

# Maine Town & City

The magazine of the Maine Municipal Association

November 2020

## Overlooked No Longer

COVID puts health  
officers squarely  
in spotlight



### ALSO IN THIS ISSUE

L-A's Memorable Dual Mayor  
Kennebec Diversity Initiative  
Bicentennial Series: Hallowell



# Maine Municipal Employees Health Trust

For over 35 years...  
the **DIFFERENCE** is **TRUST.**

Exceptional Service  
Innovative Programs  
Quality Benefits



1-800-852-8300 [www.mmeht.org](http://www.mmeht.org)



## EXECUTIVE COMMITTEE

### PRESIDENT

*Christine Landes*

City Manager, City of Gardiner

### VICE PRESIDENT

*James Gardner, Jr.,*

Town Manager, Town of Easton

### MEMBERS

*Elaine Aloes*

Chair Selectboard, Town of Solon

*Jon Beekman*

Chair Selectboard, Town of Fayette

*James A. Bennett*

City Manager, City of Biddeford

*William Bridgeo*

City Manager, City of Augusta

*David Cyr*

Town Manager, Town of Mars Hill

*Melissa Doane*

Town Manager, Town of Bradley

*Jill Duson*

Councilor, City of Portland

*Terry Helms*

Selectperson, Town of Grand Isle

*Ivan McPike*

Councilor, Town of Hampden

### IMMEDIATE PAST PRESIDENT

*Mary Sabins*

Town Manager, Town of Vassalboro

### EXECUTIVE DIRECTOR

*Stephen W. Gove*

### MAGAZINE STAFF

*Eric Conrad*, Editor

[econrad@memun.org](mailto:econrad@memun.org)

*Valarie Pomerleau*,

Circulation Manager

*Sue Bourdon*

Graphic Design/Advertising

**MMA website:** [www.memun.org](http://www.memun.org)

© 2020 Maine Municipal Association.  
All rights reserved.

**MAINE TOWN & CITY (ISSN 2578-4374)** is published monthly, except in September, by the Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330. (207) 623-8428. Periodicals postage paid at Augusta, Maine, and at additional mailing offices. All rights reserved. Postmaster send address changes to: Maine Town & City, 60 Community Drive, Augusta, Maine 04330. Information, policies and opinions do not necessarily reflect the views or policies of the Maine Municipal Association. Subscription price: \$15 per year.



# Maine Town & City

November 2020 | Volume 82 | Issue 10

The Magazine of the Maine Municipal Association

## FEATURED STORY | 24

### Rock of Ages



*The City of Hallowell has a rich history of cutting granite. Six sculptors will create granite pieces next year, while spectators watch.*

*MMA's 2020 Annual Convention was like no other. Learn about the technology behind last month's mostly virtual event. Page 5*

*Managing one big city in Maine is tough enough. We catch up with the recently retired Ed Barrett, who managed both Lewiston and Bangor. Page 21*

## Pivotal Position in Public Health

*The role and importance of local health officers had the potential to be taken for granted. COVID-19 changed that. Page 7*

## Collaborating on Diversity

*Four Central Maine communities are banding together to increase diversity awareness and welcome new residents. Page 9*

## Memorable Leader

*John Jenkins, who built a unique resume, has passed away. Admirers talk about the two-city mayor, martial arts champ and public speaker. Page 13*

People	30
News	31
Bulletin Board	32
Legal Notes	33

### FIND US!



[www.facebook.com/MaineMunicipal](https://www.facebook.com/MaineMunicipal)



@Maine\_Municipal

# 24 Valuable Training Videos

**THE MAINE MUNICIPAL ASSOCIATION** is steadily building its general-interest video training library. We now offer 24 videos, from topics that range from tips for newly elected officials to moderating town meetings.

- A video replay of our recent, successful Zoom webinar on "Budgeting in Uncertain Times." *(Password required)*
- A step-by-step Power Point presentation from MMA's Legal Services Department for Elected Officials. *(Password required)*
- A Power Point presentation from Legal Services for Planning Board and Boards of Appeal Members. *(Password required)*
- Ten Tips for Newly Elected Officials
- Maine's Marijuana Laws: Municipal Opt-in
- Social Media Guidance for Municipalities
- Writing Effective Media Releases
- Moderating Town Meetings
- Your Vote Counts
- Navigating Stress & Change, an insightful webinar to help professionals during uncertain times. *(Password required)*

To watch any of these videos, go to <https://memun.org/Training-Resources>

Some of the videos require Member Area passwords. If you need a password to access the Member Area of MMA's website, please call the Resource Center at: 1-800-452-8786



MAINE MUNICIPAL ASSOCIATION  
60 COMMUNITY DR., AUGUSTA, ME 04330 • 207-623-8428



<https://www.memun.org/Training-Resources/Local-Government/Citizen-Education>

## 2020-2021 Citizen Education Essay Contest

Encourage your 7th grade teacher and students to participate.

Each Middle School principal received a letter from MMA inviting their 7th grade teachers to participate.

A student in your town could win a **\$250 prize** for his or her future education!

The deadline for submission is  
January 15, 2021



LOCAL GOVERNMENT  
*begins with* **YOU**



Maine Municipal Association  
60 Community Drive  
Augusta, ME 04330  
207-623-8428  
[www.memun.org](http://www.memun.org)



# A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

## On MMA conventions, past and future

They do it on national television all the time.

Speakers are live in one location, then different people join the conversation from another faraway site, and the people watch from here, there, everywhere.

That's TV. They're used to it. We are not but, at the 2020 Maine Municipal Convention – which was mostly “virtual” this year, but not entirely – we pulled this off, too. Thanks go to the folks who work for Portland Head Light, the Augusta Civic Center, our patient Executive Committee and MMA staff.

By the end of the eight-day event, which ran from Oct. 7-15, we had held more than 20 presentations and webinars, with hundreds of municipal officials viewing them 870 times.

Our keynote speaker, **Matt Lehrman** from Scottsdale, Ariz., drew strong reviews, as he used current events to tell viewers how to “turn conflict into conversation.” Another special guest, **Kristy Senatori** of the Cape Cod Commission in Massachusetts, used aerial photos to show how her peninsula dramatically changed over the years, and how 17 Cape municipalities work together to manage growth, sea level rise, even COVID-19. Both spoke from their home locations.



*Matt Lehrman*



*Kristy Senatori*

Other convention webinars touched on topics ranging from smart culvert replacement to the major 2020 election, which just ended. I want to thank everyone who coordinated the event, spoke at it, watched in person and viewed via computers and offices all over the state.

We never held a convention like this before. It worked and here's perhaps the best part: If you missed it, you can see all of it or parts of it now at our website: [www.memun.org](http://www.memun.org). You will need a password to watch it and there is a fee, recognizing the cost of producing the event. We encourage you to take a look. If you have questions, contact Alicia Gaudet at MMA or our Resource Center at 1-800-452-8786.



*Travis Roy*



*John Jenkins*

Sadly, we also want to mark the recent passing of two convention stars from years past.

**Travis Roy**, the Maine high school and Boston University hockey player turned inspirational speaker – and inspiration, period – died in October at the age of 45.

You may recall Travis' story. Eleven seconds onto his first shift as a hockey player for BU, he hit the boards and was paralyzed. That would have stopped almost all of us.

But Travis turned his accident into a career as a public speaker who talked about adversity, overcoming the odds and making a difference, which his Travis Roy Foundation most certainly does. He headlined our convention in 2015.

And the indomitable **John Jenkins**, a world champion martial arts athlete who served as mayor of both Lewiston and Auburn, died of cancer in September, at the age of 68.

Jenkins was the kind of person you never forget. Upbeat, self-effacing, genuine. He spoke at our convention twice, in 2011 and 2012. Following one of his appearances, an elected official from the Bangor area told us that Jenkins not only impressed him, but offered “life changing” advice.

You can read more about John in this issue of *Maine Town & City*, on Page 13.

As of this writing, COVID-19 cases were stubbornly on the rise again in Maine and elsewhere. Gov. Janet Mills has just tightened restrictions about gatherings and out of state visitors.

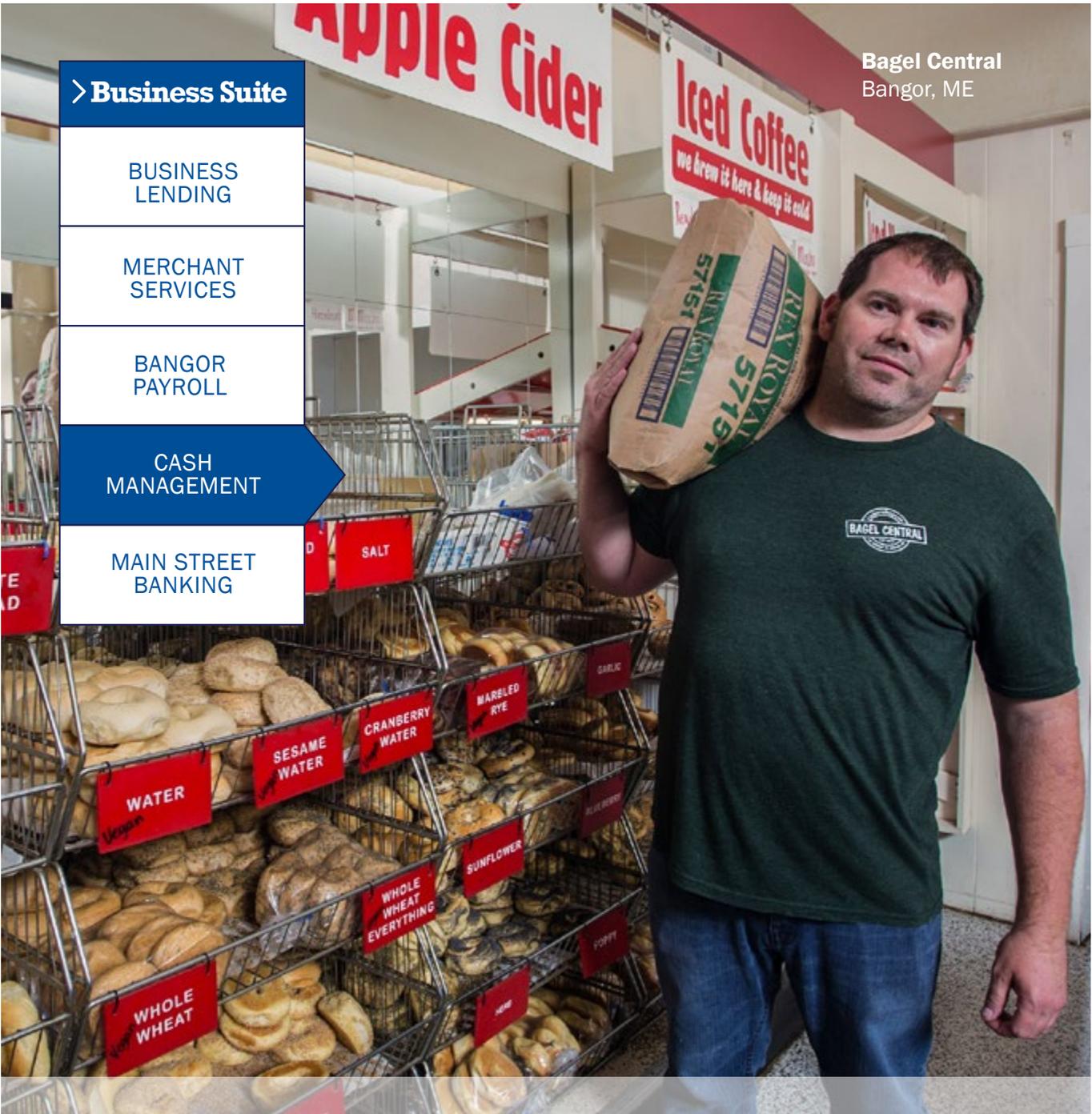
So, from a training and event viewpoint, we will end 2020 and enter 2021 firmly in “Zoom mode.” Our experience with

online training this year showed us that it can be effective and convenient travel-wise. However, we recognize that networking and one-on-one interactions just aren't the same as holding traditional events.

