

June 2011

maine townsman

The Magazine of the Maine Municipal Association



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The Magazine of the Maine Municipal Association

Meet the Convention Keynoter

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Scott Paine knows local government from the inside out. A former two-term City Councilor in Florida, Paine learned how municipal leadership offers challenges and rewards. Paine also is an expert on American political culture and communications – and he will keynote the MMA Convention, Oct. 5-6 in Augusta.

More Collaboration Success

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Shapleigh, Bangor and Livermore Falls are among the municipalities that have worked with neighboring towns in recent years to acquire and conserve land for recreation and other uses. Learn more about their processes, experiences and how some officials hope the efforts pay economic dividends.

Taking Advantage of Maine's Beauty

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Fred Snow, a planner with the Kennebec Valley Council of Governments, pens this guest piece showing why it's important to preserve the outdoor assets our state has to offer.

Anniversary Series: Chief Kenneth Michaud

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Police chiefs have great stories and Kenneth Michaud is no exception. Chief "Doody," as he is known in Fort Kent, talks about lost dentures, goats that drive and fathers with errant sons as he looks back on a 46-year career in municipal law enforcement.

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Some Maine municipalities feel that formula restaurants and their iconic downtowns don't mix. But in other cases, including recently in Bridgton, citizens came to accept the notion that fast-food restaurants and downtown areas can co-exist.

Solving the Stormwater Dilemma

23

Many municipal leaders desire commercial and retail development but when things get expansive, stormwater runoff becomes an issue. South Portland, Scarborough, Westbrook and Portland spent years addressing runoff concerns near Long Creek. Here's a look at their experience.

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People decide to run for local office for a variety of reasons but there are common denominators in successful, and unsuccessful, municipal election campaigns.

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COVER PHOTO: This photo of a hiker was taken in the Walnut Hill area of Shapleigh, where the Three Rivers Land Trust worked with several towns in an excellent example of municipal collaboration. Freelance photographer Jeff Pouland took the picture.



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A Message From MMA



by Eric Conrad, Editor

Municipal Leadership 2011: Rewarding, Challenging

On one hand, when Scott Paine talks about municipal service, he paints it as a gift, a great learning experience for elected and appointed officials who “mind the stores” in their towns and practice the sometimes messy art of democracy on the front lines.

Among municipal leaders, “there truly, typically is a sense of going to work each day knowing you’re making a difference in your community,” says Paine, a former, two-term City Councilor from Tampa, Fla. and national expert on America’s political culture and the communications transformation.

Yet, this is a trying time to be in local government, he says. Public trust in all institutions – including city and town hall – is at an all-time low. On top of that, social media and the Internet foster anonymous second-guessing and help critics agitate against elected officials and managers well before contentious meetings or hearings begin.

“These are things that officials in small towns really need to worry about,” says Paine, a professor who chairs the Communications Department at the University of Tampa. “Even if your citizens know you personally, when you are acting as a public official, this other way of thinking about you is out there. If you do something to trigger that sense of mistrust, you can automatically be in a tough situation.”

Rewarding. Inspirational. Challenging. Complicated. Paine says municipal leadership in 2011 is that and more, a message that he will convey on Oct. 5-6 – as keynote speaker at Maine Municipal Association’s Annual Convention. This year’s convention will be held at the Augusta Civic Center and offers the theme, “Leadership in Action.”

While workshop details are still being sewn up, the two-day conference will offer four program tracks: Elected Officials, Money & Finance, Human Resources and Technology. Paine is the keynoter but there are many other highlights:

- Canadian Economist Brian Lee Crowley will talk about why small units of government at the municipal level represent the most responsive, efficient and cost-effective way of doing the people’s business. Forced regionalization – they call it “amalgamation” in Canada – almost always drives up governmental costs and undermines citizen satisfaction.

- Neil Katz, professor emeritus from Syracuse University, is an expert at managing conflict and differences, building board consensus and communicating effectively. Join him as he shows how to move beyond the feeling that, “If ___ weren’t on the board, we’d be more effective.”

- Christine Piven of Philadelphia, a speaker often tapped by the National League of Cities, will present “the seven key tools” that newly elected officials need to lead their communities after waging successful election campaigns.

- And we’re saving room for fun. The Downeast Brass Quintet, a band comprised of music educators from central and southern Maine, will perform a 60-minute concert at the MMA Members’ Reception, at 4:30 p.m. on Wednesday, Oct. 5 in the Exhibit Area.

With 23 separate workshops over two days, the 2011 MMA Convention will have something for everyone, from new and veteran elected officials to managers, fire chiefs, clerks, tax collectors and public works employees.

If you have questions or want more details, please call Margaret Noel, our Manager of Educational Services, or me at: 207-623-8428 or 1-800-452-8786. From everyone who works here at MMA, we hope to see you in October!

Next month’s Maine Townsman: Registration information and forms for the 2011 Maine Municipal Association Convention will be available in the July edition of the Maine Townsman and in the August-September issue as well. Online registration and information will be available starting in mid-July. [mtl](#)



Scott Paine

2011 MMA Convention

LEADERSHIP IN ACTION

2011 FALL BOND ISSUE SCHEDULE

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

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

Wednesday, August 3rd
Application Deadline.

Wednesday, August 24th
Application approval (Board Meeting).

Thursday, September 8th
Preliminary opinions and loan agreements due from bond counsel of each borrower.

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

Friday, September 9th
Last date for signing school contracts and rates in place for water districts.

Monday, October 3rd & Tuesday, October 4th
Maine Municipal Bond Bank Pricing.

Wednesday, October 5th
Maine Municipal Bond Bank Sale Meeting (Board Meeting).

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					

Wednesday, October 19th
Final documents due from bond counsel.

Wednesday, October 26th
Pre-Closing.

Thursday, October 27th
Closing - Bond Proceeds Available (1:00 PM).

If you would like to participate in or have any questions regarding the 2011 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



Conserving Land Best With Team Approach

By Jeff Clark

MAINE municipalities are finding common ground in land conservation efforts that pay off both economically and environmentally. Communities have discovered that, by working together on land protection efforts, they can achieve far more than they can separately.

The conservation commissions of Alfred and Shapleigh recently cooperated to protect what they hope is only the first of many parcels in the Walnut Hill area. Twelve towns between Hampden and Old Town along the Penobscot River are working to create a green corridor designed to draw both residents and visitors to their riverfronts. The Androscoggin Land Trust is acquiring 1,300 acres in Canton and Jay to create municipal forests as well as develop trails that will deliver snowmobilers and ATV riders directly into downtown Livermore Falls.

In December 2010, the Three Rivers Land Trust acquired 88 acres in Shapleigh's portion of the Walnut Hill area. Both towns, through their conservation commissions, supported the land trust's grant application to the Maine Natural Resource Conservation Program that supplied \$162,800 toward the \$192,000 purchase price. Walnut Hill is part of 6,000 acres of relatively unfragmented land in York County, a rarity in southern Maine. The Maine Department of Inland Fisheries and Wildlife (IF&W) has identified it as a special focus area containing valuable wildlife habitat.

"An important part of this is the memorandum of understanding that the Alfred and Shapleigh conservation commissions and IF&W signed

with Three Rivers Land Trust to work together with willing landowners to preserve additional land in the Walnut Hill area," explained Jean Noon, a spokeswoman for the land trust. "We and the conservation commissions share somewhat similar missions, so it makes sense to work together."

The initial 88 acres, though comparatively small, "is a seed planted to show landowners how to protect their land and keep in undeveloped."

"It's very accurate to say we support these efforts," said Alfred Selectman David Burns. "We have some beautiful open space out there for the enjoyment of our residents." Burns said he was not surprised when the March 26 town meeting unanimously supported the Walnut Hill project.

A POSITIVE ATTITUDE

The Shapleigh town meeting also voted its support. "There is definitely a positive attitude toward conservation here," said Ruth S. Ham, a selectwoman in Shapleigh since 1977. "We have our own character here, and we like to maintain it, including having large tracts of open land. And the small towns down here stick together. We try to cooperate with each other, because we get more done together than we do separately."

Multi-partner cooperative efforts have been common in the land conser-

vation community for more than two decades. Land trusts, environmental groups, and state and federal conservation agencies began banding together to pool their resources as a reaction to soaring land prices during the development boom of the late 1980s.

As the economic value of protecting valued properties has become more apparent, more municipalities have joined the efforts and adopted many of the same techniques, often working through town conservation commissions and local or regional land trusts.

Municipal conservation commissions saw their peak in the 1970s, according to Marcel Polak, an adviser with the Maine Association of Conservation Commissions (MEACC), but their work was eclipsed by the growing number of local land trusts that formed in the 1980s and 1990s.

"Today there are only about 74 conservation commissions in Maine out of 436 towns," he said. "Typically they are far more common along the coast than inland, from York to Hancock counties." MEACC's roster of known conservation commissions does not list any in Washington or Aroostook counties, and only one in Somerset County. York and Cumberland counties have 16 each.

"Efforts to do land conservation at the municipal level never really

COLLABORATION CORNER

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

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Jeff Clark is a new freelance writer for the Maine Townsman. He lives in Bath, jeffreyclark@gmail.com.

matured in Maine the way they did in other states, such as New Hampshire,” Polak explained. Part of Polak’s job is to reinvigorate conservation commissions, a task he took on three years ago “at the beginning of the biggest economic recession in recent history,” he said ruefully.

In regions where municipal conservation commissions are thin on the ground, local land trusts are building

coalitions through direct links to town governments. When the Bangor Land Trust and the Trust for Public Land first approached Ed Barrett, then city manager in Bangor, in 2007 about a conservation plan for the city, Barrett immediately suggested bringing in other towns in the region.

Today the Penobscot Valley Community Greenprint includes 12 towns as well as local land trusts and busi-

nesses. Each town contributed 50 cents per resident to underwrite the project, which mapped conservation and recreation land on both sides of the river from Orrington to Milford. Several towns have already used the information to develop community land use guidelines.

