areas with larger populations, the Upper Hancock County town with some 230 residents, and with an area of almost 40 square miles, appeared to be spared.

"We are very rural with no active cases in this county," Palman said at the time, in May. By press time for Town & City, Hancock County had recorded 17 total cases, third-lowest among Maine's 16 counties. "Here in Amherst, however, most people are now out and about in the outdoors, but we don't have a dense population."

Many municipalities have boards and committees, both elected and volunteer, turning to virtual meetings through the internet. But some have taken a different tack.

In York, Town Manager Stephen Burns said the chair of the Harbor Board suggested meeting outside on the town dock, telling Burns, "We'll adjourn when the sun goes down." That idea spread to other municipal boards there as well. The Sohier Park and Nub-

le Lighthouse Committee has opted to meet on the lawn and the Veterans Affairs Committee under the gazebo at the VFW, Burns said. The outdoor locations allow the public to attend as well.

"We're going to get through this," Burns said. "People know how to follow the rules. They want to get their work done." Burns also noted that weather could prove a bigger challenge for those outdoor meetings if they went through the fall. ■

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IT'S SALARY SURVEY TIME!

Please take time to complete or update your municipality's portion of MMA's searchable, statewide Municipal Salary Survey. This is a valuable tool for elected officials, managers and appointed staff.

<https://salarysurvey.memun.org>

The deadline to do so: Aug. 20

Updating the survey is so easy. Just look at your 2019 data, and update only the areas that changed. **Remember:** your email address serves as your username.

For more information, including the option to "copy prior year data," contact Carol Weigelt at MMA. 207-623-8428 or email: salarysurvey@memun.org



Maine Municipal Association 60 Community Drive – Augusta, ME 1-800-452-8786 www.memun.org

Innovative approaches surface to keep municipal beaches safe

By Betty Adams

To help meet the guidelines for social distancing and to offer access to town beaches this summer, at least two municipalities have added paid positions.

In Winthrop, the Town Council voted on June 1 to fund 40 hours of a “beach attendant” post at its town beach on Maranacook Lake.

“This is an entirely new position,” said Sarah Fuller, chair of the Town Council. She said the job resulted from discussions at the town’s emergency management group involving managing crowds, keeping social distancing, allowing access, and enforcing beach rules.

“While the town has always had lifeguards, their focus has been on the people in the water.”

One of the guidelines promulgated by the U.S. Centers for Disease Control regarding “public aquatic venues” says, “Ensuring that lifeguards who are actively lifeguarding are not also expected to monitor handwashing, use of cloth face coverings, or social distancing of others. Assign this monitoring responsibility to another staff member.”

The Town of York Parks & Recreation Department began a “Community Ambassador Covid-19 Response Pilot Program” where the paid ambassadors were to be “trained to educate the beach and park going public about Town Ordinances and any regulations that have been established through emergency order.”

Their jobs too are “to talk with patrons, encouraging positive beach activities and (to) ensure compliance of CDC guidelines.” Individuals hired for those jobs are to work at various locations on Long Sands Beach and

Short Sands Beach as well as Mount Agamenticus.

York closed its beaches on March 23 in response to the COVID-19 public health emergency and did a phased reopening, beginning in mid May, and moved to less restricted use on June 10.

York beach ambassadors

York Town Manager Stephen Burns said the beach ambassadors began working in late June, the same time as the lifeguards. Burns said an ambassadors program had been contemplated for several years, initially as a “sidewalk ambassador” to help people deal with parking meter kiosks and to answer such questions as information, where to find lunch and where to walk the dog.

But this year it was implemented as the beach ambassadors program. That includes an ambassador at Mount Agamenticus, which offers hiking and biking trails.

Burns said more visitors had been going there this spring because of the restrictions that had been in place on beach use.

He offered his best estimate for York’s seasonal population variance: “About 13,000 in York year-round. In the summer, it doubles, and on a good beach day it triples.”

Burns said the ambassadors will offer “a friendly face” and talk to people about “social distancing and wearing a mask when you can.”

Winthrop’s Fuller said that Maranacook town beach attendants also are expected to work with people “in a non-confrontational manner” to ensure they see the beach rules and abide by them. Town beach, which is



Sarah Fuller of Winthrop (Submitted photo)

within walking distance of the town center, is open to residents and their guests. And even before the three beach attendants started work in Winthrop in late June, one of two lifeguards on duty approached visitors to the area and politely asked to take their temperatures.

Most groups of people had arranged their blankets and chairs within the large, spray-painted white circles marking the social distancing. New signs were erected as well.