We at MMA hope that by the midpoint of next year, we can start a 50-50 blend of in-person training events throughout the state, along with online programs. We miss coming to your communities to speak and meet you. Our complete 2021 Training Program will be out in early January.

For now, we hope to see you at an MMA online workshop soon. We're getting the hang of them. ■

LOCAL GOVERNMENT  
*begins with* **YOU**



Bagel Central  
Bangor, ME

- > Business Suite
- BUSINESS LENDING
- MERCHANT SERVICES
- BANGOR PAYROLL
- CASH MANAGEMENT
- MAIN STREET BANKING

We take the time to understand your business and provide personalized solutions to help you succeed. Discover the Business Suite of services from Bangor Savings Bank.

**1.877.226.4671 | [www.bangor.com/business](http://www.bangor.com/business)**

**Bangor Savings Bank**

> Business Suite

Member FDIC

# Local health officer's role in Maine has a rich history

*During the ongoing coronavirus pandemic – and always – it's important that municipal leaders fully understand the pivotal role of local health officers.*

**By Alfred May**

Rats infest a house filled with piles of garbage. A resident becomes increasingly reclusive in ways that cause neighbors to call the town office about that person's health and safety. A renter reports that a landlord is ignoring requests to fix mold problems that are making family members sick.

What is the common thread between these all-too-frequent situations that town offices and the Maine Center for Disease Control and Prevention (Maine CDC) routinely encounter? These are issues that the local health officer (LHO) can and should investigate.

What is a local health officer in Maine? The local health officer is a critical part of public health services in each of the public health districts and across the state, regardless of the size of the community that they serve. They are part of a tradition that has a long and proud history.

Today, local health officers have statutory duties and responsibilities, and they use Maine's laws, rules, and guidance documents to do their jobs. For the Maine CDC to meet the demands of local, regional, and statewide public health constituencies, the agency's actions are completely dependent on community support, and the commitment of municipal staff like the local health officer is invaluable.

## Some history

When Maine became a state in 1820, there was minimal public health infrastructure. This continued until 1885, when the Legislature authorized

Maine's municipalities to establish local boards of health, each headed by a local health officer. Over the next 30 years, the State Board of Health gradually gained authority over statewide activities such as drinking water and restaurant inspections, and in 1917, the State Board of Health became the Maine Department of Health.

That following fall, the 1918 influenza pandemic swept through Maine, claiming the lives of about 5,000 people, mostly adolescents and young adults. Almost 500 independent local boards of health attempted to control the pandemic with little consistency and oversight, yielding mixed results. In 1919, immediately following the pandemic, the Legislature transferred all statewide health guidance to the Maine Department of Health. However, the municipal requirement for having a local health officer was retained, but health officers were placed under the direct supervision of the Department of Health, with their duties focused on reporting public health threats to the state.

## Key statutory language

Each municipality is mandated to appoint a local health officer (22 MRSA §451) for a three-year term. Local health officers are considered municipal officials because they are appointed, based on the definition of any elected or appointed member of municipal government (Title 30-A §2001(11)).

Within municipal government, the local health officer should build a working relationship with the code

enforcement officer, the local plumbing inspector, the animal control officer, and the emergency management coordinator as some of their work will overlap. For example, some authority related to public health is granted to the municipal code enforcement officer, typically land use issues (Title 30-A, §4452(5)a.-v). Housing issues like moisture, mold, inadequate heat or ventilation, and water/wastewater failures are where the local health officer and code enforcement officer should collaborate on the investigation and mitigation.

In the event of incapacity or absence of the local health officer, the municipal officers shall appoint a person to serve as local health officer during such incapacity or absence. Failing such appointment, the chairman of the municipal officers (First selectman, town manager) shall perform the duties of local health officer until the regular LHO returns to duty, or appointment of another person has been made (Title 22 MRSA §451(4)).

## Duties, responsibilities

Local health officers have five primary job roles: Overall health resource to the community; mediator and problem-solver in the resolution of complaints; investigator and enforcer of complaints that cannot be resolved; inform the Board of Selectmen/City Council on the community's public health status; and, report to Maine CDC on perceived local public health threats.

Public health threat means any condition or behavior that can reasonably be expected to place others at significant risk of exposure to infection with a communicable disease. When you think this through, how does a

---

*Alfred May is the Maine DHHS, Maine Center for Disease Control and Prevention Public Health Liaison for the Downeast Public Health District (Hancock and Washington Counties). He coordinates the Local Health Officer Initiative. Email: [Alfred.May@maine.gov](mailto:Alfred.May@maine.gov)*

rat infestation coincide with a communicable disease? Rat infestation usually is not confined to one area and can move once the rats find other sources of food – in garbage, uneaten pet food, farm animal food and waste, etc. Rats were the well-known vector for “black death,” or plague, during the Middle Ages (14<sup>th</sup> Century) as they carried fleas that spread the bacteria to people, causing an estimated 100 million to 200 million deaths in Europe.

Since local health officers are not all medically trained, there is no expectation that they are the local medical or public health expert. Maine CDC looks for the local health officer to be an educator, a problem solver, a calm and trusted mediator, and someone who maintains professionalism in working with the public, other municipal officials, and Maine CDC. Professionalism includes not just taking the complaints and inquiries from the public, but also understanding the potential for conflict of interest when dealing with health situations that may involve supervisors and municipal staff, friends and family.

The local health officer is required to keep records: “in a book kept for that purpose, make and keep a record of all the proceedings and of all the transactions, doings, orders and regulations of himself/herself as the Local Health Officer” (22 MRSA §454). From a practical standpoint, the intent of the law is most likely to assure that the LHO maintains good and accurate records of the complaint including any discussions with individuals involved in the complaint, conferring with other municipal officials,

recommendations, and decision. Having the local health officer keep accurate records not only provides a clear decision-making process for each unique situation but also an invaluable history of a procedure or process that will help the town respond more effectively when another similar situation occurs. The need for consistency in dealing with the public is important lesson for towns to consider.

Some notable complaints that a local health officer can investigate include: protecting occupants in a dangerous building; inspection of any place or premises where filth or a public health threat may exist; removing filth on a property; removing dead animals (domestic); unlawful dumping; addressing malfunctioning sewage system; housing issues like mold and infestations; and, landlord-tenant issues.

Most residents and visitors in your municipality do not know who to turn to for assistance in public health matters. It is likely they will call the municipal office. Maine law gives authority to the local health officer and towns to determine a mitigation or action plan when dealing with a public health threat or nuisance. At a minimum, it requires an investigation and report of the issue. In municipalities with the appropriate ordinances, it requires a reasonable written response, following the legal process that a municipality typically takes. It also requires that the local health officer provide enough information to the select board or town manager to make an informed and thoughtful decision on the issue.

## Potential special situations

*Mold:* As a rule, the role of the local health officer when it comes to mold problems is to assist people who have questions about mold. This can mean that the local health officer works with the Maine CDC district liaison for technical assistance. It also suggests to the municipality that they create a written protocol on how to handle this special situation. Working with mold requires special skills, such as cleanup and wearing the appropriate personal protective equipment. It is always advisable to let the experts handle these situations.

*Unsafe drinking water:* A supplier of drinking water to the public is required by law to notify the local health officer, Maine DHHS (Drinking Water Program), the Environmental Protection Agency, and the media serving the area where a public water supply system is not in compliance with these laws (22 MRSA §2615 E). Water districts in Maine have a good relationship with the Maine CDC Drinking Water Program but communicating with the municipal office is also important for coordinating a local response to the issue.

*Fresh and saltwater bathing beaches:* Sometimes there are waterborne diseases that affect local recreational beaches. The local health officer may be asked to evaluate public beaches by visual inspection and/or by sending water samples to a certified laboratory for bacterial analysis. The municipality and the local health officer can notify and confer with the Maine CDC district liaison and can post the area as “closed to swimming.”

## Information and education

In many municipalities, the local health officer builds community awareness by managing a health information kiosk at the municipal office. Maine CDC suggests that local health officers work with their district liaisons to organize this kiosk on what information could be posted there. The local health officer can then manage this space with the appropriate materials on a monthly basis.

Maine CDC manages a local health officer website that you can visit for more information: <https://www.maine.gov/dhhs/mecdc/public-health-systems/lho/>. ■



# Four central Maine communities work together on diversity

*Known as the Kennebec Regional Diversity Initiative, the idea is to welcome all people to the area and treat them well. Oakland, Fairfield, Winslow and Waterville are taking part.*

By Susan Cover

Four central Maine communities have banded together to create a diversity initiative designed to make sure all people feel welcome and secure in their cities and towns.

Following some issues involving Oakland employees and LGBTQ members of the community last fall, Town Manager Gary Bowman brought in a trainer to increase understanding of many different types of people. He wanted all employees to understand the needs and perspectives of everyone, including community members of color and those of different religious affiliations.

"I'm a public servant and my job is to take care of everybody in my community," he said. "We decided to look at what a project would look like if we could bring towns in our immediate region together."

Oakland joined with Fairfield, Winslow and Waterville to create the Kennebec Regional Diversity Initiative. With the help of the Central Maine Growth Council and local businesses, the effort continues to evolve. So far, Oakland, Fairfield and Winslow have passed their own versions of a Diversity Declaration.

In Oakland, the declaration states the community will be "welcoming and supportive of all its members regardless of race, religion, gender, age, sexual orientation, gender identity and expression." It notes that "diversity is part of our history, culture, and

identity" and calls for the community to routinely re-examine their progress toward ensuring that it is a welcoming place for people to live, work and play.

"Communities that actively lift the human spirit and support diversity and inclusion are proven to be stronger societies where equity is more readily practiced and more obviously accepted," it states.

In addition to the three towns and City of Waterville, Bowman asked local educational institutions, health-care facilities, major employers such as Hannaford and T-Mobile and a range of people with different political persuasions to join the group. While he worked to ensure that the group was nonpolitical, he recognized the importance of having people with different perspectives at the table, he said.

## Words matter

Bowman said clear words and actions have an impact in the community.

"A lot of people who are part of the marginalized community have a tough time," he said, noting that once the resolution was passed many people reached out to the town with positive feedback.

Bowman said another benefit of the initiative is that large companies that may consider relocating to Maine often look for inclusive communities. They hope that FirstPark in Oakland, a business park launched in 1999 with support from two dozen area towns, will draw more interest from out of



Gary Bowman

state employers, he said.

Kim Lindlof, executive director of the Central Maine Growth Council and a participant in the initiative, said it's a smart move to let businesses know all workers are welcome.

"The goal is to get the whole region singing off the same sheet of music," she said. "Most businesses want a diverse workforce and they want their people to be treated fairly and equitably."

Lindlof said if town or city officials in other parts of the state want advice about how to go about the process, she and others are just a phone call away.

"We love the whole State of Maine," she said. "We want the best for it, not just our own little areas."

For Oakland Town Council mem-

*Susan Cover is a freelance writer from Augusta and regular contributor to Maine Town & City, [mainefreelancer@yahoo.com](mailto:mainefreelancer@yahoo.com).*

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

ber Robert Nutting, a former Speaker of the Maine House of Representatives and self-described conservative, it was important for the local diversity committee to steer clear of potentially controversial groups such as Black Lives Matter. While some see the movement as a call to end police violence, others see protests that have at times led to rioting, he said.

“Those are places that if you go there, everything is going to bog down,” he said. “We’re trying to stay above the fray.”

### Just the start

He described the resolution as a starting point, noting that the group can help educate community members about the importance of diversity or serve as a conduit for businesses looking to encourage diversity in the workplace. Nutting also said it was important to make sure the resolution doesn’t get passed and then get filed away.

“We all know a lot of stuff gets done and put on the shelf and never looked at again until trouble arises,” he said.