“It has been an important tool for individual communities for open space planning and drawing up comprehensive plans,” said Barrett, now the Lewiston city manager. “It was a really useful exercise and produced a lot of excellent data dealing with water quality issues and how land is being used.”

BANGOR TRAILS

One result was the creation of Bangor Trails, a group devoted to developing a citywide system of walking trails.

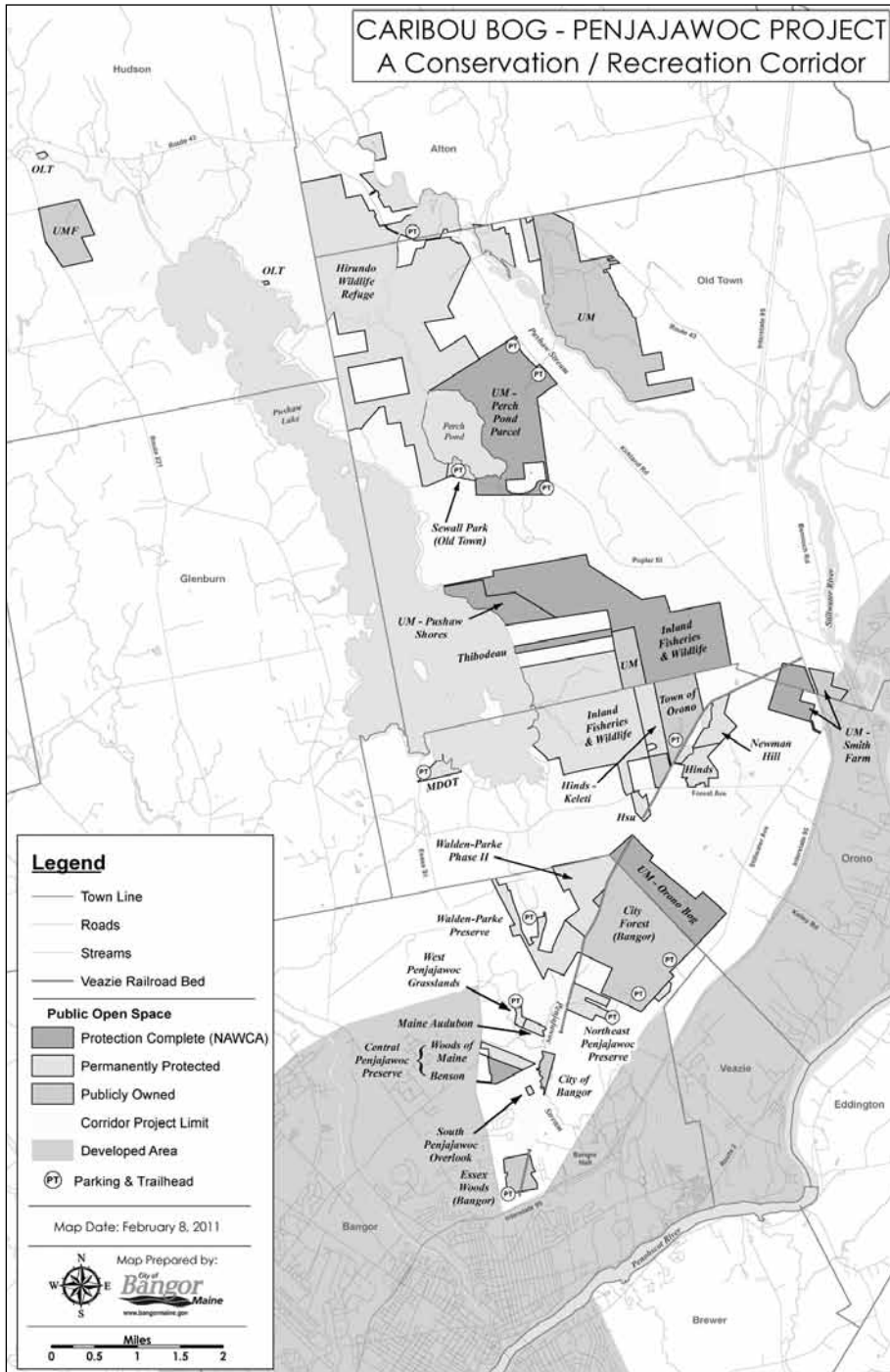
“Part of it involves linking with other trail systems being developed along the Penobscot River corridor,” Barrett explained. “The city also supported efforts by the Bangor and Orono land trusts to create a greenway from Pushaw Lake to Penjajawoc March [next door to the Bangor Mall]. The Greenprint work keyed directly into that.”

Barrett hopes the Greenprint project finds a long-term home and leadership beyond the production of the report. “It has been such an important tool for the communities involved, but ongoing regional leadership has been an issue all the way through the process,” he said.

“These projects are important for both economic and ecological reasons,” said Lucy Quimby, president of the Bangor Land Trust. “Tourism is one of Maine’s most reliable industries, and it is very important to Bangor’s economy. These days you have to offer as many different attractions as possible, from trail networks to great hotels and restaurants to river cruises.”

Livermore Falls has never laid claim to being a center of tourism but the community’s businesses, hard hit by the closure two years ago of the Otis Paper Mill, are counting on added income from travelers drawn by a new hiking, biking, snowmobile and ATV trail made possible through a cooperative conservation effort in the neighboring towns of Canton and Jay.

“All three towns have signed on with letters of support and staff time,” said Jonathan Labonte, executive



This map shows a collaborative effort in Bangor and Orono.

director of the Androscoggin Land Trust.

The project involves using almost \$500,000 in Land for Maine's Future (LMF) funding to buy 1,300 forested acres from Verso Paper. The property overlaps the towns of Jay and Canton, as well as including recreation fields in Jay, and Jay is a co-applicant with the land trust for the LMF money. Trails through the property will link to the statewide snowmobile trail network and deliver trekking snowmobilers and ATV riders directly into downtown Livermore Falls.

"Local businesses are really looking forward to welcoming these new visitors," Labonte said.

The property also will be managed as a community forest, with regular harvests of pulp and timber. The proceeds will go to the towns to underwrite improvements in trails, forest management, and other projects.

The mill closure "was a pretty big hit to us right in the pocketbook," said Kristal Flagg, the Livermore Falls town manager, town clerk, and town treasurer. Bringing in snowmobilers and ATV riders "will definitely help our downtown businesses. We have restaurants, gas stations, and convenience stores that would benefit. It's a great thing for us."

While it is still too early to say what sort of impact the new traffic will have on the town, "every little bit helps," said Flagg. "Even small steps keep us heading in the right direction."

Labonte noted that the project found supporters in all the town governments involved, despite the conventional wisdom that land conservation was not a welcome activity in the traditional forest products community. "This is the first time Jay has ever supported land conservation," Labonte said.


The project also required some philosophical compromises from the land conservation community, especially concerning motorized access and regular forest harvests.

"This is conservation really being done at the community level, listening to the community telling us what's important to them," Labonte said. "There is so much common ground here, really."

Labonte, Barrett, and others predict that cooperative conservation projects involving multiple municipali-

ties can only become more common.

"When it comes to these kinds of projects, town officials feel it's better to cooperate rather than compete," Labonte said. "Many conservation

projects these days are bigger than town boundaries, and municipalities are recognizing the economic advantages of land conservation. Everyone benefits." 

BLUEPRINT FOR GREENPRINTS

When the Penobscot Valley Community Greenprint issued its 2009 report, it included these goals:

- Protect habitat and unfragmented natural areas.
- Maintain scenic values and protect scenic vistas.
- Protect working landscapes.
- Protect water quality.
- Establish areas for public access and recreation.
- Create multi-purpose trails.

The Penobscot Greenprint also expressly said what it was **NOT**:

- A map of land-use prohibitions.
- Determined by a single perspective.
- Limited to only protecting wildlife and biodiversity.
- For condemning or taking land.



Three Rivers Land Trust board member Pat Smith of Alfred, right, leads an outing to the newly acquired Walnut Hill focus area with fellow board member Jean Noon of Springvale, center, and Noon's husband Bill, left. (Photo by Jeff Pouland)

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Quality of Place Matters in Picturesque Maine

By Fred Snow

Quality of place matters. Maine's unique quality of place underpins our economy and our prospects for prosperity, according to economists. Quality of place includes things such as: picturesque villages; downtowns with cultural features such as museums, galleries and restaurants; and scenic rural character, with open spaces, historic farms, forests and clear lakes and streams. Value is added when recreational trails link villages and downtowns to rural areas.

Quality of place is an essential source of income and jobs. Scenic rural character supplies open spaces for existing and future farms and working forests, as well as wildlife habitat. Fields and forests keep lakes and streams clean by slowing and filtering dirty runoff.

The 2007 Census of Agriculture by the U. S. Department of Agriculture indicated that Maine's farms are increasing in number. Farms and food processors provide more than 65,000 jobs and annually contribute \$1.2 billion to Maine's economy.

Economic studies show that lake use depends on clean water and pours \$1.8 billion into the state's economy every year while supporting more than 52,000 jobs. A 2006 state Planning Office study found that wildlife-related activity brought more than \$1 billion into Maine that year.

Fred Snow is a Community Planner for Kennebec Valley Council of Governments (KVCOG) and can be reached via fsnow@kvkog.org. He has conducted hands on workshops on how to design open space subdivisions and is the author of five model ordinances including KVCOG's Model Open Space Subdivision Ordinance and Maine's Model Wind Energy Facilities Ordinance and Guidebook.

Scenic rural character draws tourists. The same study showed that tourism is Maine's largest industry, with \$10 billion in sales of goods and services, 140,000 jobs and \$3 billion in earnings. Economists also have found that quality of place attracts and helps retain skilled and creative workers and entrepreneurs needed for today's growth industries, such as professional services and technology.