Fuller said the beach attendant will act as a liaison and can contact the Winthrop Police Department to help “defuse a situation should it arise.” She said town officials wanted to find a way to keep the beach open to the public while alleviating worries about overcrowding and maintaining proper distancing.

“We’ve never done it before,” Fuller said. “There may be hiccups; we’ll give it a try and adjust when we need to.”

The white circles can be repainted after each mowing. “So far, folks are using the circles to maintain their distance,” Fuller said. ■

Betty Adams is a freelance writer from Augusta and regular contributor to *Maine Town & City*, adamsbetty00@gmail.com.

Peter Crichton: Our interview with retiring city, county manager

With his roots in Aroostook County, Crichton looks back on his decision to choose public administration despite early experience with a lion of Maine politics.

By Stephanie Bouchard

Peter was not supposed to be on the ladder.

His older brother was home from college and was spending his days scraping old paint off the family home in Mars Hill in preparation of painting it, but on this particular day, he was not at home.

Like many a nine-year-old boy, Peter was confident that he could help. His father took a different view of this, however, and told Peter not to get up on that ladder.

But Peter was determined. He grabbed a tall step ladder, hauled it into position along the back wall of the garage, climbed to the very top of it, and began scraping. Then the ladder crashed to the ground below him and he came down on top of it.

"I was in a lot of trouble," he recalled, 54 years later. Not the grounded-for-a-month kind of trouble. The life-and-death kind.

He was rushed into emergency surgery at the hospital in Presque Isle. "I actually died on the operating table and they had to bring me back to life," he said. It was an experience that influenced the rest of his life.

"It's probably made me be a little more daring in terms of some of my risks," he said. "I tend to be very careful about what I do as a manager. I get thoughts and input and opinions of people I respect, staff, and elected officials. But I have also taken on some things that probably other people wouldn't have."

That's a combination that has served Peter Crichton well during his 40 years of public service, because more often than not, he found him-



Peter Crichton

self in jobs for which he was the first person to do that job – a role that suited him just fine, he says.

Now 63, he is retiring from his current job as Auburn's city manager on July 1, but while he'll make time for golfing and travel and spending time with those that matter most to him, he still plans on keeping a hand in the public service field, continuing to be active at the University of Southern Maine's Muskie School of Public Service.

As he enters retirement, Maine Town & City talked to him about his career, his influences, and the value of public service. This conversation has been edited for space and clarity.

Q: How did you get into public service?

A. From when I was very young, I took an interest in it. My dad took me to town meeting when I was eight years old.

Q: Were you dragged by your father?

A. No, I was happy to go with him and I wanted to spend time with him. Even then he saw that I had an inclination for this kind of thing. My dad was always interested in government. He had books on John Kennedy, and my older siblings always used to talk about what was going on in the world. My older brother always used to ask me, "What do you think of the world situation?" I was exposed to a lot of that kind of influence as I was growing up as a kid, so I took an interest in it.

Q: Do you remember your first town meeting?

A. I can remember having these town warrants. You hear these stories that it was always the town warrant that had one of the least amounts of money on it that was controversial. With the Town of Mars Hill, it was always having to pay for having dogs be transported to the kennel that was in Presque Isle, which was about half an hour away. That was always an issue. So, you would have these warrants that would go through that were tens of thousands of dollars, even more than that, and then you had this issue that wasn't very much – a few hundred dollars – that was always the controversy at every town meeting. That stuck with me. I can remember there was always one gentleman that got up and spoke about it.

Q: You were always interested in public service, but not necessarily about being a politician?

A. I was interested in it, but I took the public administrator path. When I was young, I was active in the Democratic Party. I was president of my Young Democrats group in Aroostook County, became involved with the Maine Democratic state committee. I was chair of my county Democratic committee. In my late teens/early

Stephanie Bouchard is a freelance writer from Bath and regular contributor to Maine Town & City, stephanie@stephaniebouchard.net.

20s, I ended up going to work in the Legislature after I got out of college – going to Washington, D.C. to be an intern to U.S. Senator Muskie. When I came back, I was offered a position in the Town of Mars Hill on economic community development. They'd never had anybody do that. It was a part-time position. I was paid \$50 a week in 1980. I was young. My family thought I was nuts. I killed myself doing it. I probably worked 60, 70 hours

a week. I just loved what I was doing. It was a passion. I got involved in local government that way...

