

# Maine Town & City

The magazine of the Maine Municipal Association

May 2021

## Protecting the Coastal Economy

Towns respond to  
perils of plastic



### ALSO IN THIS ISSUE

New Tool for Vernal Pools

Acknowledging COVID Efforts

Seventh-Grade Essay Winners



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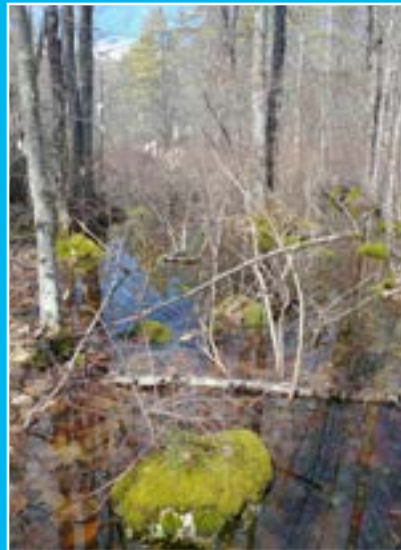
# Maine Town & City

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The Magazine of the Maine Municipal Association

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### High Hopes



*Municipal types, environmentalists and a developer support a tool that allows for growth, while preserving fragile vernal pools.*

*The COVID-19 pandemic has been trying, but let's pause to recognize the great efforts in Maine to deal with it.*  
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A photograph of a person in a field at sunset. The person is wearing a dark jacket and a hat, and is holding a wooden staff. The background is a field of crops under a warm, golden sky.

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## A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

### Time to acknowledge impressive efforts

Make no mistake, we still have a long way to go.

As of this writing, it's been more than 14 months since the phrase "COVID-19" went from being a new and unfamiliar medical term, to one that we all say every day.

As of now, well over 200 million vaccine doses have been administered in the U.S., and more than 550,000 in Maine, something beyond imagination in March 2020.

Yet, Maine's COVID-19 case counts remain devilishly high. While the state's death rate is down, hospitalizations in certain areas are not.

Overall, few of us are breathing that much easier.

But for a moment, let's take stock of all that Maine has accomplished, starting – as is often the case – with municipal leadership among staff and elected officials.

**Local government kept on chugging.** Things got complicated, but town meeting season happened in 2020 and is happening again right now. The core legislative mechanism in most of Maine's 487 municipalities worked. Budgets were passed. Roads were approved for paving. Select board and town council positions were filled. In larger communities, Zoom and remote council meeting technology went from awkward and new last year to smooth and, actually, appreciated now.

**An unprecedented general election went well.** When he was asked by this magazine to assess the November 2020 election process in Maine, the answer former Secretary of State Matthew Dunlap gave was "extraordinary." Yes, there were new voting sites in many towns. And Plexiglas. Piles of extra black markers and pens for one-time use. Hand sanitizer was everywhere. The volume of absentee ballots was daunting, but handled. Kudos to the municipal clerks, poll workers and others who made this happen.

**Local health officers, a fairly anonymous group** in an underappreciated role, stepped up to educate people about the State of Maine's evolving rules on business establishments being open or not (and how), staff and customers wearing masks, social distancing and so on. When

you venture out now, mask wearing is much more accepted than it was a year ago.

**The state Center for Disease Control & Prevention** staff deserves a hand. In my position here at MMA, I've been privileged to sit in on most of Dr. Nirav Shah's 10 a.m. multi-department COVID update meetings since March 2020. I can tell you two things first-hand: These are not political people, nor do their discussions ever veer in that direction. Rather, the 80 or so people who speak and listen at these daily Zoom updates focus on one thing: Getting Maine through this public health emergency in the best shape that they can.

**Finally, hooray for Maine volunteers.** We cannot thank you enough.

As is the case with many of you, this 60-year-old received two COVID shots when it was my turn. By the time I drove to the Kennebec Valley Community College in Fairfield to get dose No. 2 last month, vaccinations were opened to Maine citizens – full or part-time – of all ages.