The Brookings Institution's 2006 report, "Charting Maine's Future," asserted that Maine's quality of place is under threat, diminishing future economic prospects. Many lakes in Maine have been included on a Maine Department of Environmental Protection list of lakes at risk from new development. Research shows that as water quality drops, recreational use and shoreland property values diminish, which harms local and regional economies.

LOSS OF FARMLAND

An additional concern includes the loss of farmland. Homes are spreading across rural areas in ways that degrade wildlife habitat and fragment scenic working landscapes. Historic buildings

and sites in villages and downtowns, as well as in rural areas, are being lost.

Protection of these and other quality of place assets does not happen by chance, and their deterioration or destruction occurs when planning tools are absent or inadequate. Most municipalities, when developing or updating comprehensive plans, conduct local attitude surveys about land use.

Almost invariably, survey results show large majorities want to protect the quality of place assets described above. Most communities intending to protect rural character respond solely with two- or three-acre minimum lot size requirements in rural areas. Some allow cluster development without siting standards. These planning tools, in spite of good intentions, lead to sprawl and a loss of rural character.

In recognition of the importance of quality of place, the Kennebec Valley Council of Governments (KVCOG) initiated a state Planning Office-funded project in 2008 to develop planning tools that would accommodate development while protecting quality of place. KVCOG developed a model open space subdivision ordinance and



Example of a model development near Freeport.

a model telecommunications tower ordinance that meet this objective.

KVCOG also completed a model ordinance on low-impact development in the Shoreland Zone for the Kennebec County Soil and Water Conservation District. In preparation for a follow-up project providing outreach about quality of place and two of these model ordinances, KVCOG contacted municipal planners in communities known to have cluster subdivisions and asked for good examples of subdivisions sensitive to quality of place. Site visits to several of these developments revealed two outstanding examples in Freeport, which will be described in this article, and a good example in each of the following towns: Bremen (affordable housing); Brunswick; Kennebunk; and York.

THREE CHARACTERISTICS

An open space subdivision can be defined as a tract of land subdivided into the same or similar number of lots as a conventional subdivision, but arranged with lots of reduced dimensions that, when possible, are blended into the landscape, with remaining area of the tract protected as open space.

Such a subdivision can protect quality of place in rural areas if it has three primary characteristics:

- As indicated in the definition, the development blends into the natural landscape when possible.
- Significant natural features such as open fields, important wildlife habitat, prime agricultural soils, scenic views of and from the property, wetlands and steep slopes and cultural features such as stone walls, existing historic structures, etc. These are identified and incorporated into protected open space when possible.
- At least 60 percent of the parcel is permanently protected open space.

The Town of Freeport, concerned about protecting quality of place in its rural areas, adopted an Open Space Subdivision Ordinance in 2002 that requires either open space subdivisions or estate subdivisions with lots of no

less than 10 acres in rural districts.

Mill Stream Subdivision, the first development approved under the ordinance, is an outstanding example of an open space subdivision that protects quality of place. Most houses sited within an existing tree farm along the edge of large fields blend into the landscape when viewed from Pleasant Hill Road. Most houses are buffered from neighboring lots by trees. Of the total 117-acre parcel, 72 acres were set aside as protected open space. Thirty-one house lots were allowed on the remainder, the same number of lots that would have been allowed for a conventional subdivision.

Mitchell Ledge Farm Subdivision is another outstanding example of a development in Freeport that protects open space. The original parcel size of Mitchell Ledge Farm, which is still a working farm, was about 183 acres. The

ONLINE RESOURCES

KVCOG's Model Open Space Subdivision Ordinance, a presentation about open-space subdivisions including slides of Maine examples, design and review and other planning tools that protect quality of place can be found at www.kvcog/planning.htm.org

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Freeport Conservation Trust raised funds to purchase and manage an agricultural and conservation easement on 105 acres of the parcel, which includes the farm. Sixty-two acres were developed as an open space subdivision, with 42 acres of protected open space and 20 acres consisting of 15 one-acre lots and a road. House lots are in a wooded area and mostly can't be seen from public roads. Agriculture and forest management are allowed on protected land of the farm and subdivision.

Open space subdivisions can provide economic, environmental and social benefits to a community as well as advantages for developers. Site development costs are decreased by designing with the terrain, with less site work for narrower roads and common driveways. With less road surface and other infrastructure, municipal maintenance costs are also reduced.

Valuable amenities are added such as permanent scenic views and trails. Those raise real estate sale values and enhance marketing. The municipality can protect farmland, wildlife habitat and lake watersheds while allowing the same number of lots as in a conventional subdivision.

Development costs are also reduced because acceptable design typically is established at the pre-application stage, before engineering costs are incurred. Although open space subdivisions offer many benefits, they are an essential partial answer to protecting rural quality of place. Creation and implementation of a local open space plan with identified high-value natural areas, including farmland, for protection is also essential.

MODEL ORDINANCE

KVCOG's Model Open Space Subdivision Ordinance includes a number of elements that are essential if an ordinance is to be an effective tool in protecting quality of place. Some of them are:

- Have a sketch plan that identifies and shows site constraints and opportunities and designs subdivision around these features.
- Include site design standards that locate development so it blends into the landscape and avoids identified site constraints and natural and cultural features when possible.
- Allow the same number of lots as would be allowed in a conventional

subdivision.

- Mandate that subdivisions be open space subdivisions when they consist of five or more lots in rural areas. Allowing open space subdivisions as an option, even with density bonuses, has not worked.

- Set aside at least 60 percent of the parcel in addition to non-buildable areas. Researchers have found that rural character breaks down as the percentage of open space falls below 70 percent in rural areas.

- Require 75 percent of protected open space to be contiguous and linked to other blocks of open space in adjacent properties.

- Allow roads 18 feet wide and common driveways 12 feet wide.

- Permit flexibility in lot size, shape and setbacks.

- Allow passive recreation in protected open space except where it conflicts with an agricultural use.

- Include building envelopes and treed buffers on house lots.

Three central Maine communities – Litchfield, Manchester and Winslow – have open space subdivision ordinances largely based on KVCOG's model ordinance. [\[m\]](#)



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Chief Kenneth Michaud: Enforce Laws Sensibly

By Kathryn Olmstead

If you call Fort Kent Police Chief Kenneth Michaud by his real name, people in town might not know who you mean.

"Everyone calls me Doody," he said, explaining he acquired the nickname as a baby and it just stuck.

His first week on the job in 1965, he pulled over a car, the driver looked up at him and said, "Oh, Dood, it's just you. I thought it was the state police," and he took off. That was the beginning of a 46-year career that isn't about to end soon.

"I enjoy working too much to retire," Michaud said. "I love being with the public, talking with people and just being out there." He also enjoys working with the local snowmobile and Lions' clubs, which add to his high profile in the community.

Born in Waterbury, Conn., where his parents had moved during World War II, he came to Fort Kent when they moved back to their hometown. He and his wife, Brenda, now live in the family home.

He thought he wanted to work in Connecticut when he graduated from Fort Kent Community School in 1963. But after being laid off, working for no pay, sleeping in his car and getting sick on the pizza he bought with his first paycheck, he said, "This is not for me."

He returned to Fort Kent, got married and once again headed for Connecticut to look for work. This time, he hitch-hiked home after his car broke down in Gray. He still remembers the men from Frenchville and St. Francis who picked him up where he had been

dropped in the Haynesville Woods because they heard him yelling at them as they drove past.

'YOU START TONIGHT'

He wasn't hired immediately when he applied to fill an opening in the Fort Kent Police Department. As a taxi driver in town, he had earned a "pink license" for multiple speeding violations. But on July 8, 1965, "Chief Camille Caron called me in, gave me a gun and said, 'You start tonight.'"

"But I have no training," he said.

"You start tonight."

He learned on the job until 1968, when Chief Caron sent him to Bangor for two weeks of free training at the Bangor Police Department – free except for the room and board, which stretched the funds he had brought with him.

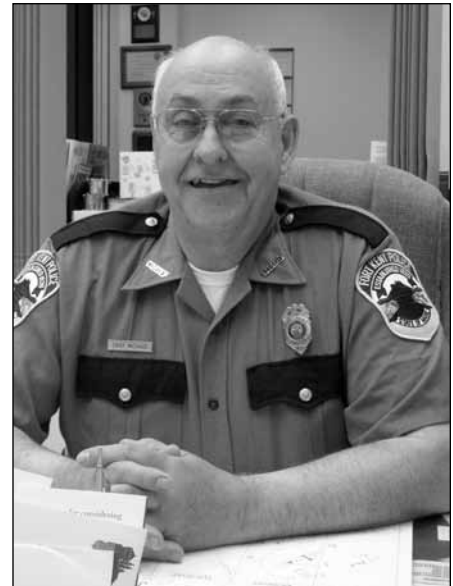
Those were the days of a two-person police department, the chief and an officer.

"I still don't know why I stayed," he said, recalling 75- to 80-hour work weeks.

The Title 29 motor vehicle law was a few pages then, compared to today's thick book. And the blood alcohol level for drunken driving was .15 compared to .08 today. "A 'good one' in those days tested at .25," he said.

In 1976, Michaud became acting chief when Caron was on sick leave with a neck injury. He advanced to chief the next year.

As years passed and enforcement technology advanced, Michaud wanted to use radar to control speeding. Town councilors nixed the idea because they didn't want to get caught. "Doody" fitted a hair dryer with a cardboard tube and sat with it visible in his car by the side of the road. Traffic slowed down.



Kenneth Michaud

Councilors complained, but the Maine Attorney General's office affirmed that councilors could not tell him how to enforce the laws. He finally got his radar gun, paying \$300 of the \$1,300 cost himself, money the town eventually reimbursed.

He remains grateful to Brian McMaster in the AG's office, who calls him the longest serving police chief in the state.

'DOODY'S LAW'

Michaud doesn't just love his job; he savors opportunities to nurture the sense of community that makes a small town unique. It's not just about enforcing laws, but also about seeing that the laws make sense.