I was in Mars Hill for about four years. They increased my pay up to \$150 a week by the time I left... I went to work for a farm organization to save family farms called the Aroostook Family Farm Core. I loved what they were doing. I did that for probably four years. Then I decided to go to graduate school and get my Master's

in Public Administration because the idea of working for local government was still very much on my mind. Then I went to work for the City of Lewiston in the Public Works Department in a position they never had called superintendent of administration... I got promoted to assistant city administrator... and was there for about four years, then went to Cumberland County and was the county manager there for over 18 years. I got that job at the same time I was a finalist for the city administrator job for Waterville. I talked to my wife about it. I was going to be paid more if I took the job in Waterville but I thought, "You know, you could do something in county government that had not been done before." It seemed really exciting and challenging.

Q. What excited you about the Cumberland County job?

A. I thought, and I still do to some extent, there's more the county government can be doing in terms of delivery of services. In the State of Maine, we have limited resources and I think that they can be more of a partner with municipalities than they



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traditionally have been. We were able to do some things that hadn't been done before. We were able to become designated as a provider of community development block grant funds. It took six years to get that established, and it wouldn't have happened if some of the managers hadn't stepped up and recognized the opportunity it presented.

Q. Who are some of the people who influenced you through your public service career?

A. A lot of people have influenced me. I would say being around Ed Muskie. A boy from Mars Hill, you know, had never flown on a plane when I went to D.C. to be an intern for Senator Muskie. That was just an incredible experience for me and I was too young to really appreciate it, but it really gave me an opportunity to see how things work at that level. And that was at a time when you could go almost anywhere on Capitol Hill. Even as an intern for Senator Muskie, my access was pretty remarkable when

I think about it now, especially compared to today.

So, Senator Muskie, certainly. And also Tom Saucier from the Town of Mars Hill. Bob Mulready, the city administrator for Lewiston, who just recently passed away. He gave me the opportunity to be assistant city administrator. That helped open doors for me. I'll always appreciate that. When I went to Cumberland County, I was

fortunate to work with some great people who were town managers, such as Nat Tupper and Don Gerrish.

Q. Do you look back at your career path choice and examine your decision not to go the political route?

A. Yes. I've thought about it. When I was the executive director for the Farm Core, I was offered a job working for U.S. Sen. (George) Mitchell in Washington, D.C. I turned that down

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because I had signed an agreement to be the executive director of the Farm Core and didn't feel right about leaving. My life would have taken a different direction if I had taken that job. So, yeah, you think about those things, but I have no regrets about what I've done and the path that I chose. I've met a lot of great people. I've been able to work with some tremendous people both at the staff level and also the elected level and we've

accomplished, I think, good things, and I feel like I've made a difference. You know, that's really important to a lot of us in public service – to be able to make a difference.

Q. What do you think you'll miss most or do you know that yet?

A. I don't think I know that yet, but I'm pretty sure it's going to be the people. Being able to work with people that I respect and admire and appreciate to accomplish a goal. It's

never easy to accomplish something... I've been very fortunate. I've been fortunate with the people I've worked with. I've had some great staff and people who have been very supportive of me and helped me to accomplish the work that we've done together.

Q. What won't you miss?

A. I won't miss the tough moments. The things that go wrong. The disappointments you might have over a situation or people or even yourself. Overall, I'm an optimist by nature. My glass is half full. So, I have a lot more good memories than I do bad memories.

Q. When talking to high school students, what do you tell them about public service?

A. I've had the opportunity to talk to a lot of high school students over the years. For probably 15 years, I spoke at Dirigo Boys State. I was invited to come and speak about county government but when I did that, I talked about municipal government and local government as well. The honor of being involved in public service. What a great opportunity it




Meet Our Attorneys

Jonathan A. Pottle

Jon provides legal services to both public and private sector clients in the areas of environmental law, land use law, municipal law, utilities law, economic development, project development and finance, renewable energy, real estate, timberlands, and natural resources law. Jon's practice in these areas helps clients with their strategic and tactical planning, day-to-day operations and troubleshooting, project development and financing, real estate and business transactions, municipal and utility district governance, and resolution of related legal disputes, including representation before Maine and Federal Courts as well as Local and State administrative boards and agencies.

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is. And I tried to convey to the young men who were listening to me what a great opportunity it is to get involved in a community, whether it's at the municipality or county level; to work with other people and try to accomplish something that is significant or could be significant.