Nutting said the group will look to expand if Waterville passes the diversity resolution and said that he and others would be happy to speak with other town officials about the work that went into creating the resolution.

“We have put together a resolution that went back and forth and was word-smithed until it got approved,” he said. “I think it really is all about educating people about what diversity is like.”

Winslow Town Council Chairman Ray Caron said a resolution, based on the one passed in Oakland, passed in his town by a vote of 7-0. While it was modeled on the one from Oakland, Winslow added some new things.

“For me, it was I want everybody in the Town of Winslow to feel welcome and wanted in the community,” he said. “As a region, we want to attract people of all different nationalities and sexual orientation.”

In addition to making people feel welcome, Caron emphasized the economic benefit of publicly expressing support for having a diverse community. He said with a low tax rate, good schools and strong businesses, young families will be more interested in moving to the area. He said his daughter’s family recently relocated from Gorham to central Maine to get a much larger house for less money and far less expensive child care.

“There’s a lot of incentive to get the bang for your buck in central Maine,” he said.

Moving forward, Caron said the



*Specializing In The*  
**UNIQUE NEEDS**  
OF MAINE MUNICIPALITIES

- ✓ 100% financing for Maine municipalities
- ✓ Fixed-rate leasing programs for new or used equipment
- ✓ A streamlined application process — you’ll be up and running in no time
- ✓ Plus, a full suite of cash management products catered to municipalities

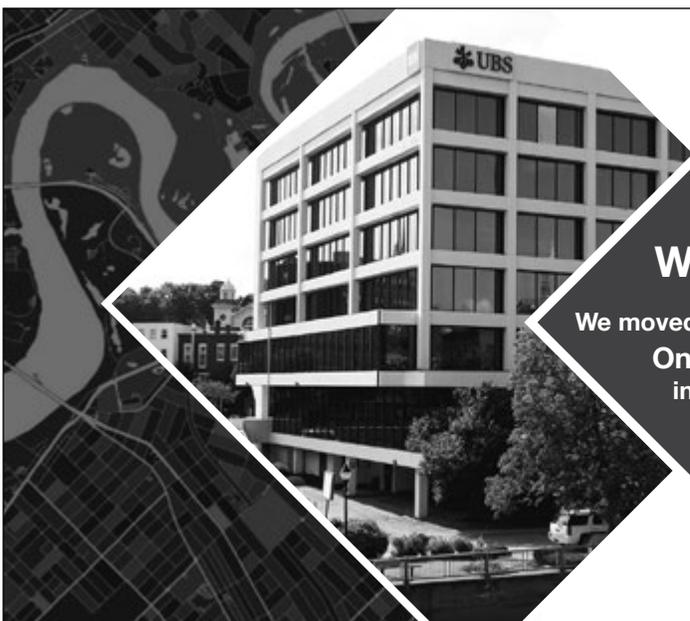
*That’s the power of local banking. That’s banking you can believe in.*

**(207) 222-1498 | [rproctor@gorhamsavings.bank](mailto:rproctor@gorhamsavings.bank)**



Gorham Savings Leasing Group, LLC

Gorham Savings Bank Leasing Group, LLC is an affiliate of Gorham Savings Bank Member FDIC Equal Housing Lender



We’ve moved!

We moved to our new headquarters at  
**One Merchants Plaza**  
in Downtown Bangor!



Engineers • Environmental Scientists • Surveyors

**EIGHT LOCATIONS IN ME, MA & FL**  
207.989.4824 | [cesincusa.com](http://cesincusa.com)

group will make training available to town employees, police departments and area businesses that express an interest in the diversity initiative.

He hopes the group can “become a hub for educating about how people feel, and how do we incorporate and make people feel welcome and dispel some of the stigmas these people face,” he said.

The towns worked with Phoenix Mourning-Star, a volunteer facilitator who helped the group come up with the language of their diversity statements. Fairfield Town Council Chairman John Picchiotti said now that the town has passed the resolution, they will continue to move forward with Mourning-Star’s guidance.

“I would think all the towns that are around us would want to do this,” he said. “I think all people are created and treated the same. We do it very well in Maine.”

He said the resolution didn’t draw a lot of questions in Fairfield and noted the potential economic benefits of having made a public statement about diversity.

He described Mourning-Star as “tremendous” and suggested that other towns could benefit from his facilitation. “Let Phoenix give them some leadership,” he said.

### Cookie cutters are out

Mourning-Star said there is no one-size-fits-all way for communities to come up with a diversity statement. He started working with the group in the spring and made sure that the discussions were focused on what would work for towns in the Kennebec region, he said.

“It really started off with a lot of questions,” he said. “Where do we want it to go? How do we want it to look?”

Since municipalities are governed by official policies, Mourning-Star said the group decided early on to come up with a resolution that would not only help guide municipal decisions, but serve as an umbrella statement for businesses and nonprofits. It took months of discussions and research. The group welcomed and continues to welcome input from many different community members, he said.

Mourning-Star moved to Maine at

## We’re the People Behind Payroll.

- + Payroll Processing
- + Time & Attendance Solutions
- + Worker’s Comp Pay-As-You-Go

**CALL US TODAY.**

**800-734-6880**

PAYROLLMGT.COM

## 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.

1-800-564-0111 | [eatonpeabody.com](http://eatonpeabody.com)  
 Augusta | Bangor | Brunswick | Ellsworth | Portland

the beginning of the year and has a background in science. His doctorate is in ecology and chemical biological engineering and he's worked in previous jobs for the U.S. Department of Defense and global disease program at the World Health Organization. More recently, he worked to bring diversity and equity into the sciences, giving him a foundation on which to help the central Maine towns looking to send a clear signal that they are open and welcoming places.

The group has a Facebook page – Kennebec Regional Diversity Initiative – which features short interviews Mourning-Star has done with local

candidates about the importance of diversity. He said other cities and towns interested in creating their own diversity declarations need to put in the work of reaching out to community members and having conversations about what they want to accomplish.

Using boilerplate language is comparable to a calculus class in which the students ask the teacher to just give them the answer, he said.

Now that the group is active, Mourning-Star said if there is an incident in a local community, a common language and understanding are in place to address it.

“The learning isn't about the right

answer, it's about the path,” he said. “If I had just come in with an answer in April, look at all the conversations we wouldn't have had.” ■

### OAKLAND DIVERSITY DECLARATION HIGHLIGHTS

States that the town “strives to be a community that is a welcoming and supportive of all its members regardless of race, religion, gender, age, sexual orientation, gender identity and expression.”

States that the town wants to become a place where “inclusiveness is a societal norm, not just an initiative.”

Sets as a goal that the town wants to “foster a deep sense of pride, passion and belonging regardless of our individual differences.”

**1-800-532-6654**  
**tdbank.com**



America's Most Convenient Bank®

Member FDIC TD Bank, N.A. | Equal Housing Lender

## Maine lawyers working with Maine municipalities.



With over 60 years experience, it's no wonder that municipalities, counties and school districts across Maine depend on the knowledge of Jensen Baird.

We are your trusted source in providing solutions to a broad range of issues.

With prompt, practical and cost-effective guidance, our lawyers are regularly recognized as among

*The Best Lawyers in America.*

At Jensen Baird,  
our commitment is to you.



Attorneys at Law

Portland / Kennebunk • 207-775-7271 • 1-800-756-1166 • jbggh.com

# Former mayor of L-A revered for humility and grace

*John Jenkins, a New Jersey native and Bates College alum who made the L-A area his home, had a profound impact on those who worked with him and heard him speak.*

By **Stephanie Bouchard**

The first time Gerry Berube, Lewiston's former city clerk, met John Jenkins, he came upon him in the hallway outside his office at city hall. Jenkins was standing in the hallway, looking at all the images of former mayors of Lewiston that were hanging on the walls.

Jenkins introduced himself to Berube, and said he was thinking of running for office. Jenkins had no prior municipal government experience and wasn't sure what role would be a good fit, recalled Berube, who spent 30 years as Lewiston's city clerk.

The two chatted about what work was involved, depending on whether you were a city councilor or the mayor. Berube explained to Jenkins that the mayor's role was primarily a leadership position that promoted to the council good projects for the city.

Jenkins told Berube he'd go home and think over what he'd learned. A few weeks later he returned to city hall and took out petitions to run for mayor.

"I guess I convinced him that the mayor's position was as much as he wanted to put into it," Berube said.

It was his first time running for elected office and, remarkably, Jenkins won – by a margin of 3 to 1 – becoming the first African American mayor of the state's second largest city. A few years later, while serving his second term as Lewiston's mayor, he became the first African American in Maine to win a state senate seat.

These were just two of the many remarkable achievements of his life. Jenkins died at the age of 68 of cancer

at Maine Medical Center in Portland on Sept. 30. His death stunned and saddened the communities of Lewiston and Auburn and many others across the state.

## 'Larger than life'

"He really was larger than life," said Dottie Perham-Whittier, Lewiston's community relations coordinator, who worked with Jenkins when he was mayor of that city. "I think when I heard that he had passed away, it just seemed that he was so mentally fit, so physically fit, that he seemed almost invincible. It was a real shock to hear that he had passed away."

John Jenkins wasn't born in Lewiston, but he loved the place and its people, said Berube.

Raised in Newark, N.J., Jenkins was introduced to Lewiston in 1970 when he enrolled at Bates College. He graduated from there in 1974, and returned to work at the college in 1980 after traveling the world competing and winning martial arts championships.

In his post-undergraduate years in Lewiston, he worked at the college and built a martial arts business. He continued to win international martial arts competitions.

He also worked with local police departments offering self-defense and de-escalation training and as an instructor-certifier for the Maine Criminal Justice Academy and as a motivational speaker and consultant, traveling all over the country, speaking to people of all ages and backgrounds. He was featured, twice, at annual conventions of the Maine Municipal Association.

And yet, even as busy as he was in a variety of roles, public service at



*John Jenkins*

the municipal level still called to him. "This was all he wanted to do: serve the City of Lewiston," said Berube. "Try to make Lewiston a better place."

As just about everyone who knew Jenkins will tell you, he lived to help others. "He loved people and he loved to help people," Perham-Whittier said. She remembered "adopting" a local elderly woman with him.

This woman came into city hall with an issue that has since been forgotten. Through the course of trying to resolve her issue, they learned she had little family and was mostly on her own. Perham-Whittier and Jenkins from then on made a point of checking in on her until she died.

"John just was always willing to do basically whatever he could to help," said Phillip Crowell, Jr., Auburn's city manager. "He wanted to help."

---

**Stephanie Bouchard** is a freelance writer from Bath and regular contributor to *Maine Town & City*, [stephanie@stephaniebouchard.net](mailto:stephanie@stephaniebouchard.net).

### 'What can I do?'

There were a number of occasions while Jenkins was Mayor of Auburn – another position that he held – that Jenkins would hear about a local family in need, said Crowell, who was then Auburn's chief of police. "He would recognize and see something and he'd give me a call (asking) 'What can I do?'"

By the time Crowell was chief of police and Jenkins was mayor of Auburn, the two had gotten to know each other over many years. Crowell was the D.A.R.E. officer for the Auburn Police Department when he first met Jenkins. He recruited Jenkins to speak at a D.A.R.E. graduation.

Jenkins also worked with the police department doing self-defense training and developed good bonds with officers and other department staff members, including with Crowell, who worked with Jenkins even more frequently after he became chief of police and Jenkins was Auburn's mayor.

Jenkins' ability to forge bonds was one of the things that made him most effective as a public servant, and was a core trait of his personality, said those

who worked with him in municipal government.

"I think John always looked at taking the skills he had developed over the years and (found) ways to build connections in the community by leveraging those skills and offering opportunities," said Crowell. "Everyone knew him and they valued their relationship he had established with them."

Jenkins holds the distinction of being the mayor of both Lewiston and Auburn, and remarkably, winning the Auburn mayoralty through a write-in vote after being out of the political

scene for almost a decade.