Here's an example: A teenager with a new driver's license receives a summons for speeding. His father comes to the station distressed by the prospect of higher insurance rates.

Kathryn Olmstead is a freelance writer from Caribou. This is her first article for the Maine Townsman, Kathryn.Olmstead@umit.maine.edu.

Michaud tells the dad to bring his son to the station with his license and the summons. The boy agrees not to drive for 30 days. Michaud keeps the license and the summons. If the teenager keeps his promise, he gets his license

back without going to court. It's called "Doody's law."

And another: A woman fails to register her car on time. Her husband has just died and she explains he always took care of those things. Doody

understands.

"I used to call everyone in town when their car registrations expired," he said. "There is no longer time for that." However, a person who lives up country and can't get to town before the inspection expires can call the station to be put on a list for police to check if the resident is stopped before the inspection is renewed.

"You're working in a community where (they're) all your people," Michaud says. "People who live here are those you can talk to. We can still talk to parents and parents get respect."

It's not like Dallas, Texas, where police officers could not believe Michaud had his phone number and email address on his business card. He, another officer and three students from Fort Kent were in Dallas for an alcohol awareness program. They had just crossed over a set of trolley tracks when three police officers approached them to say they were supposed to walk to the end of the block to cross or pay a fine of \$250 per person.

"We don't have trolleys in Fort Kent, Maine," Michaud said, adding he was the town's chief of police. When asked to prove it, he produced his business card. He also had written



SPECIAL PROJECT, SPECIAL YEAR

Maine Municipal Association turns 75 this year and to celebrate we are producing a series of oral histories at our website (www.memun.org) and profile articles such as this month's piece on Police Chief Kenneth Michaud of Fort Kent. **Hear the chief in his own words.** Go to the MMA website, click on the 75th Anniversary logo in the upper left corner and follow the directions from there.

Earlier, this year, MMA asked members to nominate people who served their communities in various municipal roles over a long period of time. The response was overwhelming! Dozens of suggestions came in and everyone who was nominated will be recognized at the MMA Annual Convention, Oct. 5-6.

Nine subjects have been chosen for the in-depth oral history and profile project that began in last month's Townsman and runs through December. We hope you enjoy the project.

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his cell phone number on the card. The Dallas officers were incredulous and let them go.

HIS OFFICERS ADVANCE

Michaud's common-sense law enforcement principles have served his officers well. At least a half dozen of them have gone on to become state troopers and another is the county's head sheriff.

With four full-time officers, the department serves as a dispatch hub for 16 towns up and down the St. John Valley and south to Wallgrass and New Canada. The dispatcher handles ambulance and fire calls for surrounding communities as well as answering the phone for the local funeral home when no one is there.

"There is always somebody here," Michaud said, with a complimentary nod to dispatcher Colette "CoCo" Ouellette. "She's as good as an officer."

The department opens its dog shelter to strays from other towns and lends cages for residents to trap skunks and raccoons.

"Our cruisers have trailer hitches to pull the tray for the cage with a

skunk in it."

Part of the pleasure Michaud finds in his work comes from humorous episodes – "the stupid things that make you enjoy your job."

Unlike the early days of his career, a person incarcerated for the night must be supervised. Michaud remembers the day he was greeted by one such monitor when he arrived at the station in the morning with the question, "What did you do with the guy's

false teeth?"

"I didn't do anything with them. I never saw his false teeth."

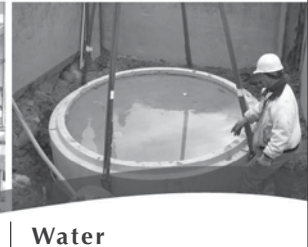
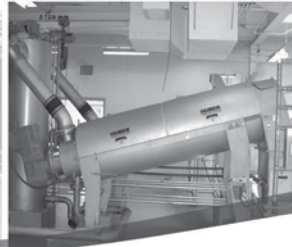
"Oh, I must have thrown up," said the detainee. Michaud sent the night supervisor to check the sewer pipe.

"Sure enough, there they were at the end of the sewer pipe. We washed them up and gave them back."

He recalls the time he and his wife were in the car when he had to arrest a drunk. He told her to hop in the

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back seat to make room for the drunk in front.

"We head for station and all of the sudden the guy attacks me, pulling at my mouth. I manage to get my mace out but as we struggle instead of spraying the drunk I spray my wife in the back seat. She is gasping and crying. I stop and let her out to wait for me in front of the church while I take drunk to the station.

"One of her friends sees her crying beside the road, stops to see if she can help and brings her to the station."

GOAT AT THE WHEEL

Fort Kent caught the attention of radio broadcaster Paul Harvey when news hit the wire about the Knights of Columbus mascot.

"The K of C used to have a kind of initiation where members had to ride a goat. After one of these ceremonies, an officer sees this car (weaving) all over the road. By the time he gets it to stop the windows are all steamed up and the goat is under the steering wheel."

The best the officer can do is issue a summons to the person sitting in the passenger seat.

"This case went to Superior Court, but they could not prove who was driving the car."

When the story hit the news wire, Paul Harvey used it to conclude his newscast:

"Only in Fort Kent, Maine," he said, "does a goat get caught for drunken driving. Good day."

These stories are a sampling of the episodes that include hilarious tales of a calf, a pig and chickens guarded by a German shepherd dog. They capture

the essence of life as a police chief in a small town where everyone knows you by name.

"His heart is with the community," says Town Manager Dan Guimond. "He enforces laws for the betterment of the community. He really cares about what he does."

And if one of his officers is not performing up to standard, he calls him into his office, lays out his concerns, states his expectations, then says, "Let's go have a cup of coffee." **me**

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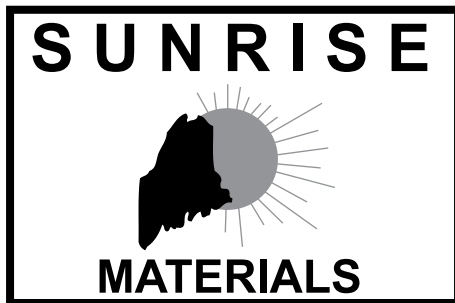
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Formula Restaurants and Maine Downtowns

By Douglas Rooks

Many Mainers have probably thought, seeing a new building going up, “not another McDonald’s” or “not another Dunkin’ Donuts.”

The tension between the need for jobs and development on one hand, and the desire to retain a distinctive community character, on the other, have played out in a number of Maine towns and cities over the last decade. The discussion was launched, back in the 1980s, by a city official better known for his acting and directing – Clint Eastwood, who as mayor of Carmel, Calif., led a successful campaign to zone out chain stores from his scenic downtown.

Stacy Mitchell, who works for the New Rules Project based in Minneapolis, Minn., but who lives in Portland, said that there may be 100 ordinances nationwide restricting or banning formula businesses.

“Most of them are in New England, the Northeast or in California,” she said. “There doesn’t seem to be any pattern, but the key seems to be concern about the distinctiveness of the community’s downtown.”

Most ordinances, she said, are in smaller towns and cities. “San Francisco is the only big city with these rules.” People also like McDonald’s and Dunkin’ Donuts, however.

In Greenville, the closing of a McDonald’s during the early 1990s recession dealt a blow to hopes of reviving the Moosehead Lake community as a destination resort, a fact still commented on today. Even though McDonald’s now operates in 49 Maine municipalities – Bangor alone has four restaurants – the chain is scout-

ing new locations all the time, though the one closest to Greenville is Dover-Foxcroft.

So far, only a relative handful of Maine communities have debated the chain restaurant issue – or “formula businesses,” as they are called in ordinances – but those debates have been lively and, sometimes, acrimonious.

PROBLEMS AND ASSETS

Just ask Mitchell Berkowitz, the town manager of Bridgton, where

chain stores and formula restaurants dominated the civic debate throughout the fall of 2010.

Berkowitz said the campaign to ban such restaurants grew out of the town’s economic development committee, formed in 2006, which had been debating how to retain existing jobs, and attract new jobs, in a part of the state that’s had a tough time hanging on to them.

“We came to realize that what some people saw as our biggest problem” –



Fast food restaurants line Route 1 in Saco. (Photo by Jeff Pouland)

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

strip development along Route 302 near the downtown – “was also our biggest asset,” he said. Most of the recent commercial growth has taken place in this corridor, even though preventing sprawl has also become a focus for citizens and town planners.

Unbeknownst to the economic development committee, one of its members, developer Mark Lopez, had identified a site near a Hancock Lumber store and across from a new Hanaford’s, as a desirable spot for a McDonald’s.

Lopez is a respected businessman who earlier opened a Dollar Store without controversy, Berkowitz said. However, the McDonald’s plan seemed to light a fuse under opponents when it was presented to the planning board for a site review.

BRIDGTON, THE WAY IT IS

“There are a lot of people who like Bridgton the way it is,” Berkowitz said. “They said, ‘We don’t want another North Windham,’ ” referring to development in another Route 302 community 20 minutes away.

So the opponents went to work, gathering sufficient signatures to put two questions on a special town meeting warrant. One targeted “big box” stores over 30,000 square feet and the other banned formula restaurants such as McDonald’s – and made the latter retroactive so it would apply to Lopez’ proposal.

Berkowitz said the public hearing was packed, with more than 140 people attending. “Well over half of them spoke” as the meeting went on for 3 1/2 hours, he said. The town manager moderated, and said that afterward, “People were impressed that they could hear so many points of views without acrimony.”

Some opinions shifted after local businesses – such as car dealers – realized the “big box” measure might prevent their expansion, since the definition of “display area” seemed to include their outdoor lots. Others were concerned about the retroactive clause in the restaurant question.

In the end, voters decisively rejected both measures by nearly identical 2-1 margins at a March 1 special town meeting.