Q. Why retire now?

A. There are other things I want to do in my life. A friend of mine wrote to me and said, "Peter, reinvent yourself now." I may well do that. There are some things that I'm doing that I want to spend more time on... It's certainly a hard time right now to be leaving because of what's going on with the pandemic, but I think because of the strength of the team that we have, the City of Auburn is going to come through this and is going to come through in a good position to be able to move forward. The city is really headed in a positive direction. When we get through this pandemic, Auburn's going to be a community a lot of people will be watching and talking about. ■

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PEOPLE



Ken Cooper

Ken Cooper figures he might have driven a million miles for the Town of Wiscasset over his 44-year career. Cooper retired in early May, having started working for his hometown in 1976. Cooper started as a laborer, not far from the then-new Maine Yankee Nuclear Plant that operated from 1972 to 1996. Over his four decades of service, Cooper worked for a dozen road commissioners and public works directors. He was known as a hard, skilled worker who mentored new public works employees and didn't stop driving until the day he retired.

Livermore Falls Town Manager **Stephen Gould** told his select board in June that he will resign to return to nursing, having accepted a job at Skowhegan hospital during a global pandemic. A Fayette resident, Gould accepted the interim manager's position in August 2017 after **Kristal Flagg** resigned to work for Regional School Unit 73. A year later, he was named permanent manager. He earned a registered nursing degree in 2011. He worked in law enforcement for 30 years, mostly for the town's department.



Michael Heavener

Winslow Town Manager **Michael Heavener** retired on June 30, ending a 35-year public service career. The wannabe game warden moved to Maine to chase his dream, graduating from Unity College in 1985. But at the time he graduated, there were no open warden jobs, so he joined the Wiscasset Police Department for what he thought would be a temporary job, a way station until he could become a warden. Heavener, a native of Atlanta, enjoyed police work so much he continued by working as a criminal investigator for the Lincoln County Sheriff's Office for 12 years. He was promoted to chief deputy and worked two years in that job before applying

for the Winslow police chief's position in 2000. Six years later, Heavener said he laughed when a town leader approached him about taking the town manager's job. Heavener thought it would be a negative experience, based on what he saw from a distance, but found the job challenging and rewarding and grew to love it.

A former finance director in multiple New England municipalities, **Brenda Fox Howard**, is the new manager of New Gloucester. She conceded she is joining the town leadership team at a difficult time because of the COVID-19 pandemic, but was confident she could help town leaders and residents reach their future goals. She moved to New Gloucester a year ago. Previously, she worked as finance director for Peterborough, N.H., and for Putnam and Winchester, Conn. She also has worked as a materials analyst for some of the biggest companies in the U.S., including General Dynamics and Dow Chemical. She replaces interim manager **Paul First**, whose last day was May 15. First worked for the town from 2009 to 2017, the final three years as town manager.

Windham councilors hired **Barry Tibbetts** as their town manager after he served as interim manager since last December. The town's last manager, **Tony Plante**, resigned in October 2018 after making a deal with the council for a severance package. Tibbetts came to Windham with 25 years of municipal experience. He worked for Kennebunk for 24 of those years, the final 19 as town manager. When he retired as Kennebunk manager in 2016, residents and officials changed the name of Downtown Plaza to Tibbetts Plaza. Kathy Nolette, who served Tibbetts as his assistant for his entire tenure as manager, said upon his departure, "Every single night before I left the office – every single night for 18 years – he said 'thank you,'" she told Seacoast Online at the time. Tibbetts took the Windham job although he was enjoying the new routine and activities of retirement, including attending daily Mass.

Peru Selectwoman **Raquel Welch** has been hired as Mexico town manager, effective July 1. She follows in her father's path; the late Robert Welch managed Rumford, across the bridge from Mexico.



Raquel Welch

The Mexico job will be Welch's first municipal position. She said she is excited to start her new job, having "grown up with it." She was re-elected last June to a second, three-year term and intends to keep her seat in Peru. She has served as chairwoman for three of the four years, but will give up that role to focus on her new position. Welch earned an associate degree in business administration from the University of Maine at Augusta; and a bachelor's degree in humanities and a master's in education at the University of Southern Maine. Welch succeeds **Jack Gaudet**, who is retiring after nearly four years with the town. He has offered to help Welch during the transition.