"It just seemed that everybody liked and even loved John Jenkins," said Barry Putnam, who began his first term on Lewiston's city council at the same time Jenkins began his first term as mayor in that city. "He just made everybody's spirits go up. He just had a way about him. He was just a great human being."

Jenkins, said those who worked with him in municipal government, had a unique ability to bring people together.

"He's the type of guy that when we had problems, like most municipalities

Helping your employees  
save for their futures  
is one of the best moves  
you can make!

Simple ✓  
Convenient ✓  
High Quality ✓  
Low-Cost ✓

**MAINE  
START**

MaineSTART is the Defined  
Contribution program from Maine  
Public Employees Retirement  
System (MainePERS).

Contact: Gary Emery  
Tel: 207-512-3116 E-mail: Gary.Emery@mainepers.org  
www.mainestart.org

**We need THIS...**

**...to turn it INTO THAT**

**Recycling accounts for 40% of the global & manufacturing supply chain**

**We need recycling and recycling needs YOU**

**Close the LOOP with ecomaine**  
ecomaine.org 64 Blueberry Road, Portland 207-773-1738

do between councilors, he could step in a talk to these guys and get these things resolved,” said Berube. “He never got mad. He was just nice to talk to. He’d reason with you if he didn’t agree with you, but he never held any grudges.”

“I do not know of anyone (who didn’t like him),” said Crowell. “John has always been able to walk that middle line and be able to bring people together in collaboration regardless of what side of the aisle you’re on. He did it in a way that he didn’t have enemies because he would just look for common ground.”

He also didn’t put the focus on himself. “He never used ‘I,’ ” said Putnam. “It was always ‘we.’ ”

“Frank Kelly, who was our city council president, would have to say on the council floor at any public opening to ‘give credit to Mayor Jenkins’ because he (Jenkins) would give all the credit to his staff or the council, even though he had been working equally hard or even harder,” said Putnam. “You don’t see that too often in some elected officials.”

“He had a real humbleness about him,” reflected Perham-Whittier. “He was very humble, and very, very, honored to serve in public service.”

Jenkins, she said, experienced hardship in his growing up years in New Jersey. As he himself said in many of his motivational speaking engagements – especially when speaking to young people – his life could have been very different if he hadn’t been given other opportunities than those offered on the streets of Newark.

Those opportunities – in particular being able to get an education, something he stressed the importance of when he talked to youth – made him

grateful and determined to give back.

He wanted to give back to the community where he had received so many blessings, she said, and be able to contribute to it as well. “He was appreciative of the things that had happened to him in his life,” she said.

According to Jenkins’ obituary, a private memorial service was held in October, but a public ceremony honoring him is being planned for next summer. Crowell said that both Lewiston and Auburn are working with Jenkins’ family on how to best celebrate him. Details on that celebration will be announced at a later date. ■



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

Use the following link:

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

## Experienced Lawyers for Established Communities

Drummond Woodsum attorneys Amy Tchao, Leah Rachin, David Kallin, Richard Spencer, Bill Stockmeyer, Aga Dixon and Lisa Magnacca guide towns, cities and local governments through a variety of complex issues including:

- Land use planning, zoning and enforcement
- Ordinance drafting
- Coastal and shorefront access
- Bond issues and financing options
- Municipal employment and labor matters
- Litigation and appeals



Learn what the Drummond Woodsum Municipal Practice Group can do for you at:

[dwmlaw.com](http://dwmlaw.com) | 800.727.1941

**DrummondWoodsum**



84th Annual  
MMA **Virtual** Convention  
**OCTOBER 7-15, 2020**





**Bangor**  
Savings Bank

**You matter more.®**

**SPONSORING PARTNER**

**Drummond**  
Woodsum

**GRAND PRIZE SPONSOR**

**2020 CONVENTION SPONSORS**

*Gold Sponsors*

ANDROSCOGGIN BANK ★ CAMDEN NATIONAL BANK  
CENTRAL MAINE COST RECOVERY, LLC ★ CES, INC. ★ COMSTAR, INC.  
ECOMAINE ★ FRANKLIN SAVINGS BANK ★ GORRILL PALMER  
INFORME/MAINE INFORMATION NETWORK ★ JAMES W. SEWALL CO.  
KATAHDIN TRUST COMPANY ★ MACHIAS SAVINGS BANK  
MMA RISK MANAGEMENT SERVICES MMA/MMEHT  
PEOPLES UNITED BANK ★ SERVPRO OF MAINE  
SEVEE & MAHER ENGINEERS, INC. ★ T-MOBILE ★ TD BANK  
THE NATURE CONSERVANCY IN MAINE ★ THE SNOWMAN GROUP  
THOMAS A STEVENS CEMETERY RESTORATIONS ★ THOMAS COLLEGE  
TYLER TECHNOLOGIES, INC. ★ VHB ★ WRIGHT-PIERCE



*Thank you!*



EXCLUSIVE WEBINAR SPONSOR

GRAND PRIZE SPONSOR

★  
**2020 CONVENTION SPONSORS**

*Silver Sponsors*

- AMERESCO, INC. ★ AUCTIONS INTERNATIONAL INC  
BUSINESS MANAGEMENT SYSTEMS, INC. ★ CAI TECHNOLOGIES  
CONSTELLATION ★ DELTA AMBULANCE GENERAL CODE  
HARPERS PAYROLL SERVICES ★ HARRIMAN ASSOCIATES  
HEB ENGINEERS, INC. ★ HP FAIRFIELD ★ HR STUDIO GROUP, LLC  
JOBSINTHEUS ★ LAVALLEE BRENSINGER ARCHITECTS  
MAINE RESOURCE RECOVERY ASSOCIATION  
ROADSTONE PRODUCTION-AQUAPHALT ★ SEBAGO TECHNICS, INC.  
SERTEX BROADBAND SOLUTIONS ★ TIGHE & BOND, INC.  
TOWNCLOUD, INC. ★ ULTIPLAY PARKS & PLAYGROUNDS, INC.  
WOODARD & CURRAN, INC.



*Thank you!*

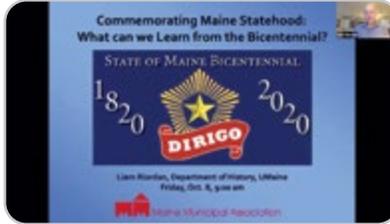


# Video Training Library

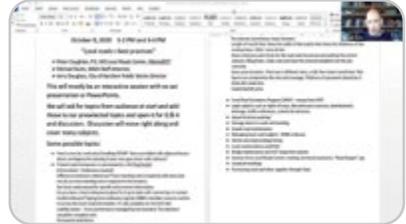
**THE MAINE MUNICIPAL ASSOCIATION** is steadily building its general-interest video training library. Check out these featured 2020 MMA Virtual Convention Sessions.



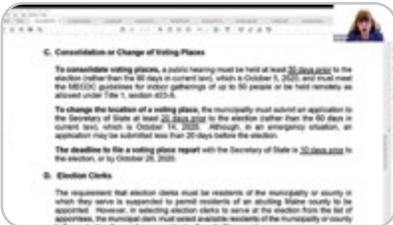
Convention Opening Day



Commemorating Maine Statehood



Local Roads (Parts 1 and 2)



The 2020 Election Big Event, Coming Soon!



Importance of Age Friendly Communities



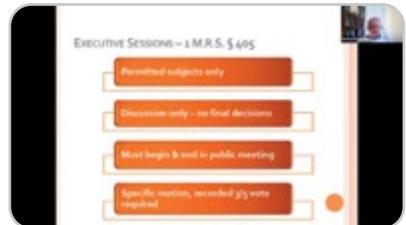
Traditional Financing for Capital Projects



Understanding Property Tax Assessment



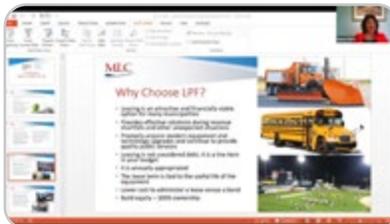
Risks of Inland & Coastal Flooding



Right to Know



Stream Smart Crossings & Modern Culverts



Lease Purchase Financing for Essential Equipment



A Conversation with DHHS Commissioner Lambrew



**MAINE MUNICIPAL ASSOCIATION**  
60 COMMUNITY DR., AUGUSTA, ME 04330 • 207-623-8428

To watch any of these videos, go to <https://memun.org/Training-Resources>. Some of the videos require Member Area passwords. If you need a password to access the Member Area of MMA's website, please call the Resource Center at: 1-800-452-8786

# Ed Barrett managed two large cities in his quiet way

*The best council meetings are “when the city manager doesn’t have to say a word,” Barrett explained. The City of Lewiston made progress during his tenure.*

By Steve Solloway

Ed Barrett punched the number for Phil Nadeau into his phone and hit dial. Ten years ago, when this particular call was made, Barrett had an idea but no certainty of how their conversation would end.

Barrett was being recruited by the City of Lewiston to be its next top administrator. Nadeau was the interim city administrator and one of several finalists for the job. The two men knew each other professionally but not personally.

That would soon change.

Unprompted, Barrett recalled that phone call this summer while sitting on the back porch of his comfortable home in Lewiston. He had retired officially as city administrator weeks before at age 72. Unprompted, Nadeau spoke of that same phone call from his retirement home in Bradenton, Fla.

Coincidence? Perhaps not. Their conversation, 10 years ago, signified the start of a productive partnership, marked by mutual respect, open communication, shared responsibilities and the desire to see Lewiston through the struggles of the Great Recession’s aftermath, followed by the revitalization of the city’s downtown and its neighborhoods.

Barrett was ending a 21-year career as Bangor city manager when the Lewiston position opened. He understood the recruitment process. He also knew Nadeau had strengths, including deep roots in Lewiston. Nadeau had been deputy manager and was in place when Somali families began arriving in greater numbers.

“I was aware that Phil was a finalist for the position,” said Barrett. “I wanted to touch base with him to make sure he knew about my being approached to apply and that, if I did, it would not be problematic going forward should I be offered and accept the job. I knew that Phil and I would need to work together closely, since he would remain as deputy.”

The two men had met through their work with the Maine Town & City Management Association and the Maine Municipal Association. They also worked closely on the board of the Maine Service Center Coalition.

Nadeau was not surprised when Barrett called. He had learned firsthand of Barrett’s professionalism.

## A cut above

“I knew immediately Ed was going to be a cut above the candidates,” said Nadeau. “I thought, ‘If your opinion is that he’s not among the best managers in the state, you’re not paying attention.’”

Lewiston’s city council hired Barrett and Nadeau returned to his position as the No. 2 administrator. It was 2010 and together they plunged into the turbulence of falling revenues caused by the recession, and the need to cut city spending. Layoffs loomed. At first the number of positions to be cut was about 40. During his career as a municipal manager, Barrett never before had to tell anyone their job no longer existed.

A child of the blue-collar City of Cleveland, Ohio, Barrett understood lean times. His post-graduate education at the University of Arizona was interrupted when he “ran out of funding” and had to find a job. He did, working as an operational analyst for



Ed Barrett

the City of Tucson, Ariz. That job led Barrett to a crossroads; his ambition was to become a college professor of political science.

The position in Tucson led to another in Wichita Falls, Texas and then to Bangor. Along the way, Barrett honed his style of management.

“I’m an introvert who had to work on being extroverted,” said Barrett. “At groundbreaking ceremonies, you didn’t see me out front when the photos were taken. I was happy to be in the background, where I should be.”

“The best council meeting is when the city manager doesn’t have to say a word.”

Barrett paid attention to the research and the details in preparing council agendas. “The best way to operate is with all the information. It’s a really bad idea to make things up on the fly.”

When Barrett did speak at council meetings, it usually meant he was looking for a consensus or a compro-

---

Steve Solloway is a freelance writer from Hallowell and regular contributor to *Maine Town & City*, [ssolloway@roadrunner.com](http://ssolloway@roadrunner.com).

mise to keep everyone together. “I’d get really nervous with a 5-4 vote. Obviously, you have people elected who like to blow things up.”