At this point, there are at least two municipal ordinances that restrict formula restaurants, in the southern



More fast food restaurants in a Saco area known as “Hamburger Alley.” (Photo by Jeff Pouland)



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seacoast towns of York and Ogunquit. Steve Burns was York's town planner when the current ordinance was approved in 2004 by town meeting after it was recommended 4-1 by the planning board and 3-2 by the selectmen.

What is less known is that it replaced an earlier ordinance, passed in the 1980s, that banned "fast food" restaurants. That previous ordinance was passed in response to concerns that a McDonald's might compromise the character of York's three seaside villages. But some years later, Burns said, the planning board realized it was no longer viable.

"The ordinance defined a 'fast-food restaurant' as one that had more than one cash register," Burns said. "We realized that might apply to some locally owned restaurants, too." Then an applicant for a Dunkin' Donuts came along, and was apparently willing to observe the rules that it could include only one cash register.

The current ordinance was the result of that controversy, though in this case the doughnut shop was permitted but never built – the site was occupied by a bank, which has since closed.

The "Fast Food and Formula Restaurant Prohibition," Amendment 9 to the York zoning ordinance, adopts definitions that focus on other characteristics of chain restaurants – standardized floor plans, signs, uniforms and menus. It also prohibits "fast food" – locally owned or chain – by prohibiting drive-up windows.

Ogunquit's ordinance, passed in 2006, tracks York's "almost word for word," said J.T. Lockman, planning director of the Southern Maine Regional Planning Commission, which provides planning service by contract to the resort community.

"These ordinances aren't all about community character, but the uniqueness of place is something people really care about," Lockman said. And formula restaurants "are an extremely important part of that character, more so than other chain business, such as insurance or real estate," he said.

Ironically, both planning directors agreed that, if challenged, the ordinances might not hold up in court. At the time it was adopted, Steve Burns told the York planning board that both the town attorney and MMA advised creating areas where formula restaurants would be prohibited, and

others where they would be allowed. Generally, courts have struck down laws banning one type of business entirely, but upholding ordinances that restrict their location.

"That's not what the planning board wanted to do, though," Burns said. "They wanted it to be town-wide." Though no challenges have been filed, the town runs certain risks with this approach, he said.

"If someone filed for a specific location, and then challenged the ordinance, they could potentially locate anywhere, in a village or next to a church," he said.

THE DOWNTOWN OF WELLS

In Ogunquit, Lockman said that a challenge might be tougher, since "Ogunquit is really the downtown of Wells," achieving independent existence only with its separation in 1980. "It's only three square miles," he said. "It might be tough to create a fast-

food zone."

Sometimes an ordinance isn't necessary to discourage a potential developer. In Camden, residents were immediately aroused in the spring of 2009 when a Connecticut developer who already owned several Dunkin' Donuts locations proposed locating a new one in a vacant storefront at 5 Elm St., next to the French & Brawn Marketplace, a multi-generation family business.

Michael Ouimet told reporters that he thought a doughnut shop would fit well into Main Street, but many disagreed. Former Code Enforcement Officer Jeffrey Nims said he got more than 150 e-mails on the subject, and all were opposed.

"We still kid him about that," said his successor, Steve Wilson, about the now-retired Nims. Because nothing in the ordinance prevented it, Nims issued a building permit to Ouimet's company but the campaign contin-



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ued, spreading to a Facebook page that counted 473 opponents.

In the end, Ouimet pulled out. "In light of the controversy and the challenges there, I elected to pass," he said. "There are easier places to do business."

Although voters subsequently enacted a moratorium to consider an ordinance, none was ever written and, at the moment, formula businesses can legally operate in Camden.

Portland is the largest Maine municipality to wrestle with formula restaurants, with mixed results. In a move that even supporters described as overly hasty, the city council banned formula restaurants in the Old Port and most of downtown late in 2006 on a 5-4 vote. The ordinance involved was criticized as vague and difficult to enforce.

Said Stacy Mitchell, who observed the process, "There had been a lot of rumors about a Hooters locating downtown" – a chain restaurant that features tight-shirted waitresses – and the council reacted quickly, she said. "It was difficult to determine just what businesses would be covered."

A subsequent task force could not agree on a new plan, and the ordinance lapsed when a new council, with several changes in membership, repealed it in 2007.

Even where an ordinance is rejected, it can still energize local concerns about development. That appears to be what happened in Bridgton. The town was trying to assemble a comprehensive planning committee that would help guide the proposals the economic development group had brought forward.

At the polls that welcomed 1,400 voters at the March 1 special town meeting, Alan Manoian, the planning and economic director, was signing up comprehensive planning volunteers.

BRIDGTON'S NEW AMBITIONS

The committee has now been formed and has already had its first meeting, according to Mitch Berkowitz. It's on an ambitious timetable that looks for the plan – and an accompanying ordinance regulating development in the Route 302 corridor – to be voted on in November.

"The community has taken this in a positive direction," Berkowitz said. Bridgton does not have a zoning or-

dinance – a "fairly strict" one that was adopted in 1970 was repealed three years later – but he added that performance standards, or "form-based codes" can be added to site plan review rules to achieve good results.


"It isn't about what happening inside the building, but its location, setback from the road, signs and overall appearance," he said. One likely goal for the committee will be a "more walkable" business district, which is possible in part because the Route 302 strip is essentially adjacent to downtown.

"In places like North Windham or North Conway, N.H., people feel like they have to drive from place to place,

even along the same road," he said. We'd like them to be able to walk."

As the economy recovers and the ever-popular chains begin to expand again, it seems likely that more towns and cities will debate the desirability and location of formula restaurants.

Even in York, Steve Burns said, some people hanker for the lost doughnut shop. "I'd say it's a solid 60 percent against letting chains in, and that hasn't changed much." But that leaves a lot of people who would prefer the convenience of a local franchise restaurant.

Said Burns, "Even my wife keeps asking me when we'll be allowed to have a Dunkin' Donuts." 

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Threat of Lawsuit Led To Watershed District

By Jeff Clark

Sometimes, you need to pay attention to the gorilla in the closet.

In 2007, the City of South Portland learned that Long Creek, a stream that wanders through the Maine Mall area, was contaminated with heavy metals and other pollutants carried by stormwater run-off from the impervious parking lots, roofs and streets of the highly developed watershed. The Conservation Law Foundation was threatening legal action to prevent the pollution from continuing into Clark's Pond, the Fore River and eventually Casco Bay.

Hundreds of retailers, private landowners, nonprofits and public and quasi-public agencies, as well as four municipal governments, faced the prospect of applying for individual environmental permits as well as undertaking expensive stormwater treatment projects.

Existing permits "covered only the teeniest part of the Long Creek watershed," said Tamara Lee Pinard, stormwater program manager at the Cumberland County Soil and Water Conservation District. "Everyone else was facing a serious problem." The Conservation Law Foundation already was actively pursuing lawsuits and petitions before the federal Environmental Protection Agency in Vermont and Massachusetts, "and they made it clear they would not back down on this one," Pinard recalled.

What followed was a unique public-private partnership that resulted in the creation of the Long Creek Watershed Management District, a voluntary stormwater utility that covers 93 percent of the impervious acreage in 3.4

square miles surrounding the Maine Mall. Pinard serves as its executive director. By banding together, the affected landowners cut their potential costs by 75 percent while satisfying the environmental permitting agencies. They also created a quasi-public entity that gives them a significant voice in dealing with stormwater issues in their area.

The process began in 2007 when South Portland city officials, recognizing

the task ahead, landed a grant from the Maine Department of Environmental Protection to begin planning and organizing solutions. They hired a facilitator to contact the various businesses and public entities affected and to organize stakeholder meetings. The conservation district and the Casco Bay Estuary Partnership, a nonprofit dedicated to protecting and restoring Casco Bay, were brought in to help with technical and financial work.



Scenic shot of Long Creek.

COLLABORATION CORNER

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

Jeff Clark is a new freelance writer for the Maine Townsman. He lives in Bath, jeffreyclark@gmail.com.

Maine Municipal Association • www.memun.org

SUCCESS CAME SLOWLY

Success was not a foregone conclusion. Many of the participants privately admit that four years ago they had little expectation of favorable results. “To be honest, I figured this would be a lawyer’s full employment program for the next 10 years,” said one.

“I came into it three years ago, a year into the process, and some people

were still waiting to be persuaded,” said Curtis Bohlen, executive director of the Casco Bay Estuary Project. “The municipalities – South Portland, Portland, Scarborough and Westbrook – understood what was involved. But we also had hundreds of businesses involved, and businesses don’t by nature cooperate with each other.”

Bohlen, Pinard and others credit

facilitator Ann R. Gosline with putting the actors in one room and serving as a neutral third party in the ongoing negotiations.

“She wanted us to have the best product possible,” Pinard said. “She did a lot of outreach to the largest landowners to find out what their concerns were and what was needed to get them involved in the process.”



An area in Long Creek that has been eroding due to the sheer volume of water that flows through the stream during a storm event.

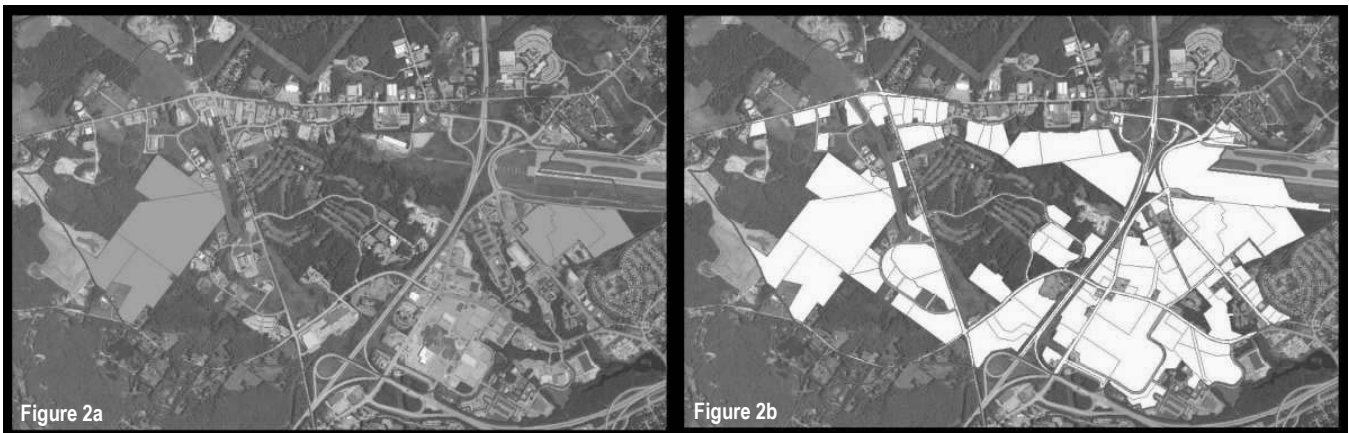


Figure 2a: Previously stormwater regulated parcels shaded; Figure 2b: Stormwater regulated parcels under Long Creek permit in white.