Brian Wood

The Auburn City Council hired Ohio native **Brian Wood** as the city's new assistant manager. He will replace **Phillip Crowell**, the city's former police chief, who retired from police work and accepted the assistant manager's job in August 2018. Crowell was tapped to replace City Manager **Peter Crichton**, who expected to retire effective June 30 after a 35-year public service career. Wood, a Washington, D.C., resident, has 10 years of experience with municipal government, including community relations liaison for the mayor's office, the city administrator and the office of the chief technology officer. Most recently, Wood worked as senior operations manager in the city administrator's office. He learned early about local government when his mother worked as director of the parks and recreation while growing up in Ohio. He credits her work as an inspiration to pursue a public service career. Wood, who said he was "more than excited" to join the Auburn staff and move to Maine, earned a bachelor's degree in political science and sociology from Miami University in Oxford, Ohio. His first day of work in Auburn is set for July 20. ■

STATEWIDE

California entrepreneur Elon Musk could have the answer to how to bring high-speed internet to rural areas of Maine. Musk is building an array of satellites called Starlink, which could bring broadband service to Canada and northern New England. Musk is the founder of Tesla, a tech company that also manufactures the electric car with the same name. Canadian officials have received thousands of positive comments about the project, but the U.S. Federal Communications Commission (FCC) is expressing doubt about satellite-based internet service. The most rural northern parts of Maine could benefit from the project.

AUBURN

One gun shop owner has reported unprecedented sales during the months-long protests in Maine and across the country. The death of George Floyd in Minneapolis ignited protests across the nation and in Europe. It also has sparked conversations about police use of force and overall police reform, and attracted counter-protestors, sometimes armed. An Auburn gun shop owner said the demand exceeds the spending spree after passage of the Brady Bill in the 1990s. Press Secretary James Brady was shot in the head during an assassination attempt on then President Ronald Reagan and was permanently paralyzed. The owner said he had never seen such a demand for guns in 35 years. The most popular guns bought this spring were handguns and home defense style shotguns.

AUGUSTA

The Mills administration announced in late June that the state will issue \$9 million in grants to nearly 100 municipalities to help finance local government's COVID-19 health, education and prevention efforts. Gov. Janet Mills will use federal funds from the Keep Maine Healthy program. The state approved 96 prevention and protection plans submitted by cities and towns. Mills said local government is "on the front line" in combating the COVID-19 pandemic, both for residents and visitors. Municipalities can use the money to ensure social distancing with special markings; assist local businesses; and free up time for code officers to educate local businesses about safety precautions and

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Highlights of what's been added and updated at www.memun.org since the last edition of *Maine Town & City*.

Coronavirus updates. We continue to post updates on the COVID-19 situation, including: a joint statement from four statewide first responder groups, on the importance of mask wearing; and, a list of 90 municipalities that received \$9 million from the state for participating in the Keep ME Healthy program. *Did your town sign up?*

Public beaches. The U.S. Centers for Disease Control and Prevention issued comprehensive guidelines for citizens and staffs to follow at public beaches, and for the communities that oversee beach operations.

Public safety, use of force. Three leading Maine law enforcement organizations released a statement about subjects ranging from implicit bias among police to the use of chokeholds and other tactics. They wrote: "We recognize that change starts with us."

best practices to control the spread of the disease, among other efforts. Tribal governments were included in the funding program.

HAMPDEN

The coalition of 115 municipalities known as the Municipal Review Committee (MRC) is seeking a new operator for the \$70 million waste-to-energy plant that has experienced production problems since opening in last April. The committee also is looking for an investor to fill financing shortfalls that contributed to the temporary closure of the plant on May 28. Until the plant restarts with new management, more cash flow and improved equipment, MRC members are trucking their waste and recyclables to the Crossroads Landfill in Norridgewock, as well as to the Juniper Ridge Landfill in Old Town. MRC municipalities are being asked to give the board time to acquire sufficient capital and proper expertise.

ORRINGTON

Firefighters moved into a new public safety building in May, after the town built a \$2.85 million public safety facility to replace its small vintage station constructed in the 1950s. The old building did not meet safety codes and was so cramped that the truck bay doubled as a locker room. Maintaining a modern fleet was challenging. Planning for the new facility was in the works for three years. The fire department now features nearly

12,000 square feet, compared to the 5,000 square feet old station. The department handles 400 to 450 calls a year, with up to 80 percent being ambulance calls. An open house and barbeque was scheduled for July 15 to formally open the facility, assuming COVID-19 rules allow for such a gathering.