What a wonderful scene. Shot seekers were greeted warmly by KVCC security in the driveway. Outside and inside the gymnasium, dozens of volunteers made the vaccinating possible, and even pleasant, day after repetitive day. They handed out masks, registered patients for their vaccinations, administered them and made sure folks recuperated safely afterward.

I heard from friends and co-workers that this scene was repeated at vaccination sites large and small in Augusta, Bangor, Dover-Foxcroft, Lewiston, Portland and at clinics and pharmacies too numerous to mention.

Maybe Maine isn't special in this way. Maybe all these things, involving thousands of diverse employees and volunteers across our state, happened everywhere in the U.S. I wouldn't know about that.

But, they definitely took place here. And while the effort must continue, let's pause to offer simply: Thank you.

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## Elected Officials Workshops

This MMA course is a must for newly elected and veteran officials - councilors & selectpersons. Topics include Understanding Your Role in the Community as an Elected Official, Public Meetings, Freedom of Access and Freedom of Information, Liabilities and Immunities, Media Relations and Conflicts of Interest. This course meets state FOAA training requirements.

## Managing Freedom of Access Requests

This course is presented by MMA and is designed to help municipal "Public Access Officers," municipal staff and elected and appointed officials understand Maine's Freedom of Access Act, why FOAA requests are filed and how to handle them properly. This course meets state FOAA training requirements and applies to the Maine Town, City and County Management Association Certification Program as 2.5 credits in the Elected Relations category.

## How to Lead Effective Meetings/Zooming in to Facilitate Effective Zoom Meetings

These workshops are designed to help everyone, from municipal staff leaders to elected officials, prepare for, run and conclude effective meetings. They do not provide legal advice and are not meant to help attendees learn about the legal requirements of running public meetings. They will advise attendees on the best ways to deal with complicated subjects, troublesome interrupters – and more.

## The ABCs of Assessing – for Non Assessors

**NEW!**

This new, 90-minute webinar will cover the top 10 things elected officials should know about municipal property tax assessment, including the duties of the assessor, who is responsible for carrying out those duties and what is required by state statute.

## Developing Solutions on Hotly Contested Issues

**NEW!**

This new course will help elected officials deal effectively with controversial issues – both within their ranks and in their communities. The instructor will introduce tools to use when dealing with high conflict situations, including listening for understanding and helping people move from positions to interests and joint solutions.

## ELECTED OFFICIALS WORKSHOPS

**THURSDAY, JUNE 24**

Zoom Webinar

**WEDNESDAY, AUGUST 18**

Saco – Ramada Inn &amp; Conference Center

**TUESDAY, NOVEMBER 30**

Orono – Black Bear Inn

## MANAGING FREEDOM OF ACCESS REQUESTS

**THURSDAY, JUNE 10**

Zoom Webinar

**TUESDAY, DECEMBER 14**

Augusta – Maine Municipal Association

## HOW TO LEAD EFFECTIVE MEETINGS

**THURSDAY, SEPTEMBER 9**

Zoom Webinar

## THE ABCS OF ASSESSING – FOR NON ASSESSORS

**THURSDAY, NOVEMBER 4**

Zoom Webinar

## DEVELOPING SOLUTIONS ON HOTLY CONTESTED ISSUES

**TUESDAY, NOVEMBER 16**

Portland – Clarion Hotel

# Future of plastic in play as coastal communities act

*In the classic movie 'The Graduate,' a young man was advised that plastics held unlimited potential. Fifty-four years later, environmental realities cast doubt.*

By Susan Cover

Coastal cities and towns are taking action to reduce a growing threat to the marine environment – ocean pollution and microplastics – as a way to protect their identity, economy and way of life.

In Camden, that means those bright blue dock floats made of polystyrene will be replaced or encased by 2023. In Portland, it means bars and restaurants can no longer hand out plastic straws. And in Kennebunk, voters in 2019 approved a ban on the release of balloons that can end up injuring birds and sea life.

Worldwide, an estimated eight million tons of plastic ends up in the ocean each year, which is the equivalent of a full garbage truck dumping into the sea every minute, according to the United Nations.