“It’s relatively unusual for a councilman to change his or her mind at a meeting. We do the thinking in the workshops. I’d try to lay out both sides (of an issue) and never put (the council) in a corner.”

There’s no Democratic or Repub-

lican way to pave a street. It was essential to help the council make the decision that’s best for the community.

Before his last day on the job at the end of June, a headline in the Lewiston Sun Journal newspaper referred to “Calm and Steady” Ed Barrett. Within the story, former Mayor Kristen Cloutier said: “(Barrett) has handled even the most contentious of situations calmly, with grace and

humility. His dedication to the City of Lewiston has been remarkable. We are lucky to have had him serving the community for so many years.”

### Turbulent time

The layoffs of 10 years ago tested Barrett’s compassion. With retirements and other factors, he was able to reduce the initial number of 40 layoffs. Nadeau, who worked as the city’s chief negotiator with unions representing city workers and was heavily involved with the human resources side of Lewiston’s municipal staffing, says in the end, the 40 positions were reduced to 20, and 10 people actually lost their jobs.

“We were in dire circumstances,” said Nadeau. “We were in negative numbers. Ed’s strength is in the financials and planning. He delegates well. He earned peoples’ trust very quickly. My job was take work off the manager’s desk. Ed trusted me to do what needed to be done. He had a lot

# CREATING OPPORTUNITY FOR 150 YEARS.

Androscoggin Bank serves municipalities, schools, utility districts and counties across Maine. With decades of combined municipal management experience we have developed creative solutions built just for you and your citizens.

Contact Jason Simcock  
207.376.3562 | [jsimcock@androscogginbank.com](mailto:jsimcock@androscogginbank.com)

WE’RE ALL BUSINESS.

800-966-9172 | [AndroscogginBank.com](http://AndroscogginBank.com)

Member FDIC

SOLUTIONS  
SOLUTIONS  
SOLUTIONS  
SOLUTIONS  
SOLUTIONS

civil & environmental engineering  
[www.underwoodengineers.com](http://www.underwoodengineers.com)

of confidence in me.

“Working as a No. 2 to someone like Ed was more rewarding (than perhaps being No. 1).”

Their working relationship became such that “I did commit to Phil that I would not retire before he did,” said Barrett. “Phil had been through several administrator transitions and served in an acting capacity between permanent administrators on several occasions. Phil remained an important part of the team and was the key staff person with our new Mainer community where he did a great job and was highly respected.”

Nadeau, whose parents owned and operated Friend’s Restaurant and Friend’s Deli for many years, retired in 2017. He spend 18 years working in city government.

It is ironic that Barrett began his tenure in Lewiston with revenue issues and ended his career with potential revenue shortfalls caused by the pandemic. He hopes his planning and foresight during the years in between will help the city weather the storms.

Barrett can point to the planning that provided needed economic development at the Bates Mill complex and Lewiston’s riverfront along the Androscoggin. Blighted neighborhoods have begun the road back with the demolition of dozens of buildings condemned by the city’s code enforcement office. He wrote the proposals for grants from the John T. Gorman Foundation and the Choice Neighborhoods program. The as-

similation of Somali immigrants and other “new Mainers” continues, bringing new energy into the community.

When Barrett first announced last winter his intent to retire, the introvert in him somewhat impishly hoped he could leave office with little fanfare. The pandemic helped make that happen. There was no retirement dinner. Instead, some staff members compiled a video with retirement wishes from a number of folks.

Barrett joined a small gathering at City Hall “where we could appropriately distance while watching the virtual good-byes and best wishes.”

He won’t have idle time. He was appointed to the board of Community Concepts, Inc. and remains on the board of Volunteer Maine. He might consider becoming a resource for other city or town governments. Barrett can’t go cold turkey.

His wife, Nancy, is the former town manager of Orono and Calais and the daughter of Julian Orr, the former Bangor City Manager. In fact, Orr’s quote – “Local government is keystone of democracy” – is inscribed near the entrance to the Maine Municipal Association office building in Augusta.

In his way, Barrett embodied those words.

The pandemic has delayed planned trips to San Francisco to visit Ed’s son and grandson and to Grand Manan. Instead, there have been regular canoe trips with Nancy and their golden doodle, Charlie Moon, named for a character in mystery novels by James D. Doss. Barrett does enjoy reading mysteries and science fiction. The reading helped balance his real world of managing a Maine city. ■

## OLVER ASSOCIATES INC. ENVIRONMENTAL ENGINEERS

- Wastewater Process Engineering
- Treatment Facility Upgrades
- Sewer Infrastructure Design
- Stormwater Management
- Operations Assistance & Training
- Municipal & Civil Engineering

P.O. Box 679  
290 Main Street  
Winterport, Maine 04496

Telephone: (207) 223-2232  
Fax: (207) 223-5448

# Communities that work together thrive together.

*Providing Maine municipalities the ease of banking and security  
with personal service and locally made decisions.*

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

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

For more information visit the MMA website:  
[www.memun.org](http://www.memun.org)

To find one of our 16 banking locations,  
visit [KatahdinTrust.com](http://KatahdinTrust.com)



Community Banking at its Best! Since 1918.

MEMBER FDIC EQUAL HOUSING LENDER

# Live sculpting to showcase Hallowell's granite history

*With painstaking attention to detail, six artists will create sculptures from stone next year, and they'll do it live – in front of spectators, who can ask questions.*

By Janine Pineo

“So much of what we as art audiences experience is presented to us as a finished product. Very few see the sheer work, the time, the – in my case – sometimes very physical effort involved in the act of creation.”

It's this experience, described by Augusta-based sculptor Jon Doody, that is the intent of the Hallowell Granite Symposium, a 10-day event where the public will be invited to watch six sculptors create unique pieces of art out of Hallowell granite.

The symposium was among the first recipients of grants from the Maine Bicentennial Commission, awarded more than a year ago in anticipation of an event to be held in September 2020. Like most of the bicentennial events scheduled for this year, the symposium has been moved, in this case to next September.

“It was really disappointing,” said Deb Fahy of the postponement. Fahy is chair of the Hallowell Arts and Cultural Committee and the volunteer grant writer who wrote the application for the \$10,000 grant. The decision to postpone the symposium wasn't made until this summer, even as planning continued on different aspects of the event.

Despite the delay, Fahy sees the extra time as beneficial. “The nice thing is we have more time to develop the educational pieces, the history pieces.”

---

*Janine Pineo is a freelance writer from Hudson and regular contributor to Maine Town & City, [jepineo@gmail.com](mailto:jepineo@gmail.com).*



*Sculptor Jon Doody poses with a municipal crew. (Submitted photo)*

## The history

The story of Hallowell granite and the industry it created precede Maine's statehood, although it directly benefitted from it in later years. (Hint: It has to do with a large structure built next door in Augusta, for what is a state without its own house?)

The first settler to the land on the Kennebec River that is now Hallowell was in 1762. Incorporated as a town in 1771, Hallowell became a city in 1850. The name was courtesy of Benjamin Hallowell, a Boston merchant who was one of the proprietors of the Kennebec Patent, which was land in what is now Maine that was provided by the British monarchy to be colonized.

The first Hallowell granite was quarried in 1815, and it was used for building material, such as foundation stone, mill stones and doorsteps. It also was the source for the cornice stones of Quincy Market in Boston. But it was in 1829 that granite was

cut for a several-years-long project, a building made entirely of Hallowell granite: Maine's State House.

During the 1800s, work at the quarries waxed and waned depending on demand, but by 1897, more than 500 were employed either directly by one of the city's quarries or in related work. Another lull occurred, but another boom came in 1904, along with an influx of Italian stonecutters, to carve the granite into statues, columns and monuments, hundreds of which went all over the United States.

Some of the buildings around the country that were built using Hallowell granite include:

- **Maine:** Old South Congregational Church and Hubbard Free Library, Hallowell; Maine State House, Augusta.
- **Illinois:** Pullman National Monument, Continental Bank, Marshall Field and Company Building, all in Chicago.
- **Massachusetts:** Masonic Temple, Boston.
- **New York:** State Capitol, Albany; Hall of Records, New York City.

Massachusetts also can lay claim to what is considered the world's largest solid granite sculpture made of Hallowell granite – the National Monument to the Forefathers, once known as the Pilgrim Monument. The 81-foot-tall monument was dedicated in Plymouth in 1889, with the first cornerstone laid in 1859. The initial concept for the work dates back to 1820, a seminal Maine year.

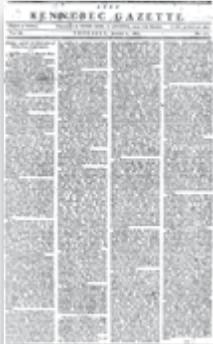
Hallowell's granite industry evolved over the century, from how the stone was quarried, first being drilled by hand and then split off with

# Farmer & Federalist: Benjamin Vaughan, Statehood, & The Maine Identity

The Bicentennial Project of Vaughan Woods & Historic Homestead | Hallowell, Maine | [vaughanhomestead.org](http://vaughanhomestead.org)



## The Case Against Separation



Like his friend and correspondent, democratic republican Thomas Jefferson, Benjamin Vaughan was an avid supporter of agricultural endeavors; however, he took a decidedly federalist position on separation, and on January 6, 1803 published twenty-four "Reasons against the Separation of Maine from Massachusetts" in the Kennebec Gazette. His four key points:

- ✓None venture to affirm that Maine is at present ill governed.
- ✓Maine is governed with more economy by the present joint government, than it is likely to be by a separate government.
- ✓Maine is more exposed to a powerful foreign enemy, than any part of the Union [...] it is important to be able to claim assistance from Massachusetts [...] in case of a war with England.
- ✓Maine at large has more connection with Boston [...] than with any other ports in the Union. Consequently commercial business carries most of us there.

In 1819, he voted against separation writing, in a letter to John Adams, "This being the only case in which I have exercised my right of voting."

Kennebec Gazette Article, January 6, 1803, attributed to Benjamin Vaughan, located at the Maine State Library

## The State Seal

When Maine separated from Massachusetts one of the first actions of the newly established Legislature was to decide upon the Great Seal of Maine.

Benjamin Vaughan, although not a legislative committee member, proposed the emblems, still in use today, which were first crudely drawn by one of his daughters, reportedly at the dining room table that sits in Vaughan Homestead to this day.



In his proposal for the seal, Vaughan argues that residents of Maine should take pride in their "northern situation." He wrote "we are the most northern state in the Union... yet what is an ordinary star for all other states becomes the north star for us." He continues "Then grow great not by the power of the sun, but by [our] habits." This northern identity is still alive and well in Maine!

Image appears on the State Seal Resolve, dated 1820, located at the Maine State Archive

## Vaughan Background

At turn of the 19th century British physician, parliamentarian and political thinker Dr. Benjamin Vaughan declared that he would leave his public life behind, and immediately began envisioning his would-be gentleman's farm in America. After being involved in the peace negotiations during the American Revolution, fleeing England for his life, and then narrowly escaping the guillotine in France, he looked to the family lands in Maine (then Massachusetts), first owned by his maternal grandfather, Benjamin Hallowell, as a place of refuge. He settled in Hallowell at Vaughan Homestead in 1797 with his family and spent the rest of his life engaged in his passion for farming and improving the new nation. He imported a variety of species and conducted agricultural experiments, publishing in papers signed modestly "a Kennebec Farmer." Although most Maine farmers (primarily democratic republicans) favored independence from Massachusetts, Benjamin believed that the established Federalist government of Massachusetts offered the best support of his family's interests as landholders. Once Maine became a state, however, he endeavored to be supportive, becoming involved with the creation of the state seal and the choosing of the state capital.