MONSON

The Portland-based Libra Foundation has invested more than \$10 million in the Piscataquis County town of 660 residents, bolstering its vision for the future. Reeling after the closure of the town's largest employer, Moosehead Manufacturing Co., young people moved away, small businesses suffered and the town struggled to keep pace with infrastructure and town services. Libra has financed an arts colony, upgraded downtown buildings and helped to create a new health care center. It started the project in 2016 by purchasing 30 houses and other buildings. Some were razed, but others were rebuilt as homes for artists from across the country. The foundation was founded in 1989 by the late Elizabeth Noyce, who directed that her fortune be used to create a philanthropic organization designed to help improve Maine communities, especially in under-served areas, and spur new economic growth. Monson residents and officials are optimistic their small town will thrive again and become home to new families and entrepreneurs. ■

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Due to uncertainty caused by the coronavirus public health emergency, we are promoting selected events, but they are subject to change. Please view our website (www.memun.org) for updates and details. Thank you for your patience.

JULY 30

ZOOM WEBINAR

Planning Board/Boards of Appeal

Attorneys from MMA's Legal Services Department will lead a Zoom webinar session for local Planning Board and Land Use Boards of Appeal members from 4:30 p.m. to 7:30 p.m. on July 30.

The workshop is designed as an introduction for new or less experienced members, but veteran board members may find an update useful as well. Among the topics to be covered: jurisdictional issues; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$45 for MMA members and \$90 for non-members.

AUG. 19

ZOOM WEBINAR

Elected Officials Workshop

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a Zoom webinar for Elected Officials on Aug. 19. The evening workshop begins at 4:30 p.m. and ends at 7:30 p.m. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The webinar is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$45 for MMA members and \$90 for non-members.

AUG. 20-21

Governmental Accounting: Waterville

The Maine Tax Collectors' and Treasurers' Association has scheduled a workshop on Governmental Accounting, to be held on Aug. 20 and Aug. 21, from 8 a.m. to 4 p.m., both days. The training will be held at the Waterville Elks Banquet and Conference Center.

The instructor will be Marc Roy, audit manager at Berry Talbot Royer. This workshop is designed as a review of basic general accounting concepts, tying those concepts to governmental accounting, showing similarities and (more importantly) the differences between the two methods. Cost is \$110 for MMTCTA members and \$140 to non-members.

AUG. 26

Managing Freedom of Access Requests: Augusta

Sometimes FOA requests come in slowly. Sometimes they come from serial requesters, and they keep coming for a while. Either way, Maine law requires that all FOA requests be handled properly, fairly and in a timely manner. That's what this workshop – which will be held at the Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta – will address. Attendees will receive certificates proving they have met the state's requirements for FOA training.

The program will be led by MMA Legal Services Attorneys Richard Flewelling and Michael Lichtenstein; Union Town Manager Jay Feyler; and, Eric Conrad, MMA's Director of Communication & Educational Services. The afternoon work-

shop begins with registration at 1:30 p.m. The program runs from 2 p.m. to 4:30 p.m. Cost is \$45 for MMA members and \$90 for non-members.

SEPT. 1

Voter Registration: Orono

The Maine Town and City Clerks' Association will hold a timely workshop on Voter Registration, on Sept. 1 at the Black Bear Inn in Orono. The workshop will begin at 8:30 a.m. and end at 4 p.m. Instructors are Patti Dubois, City Clerk in Waterville, and Julie Flynn of the Maine Secretary of State's Office.

The workshop is a review of duties and responsibilities of the Registrar of Voters, outlining their tasks before, during and after Election Day. Topics include: actual voter registration; working with the state Central Voter Registration (CVR) system; determining voter eligibility; and more. Cost is \$60 for MTCCA members and \$80 for non-members.

SEPT. 2

Title 21-A State Elections Law: Orono

MTCCA also will hold an all-day workshop on Title 21-A the Black Bear Inn. The workshop will begin at 8:30 a.m. and end at 4 p.m. Patti Dubois and Julie Flynn are the instructors for this workshop as well.

This workshop covers all aspects of administering state and federal elections at the local level. Clerks who have never before conducted an election are strongly encouraged to attend. Cost is \$60 for MTCCA members and \$80 for non-members. ■

All of the upcoming workshops can be found on the MMA website.

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MAINE MUNICIPAL ASSOCIATION

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LEGAL NOTES

COVID-19 Violation Tip Line

Maine's DECD (Department of Economic and Community Development), the state department in charge of coordinating Maine's response to the COVID-19 pandemic, maintains an online "tip line" (our words) for reporting suspected violations of the Governor's Executive Orders or the DECD's guidance relating to the pandemic. Anyone wishing to report a violation can complete this form: <https://appengine.egov.com/apps/me/non-compliance>

The DECD's website states that all reports will be reviewed by the appropriate agency or agencies and responded to "as needed." Enforcement, it states, "will be handled mainly through education and voluntary compliance." The website also states that adherence to the Governor's Executive Orders "is a civic duty and the responsibility of each citizen and business," which is true enough. But we hasten to add that the Governor's orders also have the force and effect of law and that violations in some cases are a criminal offense.