“Over time, most of this plastic breaks down into tiny pieces less than five millimeters in length, which are consumed by marine wildlife and contaminate the food we eat,” according to the Shaw Institute, a nonprofit scientific research organization based in Blue Hill. “These microplastics pose a serious risk to ocean and human health, from the Pacific coast to the beautiful waters of Maine.”

It's a global problem with a local impact. Add to it the concern about a warming Gulf of Maine and rising sea levels, and the pressure to protect the ocean – at least Maine's portion of it – becomes all the more clear.

“It's the cornerstone of the Camden economy,” said Town Manager Audra Caler-Bell. “It's why people come



Scene from a dock in the Town of Camden (Submitted photo)

to Camden. They want to recreate here and live here. We are doing whatever we can to protect the watershed.”

National leaders are taking note as well. U.S. Rep. Chellie Pingree, who represents Maine's 1<sup>st</sup> Congressional District, used her chairmanship of the House Appropriations Subcommittee on Interior, Environment and Related Agencies in March to focus on the best way to reduce marine plastic pollution.

“The problem is global in scope, growing worse each year, and has increasingly devastating consequences,” she said in her opening statement.

Also in March, California began implementation of a 2018 state law to test for microplastics in drinking water, the first of its kind in the country, according to [calmatters.org](http://calmatters.org), a nonprofit, nonpartisan journalism website based in Sacramento.

For Caler-Bell, the visible reminder of what happens when polystyrene dock floats break apart prompted the

town's conservation commission to propose an ordinance banning their use. The small blue flakes washed up on Megunticook Lake and in the harbor. Since the ordinance passed in 2017, the town has spent about \$50,000 each year to replace town-owned floats. The ordinance applies to all floats and buoys on town “lakes, rivers, harbors and coastal waters.”

In describing the impact of polystyrene, the ordinance states that “it is neither readily recyclable nor biodegradable and takes hundreds of years to degrade in the environment. When ingested, the polystyrene fragments may block the digestive system of birds and animals, killing them through starvation.”

As the 2023 deadline approaches, Caler-Bell said the town will do more to remind residents and others of the ban. The ordinance calls for a \$25 fine for a first violation and if it's not addressed in 30 days, a \$25 per day penalty after that.

---

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



Troy Moon

Camden has also been proactive in monitoring other pollutants in the harbor that come mostly from storm water runoff, Caler-Bell said. When she thinks of microplastics, she said industries that produce plastic should be held accountable for finding ways to use alternatives or to pay for proper disposal of products already in use.

“It’s trying to sort of take them out of the system in the first place,” she said. “By the time you’re looking to clean them up it’s too late.”

### ‘A huge concern’

In Portland, a ban on plastic straws, stirrers and splash sticks took effect in January, representing the next generation of efforts to address plastic pollution that often ends up in the ocean, said Troy Moon, sustainability coordinator for the city.

“Litter, plastic litter in particular, is a huge concern for us,” he said, noting that Portland was the first city in the state to ban plastic bags and polystyrene takeout containers in 2015. “It ends up in the storm drains and ends up in Casco Bay. We’re trying really hard to maintain the water quality of Casco Bay.”

The Plastic Straw Ordinance passed in 2019 states that the city is “committed to environmental leadership” and that the council has a “desire to conserve resources and reduce greenhouse gas emission, waste, litter and pollution.” It allows restaurants to provide alternatives, such as paper straws, if a customer asks for one.

When it comes to enforcement, the city must first issue a written warning



Michael Pardue

that a violation has occurred, according to the ordinance. After that, the city can issue a fine of up to \$100 for a first offense and up to \$200 for a second offense.

Taking a look at the big picture, Moon said the plastic and microplastic that ends up in the ocean is a major concern.

“They are finding plastic in even the deepest part of the ocean,” he said. “It moves up the food chain. They don’t ever go away. It breaks down into smaller pieces.”

From a municipal perspective, Moon said steps to reduce waste by encouraging people to reuse items such

as coffee mugs and actions to remove harmful plastics can have both financial and environmental impacts.

“Municipal officials have a lot on their plates but waste reduction is really important,” he said.