Portrait of Benjamin Vaughan by Thomas Budget, 1829 From the collection of Vaughan Woods & Historic Homestead

## Hallowell's Bid For the Capital

Choosing Maine's state capital was a long and contentious decision; the debate continued from 1820 until 1907. As early as 1820 Benjamin Vaughan advocated for Hallowell and submitted an application to the legislature. Many, including Vaughan, hoped that Hallowell's thriving seaport, bustling trade and "head of the Kennebec" location would sell itself as the perfect site. Hallowell shared many of Portland's economic and cultural advantages but was more centrally located. Visitors to Hallowell were impressed with its beautiful location and cultural advantages. In his book *Travels in New England and New York*, Timothy Dwight, president of Yale University, wrote of his 1809 visit:

*Hallowell is built on a steep descent to the river with good building spots for gardens and courtyards. The streets are parallel. The houses are handsome. A more romantic spot cannot be found than the home of Mr. Vaughan with views of the river.*

Believe it or not, in 1827, the legislature passed a bill voting Hallowell the state capital! Later that very day, a second bill was passed "after a series of parliamentary maneuverings and diabolical stratagems that would have done credit to Machievelli."\* This bill cancelled the first vote (and Hallowell's chances) and named Augusta as the permanent seat of government, to go into effect "on or after January 1, 1832." Despite the loss of the capital, Hallowell's identity as the cultural center of the region remains strong to this day.

\*Neil Ridd, "How Augusta Became and Stayed the State Capital," an address delivered before the Kennebec Historical Society on February 24th, 1952

MAN IS THE NOBLER GROWTH OUR REALMS SUPPLY AND SOULS  
ARE RIPENED IN OUR NORTHERN SKY.

- ANNA LAETTITIA BARBAULD

Quoted by Vaughan in his 1820 proposal for the the Maine State Seal to emphasize the perseverance and strength of northerners.

WE ARE TO BE SEPARATED FROM MASSACHUSETTS. I  
THINK THE OLD STATE IS FULL AS ANXIOUS TO GET RID  
OF US AS WE ARE TO SET UP FOR OURSELVES.

- BENJAMIN VAUGHAN IN A LETTER TO THOMAS JEFFERSON, JUNE 1819

## Project Overview

Vaughan Woods & Historic Homestead is a non-profit nature preserve and house museum located in Hallowell, Maine. In honor of Maine's bicentennial, staff and volunteers set out to research the interpretive story of the Homestead related to Maine statehood. In 2018, three research strands, outlined here, were identified, and the work began. Ultimately, the three strands came together to create a story that both illustrates Vaughan's conflicting interests and defines his view of Maine and Hallowell's identities at the time of statehood, identities that continue to resonate today. Research is ongoing.



View of Hallowell, ME, by Jacques Gerard Milbert, dated 1817-1823 From the collection of The Museum of Fine Arts Boston. Information at [www.mfa.org](http://www.mfa.org).

## Vaughan Woods & Historic Homestead Bicentennial Poster (Submitted photo)

"rising wedges," and later by blasting the pieces out of the quarries. The manual labor was aided by oxen and later mules and horses. For decades, the granite was transported by ship down the Kennebec; in its later years, a spur rail line was built in the Hallowell Granite Company quarry.

## The event

"We're providing the raw materials," Fahy said. "Hallowell has... a cache of granite. Artists will select pieces to work on."

The stone originated in multiple quarries and are various sizes, some three to four feet long. "You can tell how old it is," Fahy said.

How? By the drill holes and notches on the blocks of granite, she said.

The sculpting event will be held at Stevens Commons, one of the partners in the symposium, which is a joint project of the city's Arts and

207-355-3104 - 134C Main Street Newport, ME 04953

**From material marketing including propane tank and tire removal to education and outreach, MRRA is your resource for all things recycling in Maine**

Cooperative Marketing  
Recycling Education  
Technical Training  
Legislative Advocacy

**mrra.net**

Wholesale Composters  
Wheeled Carts and Bin Sales  
Technical Assistance  
Workshops & Tours

**Maine Resource Recovery works statewide to help towns & cities  
IMPROVE RECYCLING AND SOLID WASTE MANAGEMENT.**



*The Hall of Records in New York City was built using Hallowell granite. (Submitted photo)*

Cultural Committee, Vision Hallowell and the Maine Stone Workers Guild. Other partners are Historic Hallowell Committee and the Vaughan Woods and Historic Homestead.

Vaughan Homestead will provide accommodations for the artists, using the house where the interns live, according to Executive Director Kate Tremblay. The property's original owner was Benjamin Vaughan, grandson of Benjamin Hallowell himself.

Stevens Commons has its own storied history and is undergoing

another transformation now. In 1875, it was home to a reform school for homeless girls. Since then, it's been a pre-release center and a campus for state of Maine offices. Now, it has dormitories for the University of Maine at Augusta, among other improvements.

The big, grassy quad is where the artists will set up to carve their sculptures. "It's like this incredible, dynamic place," Fahy said.

Fahy is "determined to bring granite sculpture back" to Hallowell.

The symposium's website (hallow-

ellgranitesymposium.org) states its intentions clearly, saying the project "will bring the art of stone carving back to Hallowell to educate and engage our citizenry, and reintroduce granite sculpture to our public spaces as permanent public art that reflects back on Hallowell's history for current and future generations."

"If this is successful, we'll do this every couple of years," Fahy said. "My long-term goal is to have a sculpture trail along the Kennebec."

The sculptures created during the first symposium will be sited around the city, Fahy said.

### The art

To honor the bicentennial, the theme for each work will be taken from the four themes set forth by the Bicentennial Commission: Living in Maine; The Business of Maine; Maine Leads; and, the Maine Character. Then, the artists will decide on design for their sculptures.

Hallowell's 2019 Summer Sculptor in Residence was Jon Doody, who will be among the six artists creating at

## Tailored financial expertise for states & municipalities.

By maintaining strong relationships and delivering a high level of personalized service and expertise, we provide the know-how it takes to meet the ever-changing requirement of the municipal environment.



What know-how can do®

Nicholas Tsafos  
Government Banking Officer, VP  
207-828-3131  
nicholas.tsafos@peoples.com

©2020 People's United Bank, N.A. | Member FDIC | Equal Housing Lender



OTELCO has been connecting Mainers for over a hundred years, by bringing business and residential services to the most rural areas of the state. Some of our most popular products include:

- High Speed Internet
- Reliable Phone Service
- Hosted PBX Phones
- Wide Area Networking
- Cloud and Managed Services
- Municipal Broadband

otelco.com 877.643.6246



Statue of Mercury (Submitted photo)



Stinchfield Quarry on top of Granite Hill in Hallowell. (Submitted photo)

the 2021 symposium. Doody created a granite sculpture, titled Rising, during the 2019 residency.

“Creating in the open brings more community value to the work,” Doody said. “Specifically with Rising, this was a piece that had a community history as a paving stone before I worked with it. I like to think the people of Hal-

lowell and surrounding communities have more of a connection to the completed sculpture for being able to see how much work went into it.”

The piece was three years in the making, according to Doody. Half of that time was planning while half was working. “I have stated several times that my hands did the carving, but we

made the project happen,” he said. “Now Hallowell has a sculpture made of Hallowell granite that was carved in the town and will stay there permanently.”

And so will it be with the symposium sculptures. Doody estimated that Rising took about 200 working hours to complete, working two to four



## Combined Treatment and Dispersal

**ENVIROSEPTIC**  
Passive Onsite Wastewater Treatment Systems



Enviro-Septic® is an effective, passive onsite wastewater treatment system for residential, commercial, and community use. Enviro-Septic treats wastewater that leaves the septic tank before it is dispersed to the soil, using natural bacterial processes.

- Treats and disperses wastewater in the same footprint.
- No electricity, replacement media or maintenance required.
- Flexible configurations for sloped or curved sites.

**MADE IN USA**



650 Old Greene Rd., Lewiston, ME 04240  
(207) 782-1620 • [www.septicsofmaine.com](http://www.septicsofmaine.com)



Presby Environmental, Inc.  
An Infiltrator Water Technologies Company  
[www.presbyenvironmental.com](http://www.presbyenvironmental.com)

hours at a time. With a 10-day time limit, the dynamics change, he said.

“Knowing that I only have roughly 40 working hours, more if I work the weekends and push myself, I will design something that can be completed in that time frame,” he said. “Sometimes just the design portion of a work can eat up a large amount of time. The best way to approach an event like this, in my mind, is to have my workpiece and design chosen and thought out well before.”

The logistics involved in working with blocks of granite are staggering. Doody said people attending the event will be able to see the “sheer physical effort” that is required when working with a hard stone such as granite, which mainly requires specialized power tools.

People “can expect to see a lot of dust and hear a lot of noise,” Doody said.

“It’s amazing to me that a material so hard that it required industrial tools to work can still be worked to such a finely controlled level by the artist. The early days of a symposium tend to be more about the rough work. Think heavy material removal, big scary tools and big pieces of stone coming off. This gets gradually refined as the artist moves closer to their vision for the stone, resulting in finer material removal and more comparatively delicate tools being used.”

Doody said the dynamic between the artist and the observers plays a part in the creation of the sculpture.

“Creating in public is important to me,” he said. “The people who stop to comment, view the progress, and offer their opinions influence and become part of the process. There were days

when I was working on Rising that it was hot, the work wasn’t going as I had envisioned it, and I had hit my hand one too many times, or I had ruined an expensive tool when someone would come by at just the right moment.”

He continued, “Speaking with them would give me a chance to step back, re-center my thoughts, and take a much needed pause.

“Carving stone in public also involves an amount of vulnerability to the artist,” he said. “I was out there working in front of anyone who wanted to watch. What if I made a mistake? I did. What if someone noticed? They did; I told them. What if the vision that I had inside my head was beyond my skills to complete? What if I destroyed the stone? What if there had been an

internal flaw in the stone invisible until I was working?”

Doody said all of those issues are in play when one creates before the public. “I would like to believe that most people understand at least a part of that and allow me some leeway,” he said. ■

## BICENTENNIAL SERIES

**Throughout 2020**, Maine Town & City will feature articles about municipal efforts to celebrate Maine’s 200<sup>th</sup> birthday, written by freelance writer Janine Pineo. We hope you enjoy our articles and updates.

*Eric Conrad, Editor*

## STATE SEAL HISTORY

**When Maine became a state**, it was a Hallowell resident who was chosen to recommend a design for the seal.

Benjamin Vaughan was a physician and former British Parliament member who was an emissary during peace negotiations in France that brought an end to the American Revolution. Vaughan’s maternal grandfather, Benjamin Hallowell, was the source of the town’s name, and it was on family lands in Hallowell – today’s Vaughan Woods and Historic Homestead – that Vaughan decided to settle and become a gentleman farmer in 1797. This came after he fled England and narrowly escaped the guillotine in France.

Initially, Vaughan was against statehood for Maine, but once it became a reality, he was supportive, helping choose where the state’s capital would be located and recommending what elements should be in the state’s seal.

Today, the original emblems are a constant in the state’s seal, including the pine tree, the moose, the sea and land. Rising above all is the North Star, which Vaughan believed should be a point of pride for residents.

Vaughan wrote, “We are the most northern state in the Union... yet what is an ordinary star for all other states becomes the North Star for us. Then grow great not by the power of the sun, but by (our) habits.”

*Janine Pineo*

# ELECTIONS

Has your town had its election?

Did you let MMA know so we can update our database?

No election, but you have changes: let us know!

## DATABASE IS UPDATED DAILY

Contact Val or Kimberly:

[PersonifyRequests@memun.org](mailto:PersonifyRequests@memun.org)

1-800-452-8786

207-623-8428



---

# WHEN YOUR IRON FITS YOUR CHECKLIST, YOU KNOW YOU'VE FOUND YOUR DEALER.

---

- Meet lifecycle costing and get peace of mind.
  - All the options – new, used and returned-from-rent.
  - The inventory you need is here, now.
  - A complete work tool range expands your choices.
  - Experienced sales staff doesn't waste your time.
  - Parts availability never an issue
  - Unbeatable resale value.
- 

Scarborough, ME  
207-883-9586  
16 Pleasant Hill Rd.