Always, in the background, was the Conservation Law Foundation, the “gorilla in the closet,” as Pinard puts it. “Businesses in particular realized they could get involved now and have a voice, or they could wait and be told what they were going to do.”

“The CLF certainly created a sense of urgency,” said Patrick Cloutier, South Portland’s water resource protection director, who was the city’s lead official in the project. “That was intentional on their part. We banded together to keep them at bay, and in that respect the CLF played a vital role. They were right there at the table, too, throughout the process.”

In the early years, everyone was feeling their way toward a solution. “We didn’t know exactly what the outcome would be until it started evolving,” said Cloutier. “One of the loftier goals was creating a true public-private partnership. As it developed, it led to the creation of a neutral overseeing agency, the utility district, to take over.”

RISK FOR MUNICIPALITIES

Cloutier acknowledged that the government officials involved – especially those in South Portland, which most needed a successful resolution – knew they were taking some risks by going along with a collaborative approach, rather than creating a top-down agency to mandate compliance.

“This way, though, everyone came away with the sense that they truly had a say in the final outcome,” Cloutier said. “There was this enormous level of buy-in by all the participants.”

A major argument in favor of working together came from Bohlen’s financial modeling.

“I estimated that doing this cooperatively would cost only a fraction of doing it individually,” he said. “That became a major part of the basis for building a collaborative model.”

Today, Pinard said, members of the district pay \$3,000 per acre of impervious surface per year to maintain and upgrade the necessary treatment facilities, as well as educate members in methods of reducing stormwater run-off. Going it alone would have cost a landowner \$12,000 an acre, she said.

One key element was developing a participating landowner agreement acceptable to everyone in the district. The agreement is basically an ease-

ment that allows the utility district to work on the private property of its members. “That took 10 months and 20 drafts,” she recalled.

APPROACH IN LEWISTON

Other Maine cities have chosen different models to deal with stormwater management issues. Lewiston, for example, created a municipal utility district in 2006 as a result of a citywide effort to separate its stormwater and sewage systems. Urban areas in particular have faced pressure to solve combined sewer overflow problems, which occur when heavy rain or snowmelt overwhelm sewage treatment systems and force the discharge of untreated sewage into rivers and streams.

The district levies a fee on each property, with homeowners paying a flat \$44 a year and commercial landowners paying in proportion to the amount of impervious surface on their properties. Nonprofit landowners, who normally do not pay property taxes, are included in the fee structure.

“Creating the utility district was quite controversial at the time,” said Lewiston City Manager Edward Barrett. “It ended up going to a citywide referendum and passed.”

Even so, a business property owner has taken the district to court, arguing that the levy is actually a tax rather than a fee. An initial court decision in May supported the city.

Until earlier this year, Barrett was



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First stakeholder meeting that was held on Sept 27, 2007 at National Semiconductor in South Portland.

city manager in Bangor, which also is wrestling with stormwater management issues. Initially, attention was focused on Birch Stream, which passes near Bangor International Airport, and Penjajawoc Marsh near the Bangor Mall retail development area. The state Department of Environmental Protection deemed that both areas had water quality problems. Three other waterways also will require remediation in the future.

The city formed an advisory group comprised mainly of landowners to apply for state and federal grant money to help with management efforts. The city currently is looking at forming a utility district, though, as the effort and expense involved keep growing. "That would provide a way to fund improvements for all five waterways," Barrett explained.

OVERLAP IN BANGOR

"We've used a DEP grant to create a model of what a utility district would look like in Bangor," said Wendy Warren, the city's environmental coordinator. "Currently, we're doing numerous presentations to city residents and landowners to explain why we need a utility district and the requirements that we're facing."

The utility would have elements of both the Long Creek and Lewiston management districts, with strong landowner participation and a universal fee structure.

Warren said the situation overlaps significantly with the city's stormwater separation project, which is about 70 percent complete. "If you do a good

job of stormwater control, it reduces sewer overflow problems and pollution issues at the same time," Warren said.

Initially at least, the stormwater utility would serve only Bangor, but neighboring municipalities are paying close attention to Bangor's experience. "They're facing their own major sewer separation issues pretty soon," said Warren. Seven municipalities are members of the Bangor Area Stormwater Group, a nonprofit that helps municipalities comply with DEP and EPA stormwater regulations.

In the final analysis, stormwater management solutions depend largely

on local conditions and situations. Bohlen, of the Casco Bay Estuary Project, doubts the Long Creek model has a universal application, although its legal structure as nonprofit voluntary organization with a contract to provide a service is transferable.

Today the South Portland Land Trust has developed trails along Long Creek, and Pinard said the management district's future is bright.

"It was all pretty remarkable," Cloutier mused. "Today, when you hear that things aren't going so well in government, this is an example of how government can work." [mf](#)

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Effective Campaigning: The ‘Do’s & Don’ts’

By Dale Florio

When it comes to running for local office, there are many things that need to be done in order to optimize a candidate’s chances of winning. Conversely, there are also actions that should be avoided. Before we move on to discuss these issues, let’s talk about what should go into the decision to run for office.

Some candidates are recruited by the local party apparatus. There is nothing more gratifying than being “recruited” to serve your community. Often times, the thought of being a candidate is a foreign idea, but I have watched those same prospective candidates immediately begin thinking about seeking higher office before they even knock on their first door! That aside, rarely are prospective local candidates “briefed” on what is expected during the campaign phase or even the time commitment once elected.

If you are not a product of the local political organization, you may be someone who has taken on a special cause in town or the leader of a sports or social services organization. This involvement has inspired you to commit time to the community in a more formal way. Candidates who have been active in some neighborhood group, a community-based effort or a municipal board or commission make for good candidates. Prior knowledge of the municipality over-laid by a good campaign can make a big difference in the outcome.

That being said, initial discussions about your interest in running should be held with family members and community leaders. This is a big first step – realizing that it needs to be the “right

time” for your campaign. Of course, this means that there may be a considerable amount of time between your decision to run and actually becoming a candidate. Name recognition is a big component of a strong campaign and the more time spent planning and helping the community, the better. Being well-established locally is the key and timing is everything.

USE YOUR TIME WELL

As with anything, there is causality between working hard and obtaining results. Campaigning is no different. Since time plays such a vital component in elections, using time as effectively as possible is essential. Yet cutting corners on a banal task simply because it calls for a large amount of time can be detrimental. Some campaign tasks still need to be handled the “old-fashioned” way. If you are not willing to knock on doors stop reading now! Nothing will ever substitute actual contact with the voter.

When you are not canvassing the neighborhood, new advances in social media can help you cover more ground than ever before. Voter contact is now easier than ever. However, do not substitute important voter face-to-face time with sending out dozens of blast emails or Facebook invites to events. Although internet contact is much quicker and easier, a candidate really does need to put in the time and personally meet as many potential voters as possible.

Intuitively, it seems like a simple

quality versus quantity game in which the candidate who reaches out to the greatest number of people will have the successful campaign. Yet this fails to take into account the great influence that just one conversation with a voter can have. It could work to change the minds of many. Having a positive encounter with a candidate where issues of concern are discussed is much better than blasting numerous e-mail messages to a great deal of people. Conversations are memorable and unique; emails are easily deleted.

Furthermore, social media contact can actually work to dilute the quality of your message. Also, it can come off as disingenuous at times, since it takes mere seconds to email many people at once.

There are some tasks that deserve less time. A clear instance of this is personally building networks from the ground up when they are already developed. A good campaign will use existing resources in order to be efficient. Running for a local office can seem overwhelming with the amount of voter contact that needs to be made. Plenty of time can be saved by engaging folks to help who not only want to do so, but who have the



Dale Florio is a partner with Princeton Public Affairs Group in New Jersey. He can be reached at: 1-609-396-8838.

proper networks. A good campaign will use as much local help as is available in the community.

The importance of having local volunteers help in a campaign does not need to be underscored. All campaigns understand the need for extra help, but a good campaign knows when to use such resources. It is important to note that certain tasks are better handled by the candidate.

For example, many donors find it rather easy to graciously decline financially helping if the person calling is a volunteer. They may have a harder time doing so if the candidate is calling. Time should be spent personally calling key supporters and donors. This is another instance where the

path that takes more time is ultimately the wiser choice for a good campaign. Volunteers are able to save time when used correctly, but used incorrectly and they may work to inadvertently take strategic opportunities from the candidate.

Running for office is a long-distance run, not a sprint. If your first campaign is not a success, consider running again. You have invested quite a bit of personal time and generated a reservoir of good will. You owe

it to yourself, your community and your party to give it another try. You probably didn't run this campaign by yourself, so you have others that have invested time as well. Use the intervening months to continue your community involvement, as this will increase your name recognition and expand your base of supporters. All in all, as timing plays a large role in elections, waiting may mean being a stronger candidate for the next election cycle. [\[m\]](#)

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.