In Kennebunk, a high school student prompted the select board to ask voters to approve a ban on balloon releases, said Town Manager Michael Pardue. Voters approved the June 2019 ballot question overwhelmingly, with 65% support. Although businesses in town can still sell balloons and residents are free to use them inside their homes, merchants are required to explain that they should be disposed of properly, he said.

The town no longer allows big balloon releases once common across the country at events like football games or remembrances for people who have died.

“People have been very compliant,” he said. “I think people are cognizant of the potential environmental impacts.”

Pardue said the balloon ordinance fits nicely with the town’s efforts to address climate change, including its participation in a six-town consortium designed to help municipalities make decisions that will help reduce greenhouse gas emissions.

Kennebunk is also rebuilding a seawall damaged by severe storms in

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recent years, replacing windows in municipal buildings, converting street lights and replacing municipal vehicles with hybrid or electric vehicles, he said.

Municipal officials have a role to play in tackling big issues, whether doing their part to address a global pandemic, ocean pollution or climate change, he said.

“It’s a big undertaking, but one we can’t delay,” he said.

For Bath City Manager Peter Owen, a plastic bag ban was one way to get at the problem of plastics. With a landfill near the Kennebec River, which empties into the Gulf of Maine, there’s concern for seals and other wildlife that might come into contact with plastic, he said. The town also banned Styrofoam takeout containers, which has been a success.

“The perimeter of the landfill

looked like a weird place,” he said. “The trees were full of these bags.”

While other cities and towns have taken additional steps, Owen said Bath will be wary of imposing any new restrictions on local businesses, particularly in light of the struggles many of them have faced during the COVID-19 pandemic.

“It’s the wrong time to put any additional burdens on businesses,” he said. “They are trying to stay afloat.”

In November 2019, the National Oceanic and Atmospheric Administration published a Gulf of Maine Marine Debris Action Plan that targets consumer debris, derelict fishing gear and microplastics.

Demi Fox, Northeast Regional Coordinator for the NOAA Marine Debris Program, said her agency divides the country into 10 regions and that the Gulf of Maine region covers

Maine, New Hampshire and Massachusetts. She said all three states identified ocean debris sources – consumer debris, derelict fishing gear and microplastics – are of equal concern, noting that land-based trash and fishing gear break down to become microplastics.

Marine debris not only has the potential to damage fishing vessels and injure sea life, it diminishes the quality of seagrass beds, the quality of the fishery, tourism and regional economy. While it’s difficult to quantify the problem in the Gulf of Maine, she said it’s easy to understand the baseline.

“We know the level naturally occurring in the environment is zero,” Fox said.

The action plan describes work that will be done through 2024, including identifying ways to prevent single-use plastics from entering the watershed, working with businesses to find alternatives to plastic, and creating a protocol for microplastic sampling and processing.

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### Smaller action first

For municipal officials hoping to make a dent in the problem, Fox said being aware of the issue and looking for ways to help is important. She often tells members of the public to start small, acknowledging that the issue can seem overwhelming.

“Take small steps,” she said. “Find one single-use item you are currently using and replace it with something reusable. Keep moving until you’re eliminating those things from your everyday life.”

Theresa Torrent, outreach and stewardship specialist for the Maine Coastal Program at the state Department of Marine Resources, works with businesses, individuals, schools and chambers of commerce each year to organize a September cleanup of coastal areas. Over the years, the debris collected has gone from tires and waste dumped at beaches to concern about single-use plastic and food packaging, she said.

“Those little itty, bitty pieces are just as important,” she said. “They end up as microplastics in the water.”

Each year, 70-80 groups register with the state to do local cleanups. Last year, during the pandemic, the state did not organize an official event, but about 30 people went out anyway to help remove debris, she said. This year, Torrent hopes for the return of a big event in September – possibly with the flexibility of a month-long cleanup – as long as groups are able to abide by whatever pandemic restrictions might

still be in place.

Sarah Nichols, Sustainable Maine director at the Natural Resources Council of Maine, described plastic bag bans and restrictions on Styrofoam containers as a starting point – or as she put it “the low hanging fruit of useless plastics.”