Brewer, ME  
207-989-1890  
79 Robertson Blvd.

**Milton** 

[www.miltoncat.com](http://www.miltoncat.com)

# PEOPLE



Gerald "Gerry" Gamage

Veteran Southport Selectman **Gerald "Gerry" Gamage** received the 2020 Ethel N. Kelley Memorial Award in October, the most prestigious award presented each year by the Maine Municipal Association. Gamage has served 33 of the last 36 years on the select board and, at 67, continues to serve as its chairman. The Ethel Kelley award recognizes a municipal official who exemplifies dedicated, competent and selfless leadership to a town or city and its residents. In all, Gamage has served the town for more than 40 years, beginning at the age of 19 as a volunteer firefighter in 1971. In addition to the select board, his other elected positions include as constable, fire chief, road commission, assessor, library trustee and water district trustee. Gamage received the award during a surprise ceremony in Southport, as part of the MMA 2020 annual convention.

A Pew Research Center report showed that 51% of working mothers with children under 18 say balancing work and home makes it difficult to advance in their careers. Only 16% of men said it was a problem for them. But two Maine municipal leaders, interviewed for a special section of the Kennebec Journal, said they have found a way to climb the career ladder without slipping. Gardiner City Manager **Christine Landes** quit her banking job when she and her husband started a family and was hired as town clerk in Warren, where she lived. She earned bachelor's and master's degrees in public administration after realizing her affinity for local government. She worked as Bethel town manager, and earlier in her career as deputy city clerk for Brewer and deputy town clerk in Veazie. In all, she has spent 20 years in municipal government. Vassalboro Town Manager **Mary Sabins** faced the same challenge. With perseverance, Sabins first worked for local government in 1988 as secretary for the Town of Union. She was promoted to town clerk and, nine years later she began studying for a college degree in public administration. She has worked for the towns of Chelsea, Windsor, Union and Hope before accepting the Vassalboro job 12 years ago. Both women have served as president of the Maine Municipal Asso-



Raymond Lavoie

ciation Executive Committee. Mechanic Falls Town Council chose **Raymond Lavoie** in August to fill the seat vacated by **Nick Konstantoulakis**, who resigned in the spring. Lavoie, a business owner and construction engineer for the Maine Department of Transportation, is a former patrolman and firefighter for the town. Lavoie also has served on the town's school and recreation committees. He will serve until Konstantoulakis' term expires next June. Three residents had sought the appointment.



Alan Brown

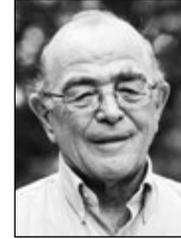
Southwest Harbor officials expressed sadness and shock at the news Police Chief **Alan Brown** died on Oct. 16 at age 51. Brown apparently suffered a "medical issue" while helping relatives build a deck. "Everyone here is gutted," select board Chairwoman **Kristin Hutchins** told the Bangor Daily News. Before being hired in 2015 by Southwest Harbor, one of four towns on Mount Desert Island, Brown worked for the Hancock County Sheriff's Department since the early 1990s as both a patrol officer and then detective. **Jim Willis**, police chief for abutting Mount Desert and Bar Harbor, previously worked with Brown at the sheriff's office. He said he worked with Brown the day before he died. "We are all in shock," Willis said.



Aaron Miller

**Aaron Miller** is the new Livermore administrative assistant and tax collector, replacing **Amy Byron**, who managed the town for four years. Miller earned a bachelor's degree in communications from Norwich University and worked as a Maine journalist for 10 years. Miller's municipal career began in 2009 as Boothbay Harbor deputy town clerk, where he worked for three years before serving as administrative assistant, town clerk, tax collector and treasurer for

the Town of Whitefield from 2012 to 2018. Miller will continue to work as a Whitefield volunteer firefighter and first responder.



Ralph St. Pierre

**Ralph St. Pierre** retired in October after working 44 years in municipal finance, the last 17 in Augusta as finance and administration director and assistant city manager. He was known in the capital city as a "financial genius" who found creative ways to save the city millions on numerous projects. St. Pierre started his career by working briefly for the City of Portland, his hometown. At the age of 23, he was hired as Bath city finance director. He then worked for a decade as the finance director for the Maine Municipal Association, before taking the finance job in South Portland, where he worked a dozen years. During almost 18 years with Augusta, the city enjoyed a flat property tax rate for 10 years despite significant projects. Among the city accomplishments: St. Pierre kept a close eye on the impact on taxpayers include construction of a new Cony High School; expansion of Lithgow Public Library; building a new fire station and renovating an historical station. St. Pierre also oversaw a system to convert methane gas from Hatch Hill landfill into electricity that lowered power costs. St. Pierre and his wife, Christina, a long-term director at MMA, hope to become snowbirds. He plans to take up fishing, walk a lot and maybe take cooking lessons.

Former Lewiston Mayor **John Jenkins**, who also served as Auburn mayor, died Sept. 30 after a short fight against cancer. He was 68. Born in New Jersey, he didn't want to leave Maine after earning a bachelor's degree in psychology at Bates College in Lewiston. Jenkins, who met Martin Luther King, Jr. a week before he was assassinated, was a gifted martial arts athlete who traveled the world first as an athlete and later as a motivational speaker. He was first elected in 1993 as Lewiston mayor for two terms. When he moved to Auburn in 2007, he was elected mayor as a write-in candidate and later became the first African American person to serve in the Maine Senate. He was inducted in the state and world halls of fame for his martial arts prowess. He also was inducted in the USA International Black Belt Hall of Fame.

## BANGOR

The city council voted unanimously in late October to remove a monument honoring a 16<sup>th</sup>-century Portuguese explorer that has been located on the city waterfront since 1999. In June, an ambassador for the Penobscot Nation asked that the statue be removed given its history. The Estevan Gomez statue indicates he was the first European to travel up the Penobscot River in 1525, but does not mention he abducted 50 Indigenous people, moved south to what is now lower New England, then sailed home with them to sell them as slaves. Under the plan, the crossed-shaped monument will be removed and displayed at the Bangor Historical Society. The statue removal talks came during a summer of national protests calling for removal of many monuments, particularly figures from the Confederacy. In 2017, the Bangor council was among the first in Maine to change Columbus Day to Indigenous People Day.

## BAR HARBOR

Don't let the congestion fool you. Despite bumper-to-bumper traffic at the entrance of Acadia National Park, officials said they hosted an estimated 1 million fewer visitors this summer. The drop is blamed on the novel coronavirus pandemic and state rules that restricted travel, tourism and many other activities for the spring and several weeks of summer. Acadia visitors through September numbered 500,000, down 17%, or 100,000, for the same period last year. In August, visits had dropped 10% to 680,000.

## BRISTOL

A group of 25 residents asked town officials to make five safety changes that could improve problems with village traffic. The group asked the select board and other officials to seek state permission to: lower the speed limits in certain areas; improve a four-way intersection; add shoulder curbs to include marked walking and biking lanes; add electronic speed signs for data collection; and, add part-time sheriff's deputies to enforcement traffic rules from July 1 through Labor Day. Bristol is home to Pemaquid Point Lighthouse Park, luring thousands of tourists and Maine visitors who can clog the village streets during the height of the nice weather. Many people come to Pemaquid not just to see the historic lighthouse, but also to enjoy the beach. The town owns and operates the

## NEW ON THE WEB [www.memun.org](http://www.memun.org)

Here are highlights of what has been added to the Maine Municipal Association website ([www.memun.org](http://www.memun.org)) since the last edition of *Maine Town & City*.

**Convention videos:** All of the sessions recorded at MMA's 2020 Annual Convention are now available for viewing. Go to the home page, look for the convention logo (to the left) and select "Session Videos."

**Coronavirus guidelines:** They keep changing, as does COVID-19 in Maine; we keep you informed about the latest guidance so you can run your municipality as well as possible during the current public health emergency.

**The Federal Reserve Bank of Boston and Mills Administration will collaborate to launch the Working Communities Challenge in Maine.** The initiative aims to strengthen Maine's rural towns and smaller cities and is backed in part by \$2.7 million in donations.

Pemaquid park. The town manager told group members last month that some property owners have offered to grant rights of way that could accommodate paved shoulders or sidewalks. Town leaders will contact the Maine Department of Transportation to discuss the possible changes or other ways to improve village safety for vehicles and people.

## CRANBERRY ISLES

The first baby born in the five-island town since 1927 was born at home in late September. The baby was born on Little Cranberry Island, commonly known as Islesford. The newborn has five siblings and residents of Islesboro hope the baby's arrival is an encouraging sign that Islesboro will remain a year-round community. Great Cranberry is the biggest island in the cluster of isles located 10 miles off Mount Desert Island, with a total year-round population of 140, according to the last count. The other three islands that make up Cranberry Isles are essentially uninhabited – Baker, Bear and Sutton islands.

## GREENVILLE

The Greenville-based Moosehead Lake Economic Development Corp. acquired a 5.5-acre parcel to build an estimated 20 homes for Greenville residents. The project is intended to help local workers who cannot find affordable housing in town. The development corporation will seek a partner to build the new neighborhood. The houses will not be vacation or seasonal homes. The corporation will work with the Maine State Housing Authority and others to aid in improving infrastructure and secure low-cost home loans.

## MILLINOCKET

Vacation homeowners and visitors have decided to stay in rural western Maine, hoping to flee large populations and the deadliest global pandemic in 100 years. The lake and mountain region has people rethinking their lifestyles while they wait out the virus in a safe and beautiful area, according to reports. The entire Greater Millinocket region is seeing an uptick in visits and vacationers who decided to stay in Maine. The virus has struck in every state and 186 nations, killing nearly 1 million people. In Maine, 146 people had died of the virus, as of Oct. 28. Health experts warn that this fall and winter are likely to be worse than what we have seen to date – 6.7 million infections and 215,000 deaths in the U.S. "Good, bad or indifferent, if you're looking for your town to grow, this is a good time to start to attract people," Rangeley Selectman Stephen Philbrick told the Bangor Daily News.

## OLD TOWN

More than 300,000 gallons of pulping chemicals leached into the Penobscot River over several days, a spill that was discovered on Oct. 7. The mill operation was suspended once the culprit was found: a ruptured underground sewer line and a failed floor drain. The spill apparently continued for six days before the problem was detected. One day after being discovered, workers from the Maine Department of Environmental Protection helped with cleanup and repairs. Mill owners hired contractors to inspect the mill and its infrastructure to avert another spill. The mill restarted operations on Oct. 17.

# MUNICIPAL BULLETIN BOARD

## PLEASE NOTE

Due to uncertainty caused by the coronavirus public health emergency, we are promoting selected events, but they are subject to change. All of the training programs listed below will be held online via Zoom. Please view our website ([www.memun.org](http://www.memun.org)) for updates and details. Thank you.

### ZOOM WEBINAR

DEC. 2

#### Workplace Active Threat Defense

Presented by two former police officers who now run a company called Blue-U, this course on "Surviving the Life or Death Gap" starts with helping attendees attain a fundamental awareness of what we face during an incident of unplanned violence. The workshop also helps attendees learn ways to de-escalate situations and spot potentially dangerous situations up front.

Attendees are encouraged to follow this up with a Blue-U webinar offered the next day, on Dec. 3. Cost for this webinar is \$45 for MMA members and \$90 for non-members. It will run from 10 a.m. to noon on Dec. 2. This session is not a tactical webinar for police officers. It is designed for general workplace staff and elected officials.

### ZOOM WEBINAR

DEC. 3

#### Understanding Drugs in the Workplace

The former police officers from Blue-U are back with a webinar focused on understanding drugs and how they affect your workplace, and possibly your home. The course will help you understand the signs of addiction and the dangerous items that accompany it.

The speakers are Joseph Hileman and Terry Choate, Jr., of Blue-U Defense in New Hampshire. The webinar will run from 10 a.m. to noon. Cost is \$45 for MMA members and \$90 for non-members.