We weren't even aware of this tip line until very recently, when we heard it mentioned (unfavorably) on an opinionated local radio talk show. The tip line seems not to be well-known or highly publicized.

We mention it here because local officials are often surprised and disappointed to learn that, except for law enforcement officers, they have no legal authority in most cases to enforce pandemic-related restrictions. But for those who wish to, reporting a possible violation, whether past, present, or prospective, to the DECD may be the next best thing. (By R.P.F.)

Fire Departments Filling Private Swimming Pools

Question: Should our fire department be filling private swimming pools even if it is paid a fee or accepts a donation for doing so?

Answer: While there is no law specifically prohibiting (or for that matter permitting) this practice, we strongly advise against it, for a number of reasons. In the first place, it is arguably a violation of the Maine Constitution's "public purpose" clause, which prohibits the use of public resources, including funds, equipment, and personnel, for private purposes (see Me. Const. art. IV, pt. 3, § 1). Using mu-

MUNICIPAL CALENDAR

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

BY AUGUST 1 — Local Roads Assistance Program (LRAP) certification forms must be returned to MaineDOT Community Services Division prior to August 1st. This is an annual certification that must be completed by a municipality to receive LRAP funds. Municipalities must provide information on how the previous fiscal year's funds were expended. (23 M.R.S. § 1804).

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

ON OR BEFORE SEPTEMBER 1 — Clerks of organized plantations shall make return to the Secretary of State, on blanks furnished for that purpose, of the names of the assessors and clerks of their plantation and that the same have been sworn. There is a penalty for failure to make such return (30-A M.R.S. § 7005).

nicipal fire trucks and related equipment to fill private swimming pools, even for a fee or donation, confers a private benefit without serving any legitimate governmental purpose.

Second, there is a substantial risk of liability for both the municipality and the personnel participating in this practice. Private property, including the pool itself and the surrounding yard, could be damaged during the process. And municipal vehicles and equipment could be damaged as well. Moreover, if municipal personnel were injured in the process, there could be a workers' compensation claim, too.

The Maine Tort Claims Act (MTCA) grants municipalities general immunity from any liability for their actions, but municipal officials, employees, and volunteers are immune, or their liability is limited, only when their actions are within the course and scope of their official duties. Filling private swimming pools is not a firefighting function and is not within the scope of a fire department's duties under Maine law (see 30-A M.R.S. § 3151). If municipal personnel damage public or private property, injure others, or are themselves injured during the course of filling a private swimming pool, it is not at all inconceivable that the municipality's liability insurance and workers' comp insurance carriers could seek to deny coverage because this activity (filling private swimming pools) is not within the course

or scope of their official duties. In this event, the personnel involved could be left without any insurance coverage and with unlimited personal liability.

Finally, filling private swimming pools could constitute a violation of federal anti-trust laws, which prohibit unfair competitive practices in the commercial world. There are numerous businesses in Maine that fill swimming pools for a market-rate charge. For a fire department to provide the same service using municipal vehicles, equipment, and personnel and probably at a lower price could represent unfair competition in an enterprise (pool services) that is not even a governmental function.

For more on fire departments, including firefighter liability, fire department finances, and the use of fire department facilities, vehicles, and equipment, see MMA's "Information Packet" on fire protection, available free to members at www.memun.org. (By R.P.F.)

Maximum Interest Rate for 2020 Taxes: 8%, NOT 9%

In January of each year, as required by law (see 36 M.R.S. § 505(4)), the Office of the State Treasurer posts on its website the maximum allowable interest rate that municipalities may charge for delinquent property taxes committed that year. This rate is based on the prime rate as published in the *Wall Street Journal* on the first business day of the calendar year,

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rounded up to the next whole percent plus three percentage points.

In January 2020 the State Treasurer's Office posted the maximum rate for 2020 as 9%. But that was a mistake, which the State Treasurer's Office conceded in a June 5, 2020 email to all municipalities in Maine. The correct maximum rate for 2020 is 8%, not 9%.

For municipalities that have already voted to set the maximum rate for 2020 at 9%, the State Treasurer's Office advises that no further action by the municipal legislative body (town meeting or town or city council) is necessary as the statute supersedes that vote. And we agree.