Moving forward, NRCM is working on reusable food ware ordinances and recycling reform that would put the onus on major food producers to pay to recycle their packaging. Maine is one of 12 states considering legislation on the topic this year, she said. It could be a help for municipalities that now bear the burden of covering the cost not only of trash removal and disposal but of recycling programs as well, she said.

“This shouldn’t be a municipal problem,” she said. “It’s not efficient, it’s not fair and it’s not sustainable. Municipalities are doing a great job. It shouldn’t be their cross to bear alone.”

Tackling microplastics will be a difficult challenge because they come from many sources, including municipal wastewater treatment outfall pipes, she said. Since many clothes contain plastic, when they go through a wash cycle, microplastics end up in the water that then travels through municipal wastewater systems. And once that water ends up in places like Penobscot Bay, mussels and oysters filter out the toxins.

In 2013, a Shaw Institute monitoring program found what it described as “staggering amounts of microplastic fragments” in water samples taken from

Blue Hill and Penobscot bays. On average, they found 17 plastic fragments in every liter of seawater, according to the institute. The following year, the institute found “surprisingly large numbers of microplastic fragments in oysters and mussels.”

“We must change our relationship with plastics, the convenience of plastics, our reliance on plastics in our daily lives,” the report states. “We need to think hard about our use of plastics and how we can reduce it by substituting safe materials.” ■

### MONEY FROM THE SEA

In 2019, Maine’s commercial landings ranked second highest of all time, according to the Maine Department of Marine Resources.

**Total: \$673,910,558**

- Most valuable species: lobster
- Lobster landings: 100,725,013 pounds
- Lobster value: \$485 million
- Second most valuable species: elver
- Elver cost per pound: \$2,000
- Overall 2019 value: \$20,119,194
- Third most valuable species: Softshell clams, \$18 million

*Source: Maine Department of Marine Resources*



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# New tool for vernal pools offers potential win-win scenario

*Scientists and municipal officials in Topsham and Orono say the Vernal Pool Special Management Plan concept – yet to be used – is worth a look.*

By Betty Adams

The presence of vernal pools in a community's designated growth area can cause headaches for both ecologists and developers.

Ecologists worry about the long-term survival prospects for the fragile wildlife that breed in vernal pools. Developers stress about the regulatory hoops, both state and federal, that must be surmounted in order to use the land for its municipally designated purpose.

Now a new mitigation tool is available that allows developers to navigate that pool a little better, while at the same time increasing the number of protected vernal pools in a designated rural area where forested woodlands provide a better long-term habitat for vernal pool denizens.

Seven years of hard work by municipal officials, scientists and developers produced the Maine Vernal Pool Special Area Management Plan, a roadmap for municipalities to use when development impacts vernal pools.

"The whole idea behind this is a landscape-scale approach to rural conservation, and that makes a big difference," says Aram Calhoun, professor of wetland ecology at the University of Maine, who helped develop the new tool.

The Vernal Pool Special Area Management Plan provides an alternative mitigation procedure that a town can adopt that essentially bypasses state



*Vernal pool in Hancock County (Submitted photo)*

and federal and state permitting processes and allows development to take place without waiting for spring to assess the vernal pool. The developer pays a fee to a local conservation program – often a land trust – which then uses the money to buy a permanent conservation easement from a rural landowner for a vernal pool landscape. The developer also can donate land that's acceptable to the conservation group rather than pay a fee.

While the legislation authorizing use of the tool was finalized in 2017, it has yet to be used locally, although both Topsham and Orono have uses for it on the books.

## How it works

In order to adopt the Special Area Management Plan, a municipality must go through a series of steps, including authorizing the plan as part of its ordinances and applying to the Board of Environmental Protection. Procedures are detailed at the "Of Pools and People" website ([www.vernal-pools.me](http://www.vernal-pools.me)), which offers just about everything you want to learn about vernal pools, including identification, regulation, research and even activities for children.

Calhoun said use of the tool can avoid the problem of having a vernal pool surrounded by development, "which is not sustainable for pool-breeding amphibians in particular or for long-term population viability."

The Maine Department of Environmental Protection describes vernal pools as "shallow depressions that usually contain water for only part of the year. They are often associated with forested wetlands."