### ZOOM WEBINAR

DEC. 4

#### Plan Review: High-Piled Combustible Storage

This free webinar, sponsored by the Maine Building Officials and Inspectors Association and Maine Fire Chiefs' Association, will run for 3.5 hours, and is the basis for reviewing plans for buildings and storage facilities used for high-piled com-

bustible storage. The course will cover commodity classification, storage configuration and arrays, and special hazards.

The speaker is Rob Neale, principal of Integra Code Consultants. The workshop will run from 8:30 a.m. to noon on Dec. 4. The deadline for registration is Dec. 2.

### ZOOM WEBINAR

DEC. 8

#### 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 Dec. 8. 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.

### ZOOM WEBINAR

DEC. 15

#### 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 Dec. 15.

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.

### Statement of Ownership Management and Circulation (Required by 39 U.S.C. 3685)

Title of Publication: Maine Town & City.  
Publication Number: 589-180. Filing Date: 9/18/20. Frequency of issue: Monthly, except month of September. No. of Issues Published Annually: 11. Annual Subscription Price: \$15.00. Complete mailing address of known office of publication: Maine Municipal Association, 60 Community Drive, Augusta, ME 04330; Kennebec County. Complete mailing address of headquarters or general business offices of publishers: Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Editor: Eric Conrad, 60 Community Drive, Augusta, ME 04330. Owner: Maine Municipal Association. Known bondholders, mortgages, and other security holders owning or holding 1% or more of total amount of bonds, mortgages, or other securities: None. Tax Status: Has not changed during preceding 12 months. Issue date for circulation data below: October 2019-August 2020.

	Avg. No. Copies Each Issue During Preceding 12 Months	No. Copies Single Issue Nearest to Filing Date
Total no. copies printed	4,400	4,400
Paid circulation		
Mailed Outside-County	3,692	3,682
Mailed In-County	0	0
Distribution outside the mail	0	0
Distribution by other classes of mail	0	0
Total paid distribution	4,191	4,181
Free or nominal rate distribution		
Outside County	0	0
In-County	0	0
Mailed at other classes through USPS	0	0
Outside the mail		
Total free distribution or nominal rate distribution	209	219
Total distribution	4,191	4,181
Copies not distributed	0	0
Total	4,191	4,181
Percent Paid	100%	100%

I certify that the statements made by me above are correct and complete.

Eric Conrad, Editor

# LEGAL NOTES

## NEW PAID LEAVE LAW EFFECTIVE JAN. 1, 2021

As we advised readers a full year ago, Maine's new first-in-the-nation paid leave law takes effect on Jan. 1, 2021 (see "Maine's New Paid Leave Law," *Maine Town & City*, Legal Notes, November 2019).

In brief, the new law applies to any employer, public or private, with more than 10 employees, full-time, part-time, temporary, or per diem, in the usual and regular course of business for more than 120 calendar days in any calendar year. Covered employers must allow their employees to accrue paid leave, for any reason, at the rate of one hour for every 40 hours worked. Employees cannot begin using paid leave until after they have been employed for at least 120 days. The 120-day period begins, however, before the law takes effect on Jan. 1, 2021.

Employees must give at least four weeks' notice of their intent to use paid leave except for an emergency, illness, or other sudden necessity. The new law also allows employees to carry forward earned but unused leave, but employees may use only up to 40 hours per year. Whether they must be paid for earned but unused leave upon termination is governed by the employer's policy on other types of paid leave (if any), such as vacation or sick leave.

To be clear, the new law does not mean that employers must add 40 hours of paid leave to their existing paid leave benefits (if any). For instance, unless barred by collective bargaining agreement, existing leave benefits can be reduced correspondingly or reclassified as paid leave under the new law. In any event, employers with more than 10 employees should be reviewing their leave policies now to ensure full compliance with the new paid leave law by Jan. 1, 2021.

The new law is enforceable by the Maine Bureau of Labor Standards and the Attorney General's Office. A violation is punishable by a civil forfeiture of up to \$1,000. Each denial of paid leave for each affected employee is a separate offense.

For much more on the new paid leave law direct from the Maine Department of Labor (MDOL), including FAQs and links to the new law, the MDOL's new rules implementing the law, and the updated MDOL poster that must be displayed in all workplaces where employees can easily see it,

## MUNICIPAL CALENDAR

**ON OR BEFORE DECEMBER 15** — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333-0011 [22 MRSA §4311].

**DECEMBER 25** — Christmas Day - a legal holiday (4 MRSA §1051, 20-A MRSA §4802).

**DURING DECEMBER** — Towns that elect officials by secret ballot under 30-A MRSA § 2528 must make nomination papers available 40 days before the filing deadline. The filing deadline is 60 days before the election date. For most towns with March elections, papers must be made available beginning sometime in December, depending on the date of the election.

**BY JANUARY 1** — Each owner or keeper of a dog or wolf hybrid at the age of 6 months or more shall obtain a license for that animal from the municipal clerk (7 MRSA § 3922). ■

go here: [https://www.maine.gov/labor/labor\\_laws/earnedpaidleave/](https://www.maine.gov/labor/labor_laws/earnedpaidleave/) (By R.P.F.)

## WAIVING LIEN FORECLOSURES AS A 'TAX RELIEF' MEASURE?

*Question:* Some of our taxpayers are hard-pressed to pay their taxes, but they are not so stressed as to be eligible for a poverty abatement. Can we waive foreclosure of their tax lien and defer collection until the property is sold as a way to give them some relief?

*Answer:* A waiver of foreclosure does effectively defer collection of the taxes secured by the lien, but we don't recommend it as a "tax relief" measure. Here's why.

A waiver of foreclosure is really intended to prevent a municipality from foreclosing on and acquiring property that is worthless or hazardous (see "Waiver of Lien Foreclosure," *Maine Townsman*, Legal Notes, March 2009). Provided the waiver is properly authorized and recorded before the foreclosure date, the lien will remain in force but will not automatically foreclose. The underlying tax will also remain due and payable and collectible by other means, such as a lawsuit, or voluntarily when a subsequent purchaser wishes to clear title to the property.

Although the statute authorizing waivers of foreclosure (36 M.R.S. § 944(1)) does not explicitly limit the circumstances under which a waiver can be used, as noted above we do not recommend it for tax relief purposes, especially over the long term. For one thing, the treasurer would have to remember each year to record

a waiver for the tax lien that is about to foreclose. This would require some careful attention and additional recordkeeping by the treasurer.

For another, waiving foreclosure in one such case could well lead to requests from other stressed taxpayers for the same relief, which could, over time, adversely affect the municipality's cash flow. In other words, waiving lien foreclosures too freely could set a bad precedent, with potentially serious implications for future tax collections.

Finally, the statute appears to require specific authorization from the municipal legislative body (town meeting or town or city council) for each tax lien waiver recorded. Again, as with the treasurer, waiving lien foreclosure year after year in order to provide tax relief would require the municipal officers (selectmen or councilors) to remember to call for a vote each year authorizing each waiver. (And note, these waivers are not confidential in any respect.)

For these reasons, we recommend that waivers of foreclosure be used sparingly and only to prevent the municipality from acquiring worthless or hazardous properties, not as a means of deferring foreclosure in order to provide tax relief.

For a list and a brief description of the property tax relief measures currently available to Maine residents, see "Property Tax Relief for Maine Residents," *Maine Town & City*, Legal Notes, July 2018. (By R.P.F.)

# LEGAL NOTES

## NEW ABANDONED PROPERTY LAW & AFFIDAVITS OF ABANDONMENT

A state law enacted earlier this year allows mortgage holders to enter abandoned foreclosed properties in order to preserve and protect the collateral for their loans (see PL 2019, c. 647, enacting 14 M.R.S. § 6327). To do so, the mortgage holder or its agent must first inspect the property in the presence of a municipal, county or state official, code enforcement officer, or law enforcement officer and must file an affidavit (a sworn written statement) attesting to the abandonment with the court having jurisdiction of the foreclosure.

We've had several code enforcement officers ask us recently about their obligations under this law, so let's clarify: The new law does not *require* a code enforcement officer (CEO) to do anything, much less provide an affidavit of abandonment to the mortgage holder. Instead, the law permits the *mortgage holder* to provide an affidavit after inspecting the property in the presence of a municipal, county or state official, a CEO, or a law enforcement officer. The law does not require any of these officials to acknowledge or comply with the mortgage holder's request to accompany the mortgage holder during its inspection. Whether any of these officials does so is within that official's discretion.

The mortgage holder's affidavit may be based on a CEO's or other public official's determination of abandonment, or on physical evidence of abandonment as specified in the law, or on one or more written statements by the property owner indicating a clear intent to abandon the property. Once the affidavit has been filed with the court, the mortgage holder or its agent may enter the property to abate any nuisance, preserve the property, prevent damage, and secure the property

against unauthorized entry.

If a CEO or other municipal official does agree to accompany a mortgage holder to inspect the property, we recommend that the official *not* make a formal or written determination of abandonment unless the municipality has adopted its own criteria for abandonment and has a thorough record of the condition of the property. A mortgage holder has two alternative methods under the law for determining abandonment (physical evidence and the property owner's written statements), so a determination by a CEO or other municipal official is not the exclusive or even necessarily the most reliable method for determining abandonment. (By R.P.F.)

## HOLIDAY DISPLAYS ON MUNICIPAL PROPERTY

(Reprinted from the November 2009 *Maine Townsman* Legal Notes)

**Question:** With the holidays approaching, what's the law on permitting religious displays such as a nativity scene on municipal property?

**Answer:** This is a complicated and continually evolving question of constitutional law, but here's a quick summary of current law (sans citations).

The key is that the First Amendment prohibits Congress (and by extension state and local government) from either promoting religion (the "Establishment Clause") or interfering with the free exercise of religion (the "Free Exercise Clause").

Thus, if a nativity scene or other religious display is *publicly* sponsored (i.e., sponsored by a governmental entity or erected at governmental expense), it is probably an unconstitutional endorsement or "establishment" of religion unless accompanied by traditional secular symbols of the holiday, such as a snowman, Santa Claus, or a banner reading "Season's Greetings." These secular symbols of the

holidays should be positioned in close proximity to the religious display so that they are all in the same viewshed. This combination of publicly sponsored religious and secular symbols renders the scene a constitutional public celebration of a traditional holiday, not an unconstitutional government endorsement of a particular faith.

On the other hand, if a nativity scene or other religious display is *privately* sponsored (i.e., sponsored by a private entity or erected at private expense), it must be allowed on public property if that property is a "traditional public forum," such as a park or commons, and the property is made available for secular displays. It is unconstitutional to limit the "free exercise" of religious expression in a public place where secular expression is permitted (again, such as a park or commons).

For a privately sponsored religious display on public property, there is no constitutional requirement that it be balanced with traditional secular symbols – it is not publicly sponsored, so it does not constitute government endorsement of religion. A privately sponsored display should include a prominent sign or banner identifying its sponsor, however. Also, any other sponsor of either a religious or secular display must be allowed to use the property on the same terms.

The foregoing is a general, un-nuanced overview of the law in a field more complex than this note lets on. Specific questions and circumstances should be reviewed by legal counsel.

For more on the First Amendment and the relationship between government and religion, see the feature article "Church and State," *Maine Townsman*, October 2001. (By R.P.F.) ■

## MMA Personnel Services and On-site Consulting Services

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

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

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

For more information visit the MMA website: [www.memun.org](http://www.memun.org)

## PROFESSIONAL DIRECTORY



A. E. HODSDON  
ENGINEERS  
10 Common Street  
Waterville, ME 04901

[www.aehodsdon.com](http://www.aehodsdon.com)  
207-873-5164

# 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.



When you need a **finance team**  
that feels like part of  
**your community.**



Nelson Toner



Lindsay Leone



Lee Bragg



Shana Cook Mueller



Zack Brandwein



Chris Devlin



Ginny Dufour  
*Paralegal*



Janet Davis  
*Legal Assistant*

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.