A municipality cannot vote to charge interest on delinquent taxes at a rate that exceeds the maximum allowable rate under the law, as determined annually by the Secretary of State's Office. Thus, a vote to set the rate for 2020 at 9% can only be construed as a vote to set the rate at 8%, which we now know is the maximum allowed for 2020. No correction by the municipal legislative body is required.

For municipalities that have not yet voted to set a rate of interest for delinquent taxes committed in 2020, town meeting warrant articles and ballot questions should be corrected, if possible, before voting. If not possible, however, our advice would be the same as above: Any vote to set the rate higher than 8% for 2020 would be superseded by the statute itself and would be construed as a vote for 8%, so no correction would be required.

While we're on the subject, we should note that if a municipality fails to set an interest rate for delinquent taxes, no interest will accrue on late payments, which makes no sense. With no interest penalty, there is little incentive for taxpayers to make timely payment, and a serious cash flow problem could be the result.

Remember that the statute itself does not charge interest on delinquent property taxes – it merely establishes the formula by which the State Treasurer's Office annually determines the maximum rate that municipalities may charge. The municipal legislative body must annually vote to charge interest at a specified rate in order for there to be any interest charge at all on delinquent taxes.

This is not true, however, for interest on tax overpayments, where taxes have been paid and then abated, for example. Title 36 M.R.S. § 506-A provides that a municipality must pay interest on overpayments at the same rate it has established for delinquent taxes unless it votes to establish a different rate, which cannot exceed the rate established for delinquent taxes or be less than that rate reduced by four percent.

For details on how to calculate interest on delinquent taxes, see MMA's *Municipal Liens Manual*, available free to members at www.memun.org. (By R.P.F.)

Rules of Procedure

(from the March 2004 *Maine Townsman* Legal Notes)

Question: We'd like to adopt some rules of procedure to govern our meetings. What do you recommend?

Answer: It depends. For most municipal boards or committees, a relatively simple and straightforward set of rules or "bylaws" will do just fine. For a sample set of board bylaws, see MMA's "Information Packet" on board bylaws, available free to members at www.memun.org.

For larger, more deliberative bodies such as town meetings, we suggest the rules of procedure contained in MMA's *Maine Moderators Manual*. Among other things, these rules govern the types and priorities of motions and the methods

of voting. The *Maine Moderators Manual* has been around for many years and is preferred by many moderators. The current edition is still the Sixth Edition (2005), also available free to members at www.memun.org.

We do not generally recommend *Robert's Rules of Order* for either a municipal board or a body such as a town meeting. *Robert's Rules* are rules of parliamentary procedure designed primarily for larger assemblies such as legislatures and conventions. *Robert's Rules* are long and complicated and can be cumbersome in the context of smaller, less formal bodies. The purpose of rules of procedure should be to facilitate the orderly conduct of business, not to impede it. *Robert's Rules* may be useful, however, as a guide where a body's own rules are ambiguous or silent.

Generally speaking, and in the absence of a controlling statute, charter, or ordinance, a municipal board or body is free to adopt any procedures it wishes provided they are fair and do not violate due process (see *Jackson v. Town of Kennebunk*, 530 A.2d 717 (Me. 1987)). Recall, though, that rules of procedure are not "the law," do not supersede applicable laws, and normally should not deal with procedural matters already dealt with by law.

For some useful rules specifically for public hearings, see "Sample Rules for the Conduct of Public Hearings" in Appendix 1 of MMA's *Municipal Officers Manual*. For some helpful hints on conducting a town meeting from a longtime moderator, see "Some Suggestions for Town Meeting Moderators" in Appendix 8 of MMA's *Town Meeting & Elections Manual*. Both manuals are also available free to members at www.memun.org. (By R.P.F.) ■

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Maine Municipal Bond Bank

2020 FALL BOND ISSUE SCHEDULE

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

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

Tuesday, August 4th

Application Deadline.

Tuesday, August 25th

Application approval (Board Meeting).

Thursday, September 10th

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

Friday, September 11th

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

Week of October 5th

Maine Municipal Bond Bank Pricing.

Wednesday, October 14th

Final documents due from bond counsel.

Wednesday, October 28th

Pre-Closing.

Thursday, October 29th

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

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

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

If you would like to participate in or have any questions regarding the 2020 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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Meet the Municipal Finance Team. With many decades of experience, we specialize in public finance, tax-exempt bonds and various other financing options for public entities. We find ways to provide our services in the most cost-effective manner to save our clients legal costs over the long term.