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



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Maine Municipal Association

The Portland City Council was expected to hire **Mark Rees** as the new manager in Maine's largest city. Rees, 55, has worked as town manager of North Andover, Mass., since 2000 and previously as financial director in Framingham, Mass. for four years. He intends to begin work and relocate to Portland as soon as possible. Rees replaces former Manager **Joe Gray**, who retired in February.

Gardiner Fire Chief **Rick Cody**, who climbed the career ladder within the department for 36 years, announced last month he will retire effective July 29. Cody, 52, said his tenure with the city "has been a wonderful journey," but younger men and women are better able to perform the demanding job of firefighting, according to the *Kennebec Journal*. A licensed paramedic, Cody was praised for his uncompromising support of his staff and the public.

Old Town City Manager **Peggy Daigle** resigned in mid-May, effective immediately, after six years of service. "I want it noted that this decision was not for cause, simply a choice on the part of the city council to take the city into a new direction with new leadership," Daigle said in her resignation letter, which she read at a special council meeting, according to the *Bangor Daily News*. Daigle will remain on paid administrative leave for 90 days, as allowed for in her contract.

Bath Police Chief **Michael Field** received the 2011 Mainsail Award from the students of Morse High School in May for his outstanding efforts to help the youth of Greater Bath. Teachers and teens gave Field, a Morse graduate, an enthusiastic standing ovation when he rose to accept the award. "I certainly cannot and have not done this alone. As you look around you will see some of my officers and my staff, and they are a big part of what I am able to accomplish in Bath," Field said, according to the *Times Record*. Field is the fourth Bath police officer to win the award since its inception in 1980.

Portland firefighters lost a longtime friend and supporter in May when **James Fox**, a fixture at the city's West

End fire station and an honorary deputy chief since 2003, died at the age of 59. Fox, always inspiring and caring, far outlived the life expectancy of someone with Down syndrome, according to his family. Fox attended the opening of the Bramhall Station in 1966 and never really left until both of his parents died and he moved in with his brother in South Portland in 1995. The family asked that memorial gifts be sent to the fire department to help pay for thermal imaging equipment.

Incumbent Trenton Selectman **Michael Hodgkins** and newcomer **Fred Ehrlenbach** were the top two of four vote-getters in May balloting. Hodgkins collected 124 votes to win re-election, while Ehrlenbach received 110 votes to replace outgoing Selectman **Julee Swanson**.

Tremont voters elected **Jim LePrade** and **Hugh Gilley** in May from among five candidates for two selectmen seats. LePrade received 85 votes and Gilley garnered 83.

Mexico selectmen honored their outgoing counterpart, **Barbara Laramee**, in late May after nine years of service. Laramee retires this month after serving the past five years as chairman of the board.

Poland Town Manager **Dana Lee**, 49, concerned for his health and the well-being of his family, announced his resignation in late May after about four years. Lee, who successfully managed nearby Mechanic Falls for 16 years, said he would work a 90-day notice to ensure selectmen have time to find a replacement. Lee said a small but loud

group of residents has alleged secrecy, unfairness and unnecessary spending by town officials and he's had enough. "It just gets overwhelming," Lee told the *Lewiston Sun Journal*. "You have to make a choice whether it's worth it anymore."

Two Lewiston fire captains have retired after long careers with the city. Capt. **Larry Morin** recently retired after 40 years. He began as a private in 1971 and was promoted to lieutenant in 1988. Morin was named captain in 1993. Meanwhile, Capt. **Victor Gaudreau** retired on April 30 after 37 years of service. He joined the department in 1974, was named lieutenant in 1986 and promoted to captain in 1989.

Bangor children's librarian **Anne Mundy** retired on June 1 after 30 years with the city. She was hired in 1980 and appointed children's librarian in 1991. During her tenure, she expanded the library's offerings to children of all ages.

Michael Pardue was expected to be named Westbrook's first public safety director, after working successfully as a management consultant since March 2010 to help rebuild the city's fire department after months of tumult. Pardue, who will manage both the police and fire departments, was nominated by Mayor Colleen Hilton and confirmed in early June by the city council. Pardue founded and served as president of the Kennebunk consulting firm, Central Intelligence. Pardue, who also was endorsed by the council's search committee, previously served as police chief in Ogunquit and as Kennebunk interim chief. [mt](#)

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MMA MEMBER SPECIAL GOOD THROUGH JULY 1, 2011






Statewide: Sixteen Maine municipalities or collaborative groups will split \$300,000 in state recycling grants to help expand disposal of certain landfill waste. Thirty communities applied for a total of \$800,000 in projects, all to be matched with 15 percent in local funding. The grants range from \$2,200 to \$25,000. The winning grant applicants are: Alfred; Bangor; Central Penobscot Solid Waste (Corinth); China; Jefferson/Nobleboro; Lincoln County; Lubec; Mid-Maine Solid Waste Association (Dexter), Old Town, Readfield/Wayne, Rockland; Skowhegan; St. George; Unity Area Regional Recycle Center; Vassalboro; and, Yarmouth.

Biddeford: The city council gave its initial approval to allow residents to keep up to six hens in their backyards. The setback will be 10 feet from other structures, pending final action.

Frankfort: Town voters passed a wind power moratorium in late May after three hours of debate. The vote was 89-37. A New Hampshire company plans to continue working toward its Mount Waldo project while the town formulates regulations for wind power turbines.

Freeport: Retail giant L.L. Bean, which specializes in outdoor clothing and gear, announced it will donate \$500,000 toward the \$3.3 million Freeport Fields and Trails project – with no boot strings attached. A private group raising money for the development still has \$250,000 to complete the fundraising effort to build seven athletic fields on 38 acres.


Saco: Non-union employees will pay 20 percent of their health care benefits, up from 15 percent, under a new contract that takes effect July 1. The change is expected to save the city \$16,000 annually. Saco's unionized municipal workers already pay 20 percent of their premiums.

Veazie: Four Penobscot County communities will share \$300,000 in state funding to help low- and moderate-income residents make safety improvements to their homes. Veazie officials agreed to take the lead in seeking the grant, which also provides money

for Holden, Old Town and Penobscot Indian Nation residents. Homeowners must have health-related problems and be unable to afford housing upgrades. Officials hope to help 25 homeowners through the Department of Economic and Community Development program.

Waterville: A distracted mother plowed through a city road setup on May 20 and injured three public works employees: Jacob Chambers, 20; William Hapworth, 51; and, Joey Meunier, 42. A fourth team member, Timothy Greene, saw the Suburban heading toward the crew and yelled for Chambers, who was closest to the oncoming truck, to get out of the way. He turned to run

for safety when he was struck in the back by the vehicle, driven by a 25-year-old mother whose toddler distracted her while driving on College Avenue, according to Waterville police. Neither the mother nor her child was injured and the three city workers were released from the hospital by afternoon.

Wilton: The town's fire department has been awarded the Safety and Health Award for Public Employers, which honors civil servants who provide a safe and healthy workplace. In winning the award, the department submitted to an in-depth review of safety records, policies, training programs, recordkeeping and an inspection of the fire station and equipment. 

NEW ON THE WEB

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

- **Fire Service Institute.** Southern Maine Community College announced the creation of the Maine Fire Service Institute to replace Maine Fire Training and Education and to reflect a new mission and vision to serve the fire training needs of Maine's first chiefs. The Institute will relocate to the new SMCC Midcoast Campus in Brunswick this summer.
- **ELearning Center.** MMA is pleased to announce a major expansion of web-based learning opportunities, working with partners MyPlace to Learn and New Horizons. The many training offerings are affordable and cover a wide range of topics, from leadership skills for elected officials to advanced information technology training, and many things in between.
- **Celebrating service.** MMA, as part of its 75th Anniversary, is recognizing many officials for their tireless years of public service. Oral histories – first-person interviews – can now be heard at the website. Walter Foster of Friendship, Linda Boudreau of South Portland and Kenneth Michaud of Fort Kent are the first subjects whose interviews are available for listening.

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Municipal Bulletin Board

EXCISE TAX BASICS

Gilberte Mayo, Treasurer in the Town of Lincoln, will present a Basic Excise Tax Workshop on June 16 at the MMA Conference Center in Augusta. The day-long event costs \$50 for members of Maine Municipal Tax Collectors' & Treasurers Association and \$60 for non-members. MMTCTA is sponsoring the workshop.

Registration begins at 8:30 a.m. and the workshop concludes at 3:30 p.m. The course is designed to focus on the procedures of excise tax. Emphasis will be placed on how to calculate the tax and the mil rate for various motor vehicles.

Please remember to bring a few items: a calculator; a copy of the 2009 MMTCTA Excise Tax Manual (which can be downloaded for free at www.mmtcta.org); and, the January 2008 Automobile Red Book and Truck Blue Book. This course is mandatory under the MMTCTA Certification Program. Attendees must stay the entire day to receive a certificate. Details are available at the MMA website.

PLANNING BOARDS/BOA

An attorney from MMA's Legal Services Department will take the show to Presque Isle's Convention Center on June 21 to discuss many issues confronting Planning Boards and Boards of Appeal. The workshop begins with registration and a light meal at 5:30 p.m. and ends at 9 p.m.

These workshops are designed for relatively new Planning Board/BOA members but long-time members can benefit from the updates as well. Among the topics to be addressed: jurisdictional issues; conflict of interest and bias; site visits; deadlines; nature of evidence upon which to make decisions; and, more.

The cost of the workshop is \$40 for MMA members and \$60 for non-members. Special note: The Board of Appeals Manual and Planning Board Manual are being revised. They will be available later in the year. In the meantime, the 1999 edition of the Planning Board Manual (with 2004 updates) and the 2010 Board of Appeals Manual are

available for free online at www.memun.org.

CUSTOMER SERVICE EXCELLENCE

Join Margaret Noel, Manager of Educational Services at MMA, and Andrew Gilmore, Owner/President of ABG Strategies, for a new, day-long workshop aimed at providing top customer service even during potentially tense situations. The workshop will be held on June 21 at MMA's Conference Center in Augusta.

Among the topics that this interactive, discussion-oriented workshop will cover: Who are your customers?; exploring the psychology of customer service; the art of language and word choice; and, key steps toward conflict resolution.

The workshop begins with registration at 8 a.m. and ends at 4 p.m. Cost is \$60 for MMA members and \$90 for non-members.

FAIR LABOR STANDARDS

Attorney Lawrence Winger will present a one-day workshop on the Fair Labor Standards Act for Public Employees at MMA's Conference Center in Augusta on June 28. The half-day workshop begins with registration at 7:30 a.m. and concludes at 12:30 p.m.

The workshop will include an overview of applicable wage and hour laws, classification of exempt and non-exempt employees, the salary basis test and definition of hours worked. Also: the special rules applying to public employers; use of volunteers; outside employment; and, common wage and hour problems.

The fee, which includes lunch and workshop materials, is \$40 for MMA members and \$70 for non-members. This course is a must-attend for all municipal managers and human resources officials, including elected officials who hire and manage employees.

WIND POWER: INFORMATIONAL WORKSHOP

In a new, issues-oriented training opportunity, MMA will host an informational workshop on wind power at the MMA Conference Center in Augusta

on July 14. This one-day workshop will neither support nor oppose wind power projects. Those decisions are up to municipal officials and citizens to make on a community-by-community basis.

The workshop will take municipal officials through the myriad challenges that come up when a wind power project is proposed or begun in a city or town. On the agenda: What is wind power?; Understanding the jargon of wind power proposals; What is the current policy environment for wind power in Maine?; and, What are the legal considerations in regulating commercial wind power projects?

The workshop will begin with registration at 9 a.m. and end at 2 p.m. Cost is \$40 for MMA members, patrons and affiliates; \$75 for non-members. Preference will be given to MMA members, patrons and affiliates to attend if enrollment fills up. More information and a brochure are available at the MMA website, www.memun.org.

MUNICIPAL LAW FOR CLERKS

Kathy Montejo, City Clerk in Lewiston, and Attorney Michael Stultz of MMA's Legal Services Department will co-present a day-long workshop on Municipal Law for Clerks at the Waterville Elks Banquet & Conference Center on July 14. The workshop is sponsored by the Maine Town & City Clerks' Association.

New and experienced clerks will benefit from the workshop as it aims to strengthen knowledge in several key subject areas: basics of the clerk position; municipal records and state Freedom of Access laws; clerk records; ordinance authority; voter petitions; elections; basic vital statistics; and, issuing licenses.

The workshop starts with registration at 8:30 a.m. and concludes at 3:30 p.m. Attendees should bring the 2000 Municipal Clerk's Manual with them as the presenters will be teaching from the manual. Cost for the workshop is \$50 for MTCCA members and \$60 for non-members. Scholarships are available by contacting Patricia Gray (207-288-4098) or visit the website www.mtcca.org/resources.htm to download an application. [mt](http://www.mtcca.org/resources.htm)

DOG ORDINANCES

Last month we noted that Maine law mandates every municipality to have an animal control officer (ACO) and to enforce the State's stray dog laws (see "ACOs, Stray Dogs & Animal Shelters," *Maine Townsman*, "Legal Notes," May 2011). The article prompted several inquiries, including whether a municipality could, by ordinance, recover its costs for impounding strays. The answer is yes.

Title 7 M.R.S.A. § 3950 expressly authorizes municipalities to enact more stringent ordinances dealing with dogs. Such an ordinance could, for example, impose an impoundment fee payable by the owner to the municipality before the dog can be claimed. This fee would be in addition to the fees payable to the animal shelter for food, shelter, veterinary care, etc. (see 7 M.R.S.A. § 3913(3)) and any court-imposed fines (see 7 M.R.S.A. § 3915).

A dog ordinance could also prohibit dogs in certain places at certain times, such as public parks or beaches during the daytime or in season, or it could require the use of leashes. (There is no State leash law – State law merely requires that a dog, when off the premises of its owner, be "under the control" of someone, see 7 M.R.S.A. § 3907(6)). A dog ordinance could also require owners to clean up after their pets.

Some ordinances also regulate barking dogs. These ordinances are legally enforceable without the need for complicated or expensive sound level measurements as long as they contain reasonable standards (see "Law Court: Barking Dog Ordinance Has Bite," *Maine Townsman*, "Legal Notes," April 2002). A barking dog ordinance does not apply, however, to dogs herding or guarding livestock (see 7 M.R.S.A. § 3950(1)).

Also, whatever a dog ordinance regulates, it may not be breed-specific, that is, it may not discriminate between specific breeds of dogs or apply only to certain breeds (see 7 M.R.S.A. § 3950).

For some sample dog ordinances, go to the ordinance collection at www.memun.org and use the keyword search feature. (By R.P.F.)

EXECUTIVE SESSION FOR BUDGET TALKS?

Question: In planning for our next fiscal year, we're facing some potential budget cuts that may require staff layoffs. Can a municipal board discuss budget cuts in executive session?

Answer: No, an executive session is generally not permissible for budget discussions even if they implicate staffing levels, compensation or other personnel matters. In fact, Maine's Freedom of Access Act (FOAA) or "Right to Know" law anticipates this question by expressly stating that for executive session purposes, personnel matters do not include the discussion of a budget or budget proposal (see 1 M.R.S.A. § 405(6)(A)).

To be eligible for an executive session, a personnel matter must involve the employment, assignment, duties, promotion, demotion, compensation, evaluation or termination of a *specific* individual where public discussion could damage that person's reputation or violate his or her privacy. A discussion about possible budget cuts to personnel or programs would not ordinarily qualify under this test. But a public discussion about budget priorities should not be allowed to stray into a discussion of a particular employee's performance. At that point, public discussion should end and an executive session should be convened for any further discussion of a specific employee's merits.

There is one major exception to

the ban on budget talks in executive session. Another permissible subject for executive session is discussion of collective bargaining agreements and proposals (see 1 M.R.S.A. § 405(6)(D)). We think a board could legitimately discuss potential budgetary resources in executive session when determining its negotiating strategy with a public employees' union.

Incidentally, on the subject of potential layoffs, for a list of municipal officials required by Maine law, see our "Information Packet" entitled "Municipal Services, Required," available at www.memun.org. (By R.P.F.)

FAILING TO FUND GA

Question: Legally, what could happen if our municipality failed or refused to fund GA (general assistance)?

Answer: What would likely happen is that a GA applicant who was turned away locally would contact the Maine Department of Health and Human Services (DHHS), which oversees the administration of GA by municipalities. Under 22 M.R.S.A. § 4323, the DHHS would then investigate, and if it found a violation of the GA laws (such as insufficient local funding), it would notify the municipality and order compliance (an appropriation of additional funds). If the municipality failed to comply within 60 days, it would be subject to a \$500 civil penalty and an additional \$500 penalty for each 30-day period thereafter in which it remained in violation.

 MMA Municipal Calendar

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

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

ON OR BEFORE JULY 31 — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit pay-

ment as prescribed by the State Tax Assessor (36 MRSA §5253).

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

BY JULY 31 — Supply certification to the Maine Department of Transportation that Rural Road and Urban Compact Initiative Program funds will be used consistent with the requirements of the law (23 MRSA §1804).

The DHHS would also withhold all GA reimbursements until the municipality complied.

In addition, the DHHS could, within 24 hours and after notifying the municipality, grant GA to the applicant and bill the municipality, including for the DHHS's administrative costs. If the bill were not paid within 30 days, the State Treasurer would pay it by deducting the amount from any State revenues or fees due the municipality.

The DHHS could also, in addition to the above, seek a court order requiring a municipal appropriation of GA funds. A violation of such an order could result in additional penalties for contempt of court.

Even if sufficient funds have not been appropriated, the municipal officers have a legal duty to ensure that eligible applicants receive GA. Thus, an overdraft in the GA account would be authorized if necessary to meet this obligation. This would not put the municipal officers in any legal or financial jeopardy. An appropriation to cover the overdraft, however, should be considered at the next available opportunity.

For a detailed description of municipal responsibilities under the GA program, see our *General Assistance Manual*, available free to members at www.memun.org. (By R.P.F.)

MANDATORY RETIREMENT FOR MUNICIPAL EMPLOYEES

Last month we reminded readers that Maine law generally prohibits municipalities from requiring their employees to be residents of the municipality (see "Residency Requirements for Municipal Employees," *Maine Townsman*, "Legal Notes," May 2011). Since then we've been asked whether there is any law prohibiting a mandatory retirement age for municipal employees. The answer is an emphatic yes.


Title 30-A M.R.S.A. § 2704 explicitly bars a municipality from adopting any ordinance or regulation that requires a municipal employee, as a condition of employment, to retire at or before a specified age or after completion of a specified number of years of service. There are no exceptions, though the law does authorize a municipality to

establish reasonable criteria and standards of job performance for the purpose of determining when an employee should be terminated. These criteria and standards must be consistent for all employees in the same or similar job classifications, must be applied fairly to all employees regardless of age, and must be consistent with the provisions of the Maine Human Rights Act relating to the employment of physically and mentally handicapped persons (see 5 M.R.S.A. § 4575(2)).

Speaking of the Maine Human Rights Act, the Act declares it to be unlawful employment discrimination for *any* Maine employer (including but not limited to municipalities) to refuse to hire because of the age of the applicant

or to require, as a condition of employment, an employee to retire at or before a specified age or after completion of a specified number of years of service (see 5 M.R.S.A. § 4574(3)). Any person who has been subject to unlawful discrimination under the Act may, after first filing a complaint with the Maine Human Rights Commission, file a civil action in superior court for damages, injunctive relief, attorneys' fees and costs.

Age discrimination in employment is also, of course, a violation of federal law.

For a detailed guide on how to avoid these and other employment pitfalls, see MMA's "HR Toolkit" on the hiring process, available at www.memun.org. (By R.P.F.) 



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