Calhoun noted that "A high priority vernal pool has good, intact forested landscape around it. Our high priority pools are ones that serve as good breeding sites for at least one species of the vernal pool breeders: wood frog, spotted salamander, blue-spotted salamander or fairy shrimp."

Wood frogs can grow to about 2½ inches long and live three to five years. They over-winter while partially frozen, as a "frogsicle," Calhoun says. Spotted salamanders have bright yellow spots and grow to be six to eight inches

---

*Betty Adams is a freelance writer from Augusta and regular contributor to Maine Town & City, [adamsmbetty00@gmail.com](mailto:adamsmbetty00@gmail.com).*



Vernal pool in Hancock County (Submitted photo)



Dr. Aram Calhoun

long. They can live 15-20 years. Blue-spotted salamanders have light blue spots and are slightly smaller. In a wildlife video on the “Of Pools and People” website, Calhoun describes fairy shrimp as “the fresh-water version of brine shrimp.” The translucent upside-down swimmers grow to be an inch long and have a lifespan of about six weeks.

Evan Richert, director of the State Planning Office for eight years and later consulting planner for the Town of Orono, helped formulate the Vernal

Pool Special Area Management Plan.

“This tool, where it is appropriate and applicable and needed, helps to reconcile the conflict between two state laws: the Natural Resources Protection Act and the Comprehensive Land Use Planning Act,” he said.

Significant or high priority vernal pool habitats are protected under the state’s Natural Resources Protection Act. The Comprehensive Land Use and Planning Act has goals of limiting developmental sprawl and focusing development on designated growth areas.

### Sights to behold

Richert, who is now retired, likened vernal pools to a seventh wonder.

“When they are active in the spring, they are a beautiful, beautiful sight. You see these masses of eggs in layers (from different species) and sometimes ducks flying in for a quick protein snack. It’s at the base of the forest ecological system,” Richert said. “What happens when you want to develop right in the middle of a growth area, but there’s a vernal pool there? That’s the conflict that this tool reconciles.”

Richert recalled that in the mid 2000s, a clustered single-family housing development was proposed in Orono, within walking distance to the University of Maine and the downtown.

“The state’s growth management plan encourages that kind of development in that location,” he said. However, the plan called for a roadway to cross wetlands that held a vernal pool, and it ran into problems with various regulatory agencies. “That combined with the Great Recession killed the project. It was an eye-opener for a lot of people.”

He said that inspired the town to learn more about vernal pools and where they were located.

Richert noted that one of the key elements of the Vernal Pool Special Management Plan is that the state’s delegation of authority for permitting and mitigation to municipalities. Calhoun also pointed out that a municipality has no liability with regard



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Jim Howard

to the use of the new tool. If after three years no landowner is willing to do the conservation easement, the money is sent to the state's In Lieu Fee Compensation Program.

Jim Howard, president and CEO of Priority Real Estate Group, a Topsham firm specializing in commercial real

estate development, joined the group working on the plan at the request of Topsham officials and spent five and a half years at it.

Initially, Howard was unsure about what to expect. "Usually when a developer sits with the DEP, the EPA and the Army Corps of Engineers, we tend to have conflicts."

However, he found that the group "was incredibly productive and incredibly focused on how to solve a real development problem." Their focus, he said, was: "Let's protect land where we really want to protect it for good and not protect something that's basically a big puddle in the industrial park."

Without this plan, the presence of a vernal pool on a lot in a growth zone meant either more expense or simply rendered the lot unusable.

"Once a vernal pool was identified, it kind of becomes like nuclear waste; you don't go near it," Howard said. Now he has the opposite view. "I'm actually trying to find a piece of property with a darn vernal pool on it to develop it so we can show how it works."

Howard is also advocating for other municipalities to adopt the Vernal

Pool Special Area Management Plan.

"If we could get the word out to town planners, economic development directors that this program's fair, then with all the land in all the growth zones, we would have a lot of people submitting to the program to use it," he said.

Rod Melanson, Topsham's planning director, praised Howard's work helping to craft the new plan. "His involvement with special area management has been invaluable in dealing with landowners and advising them that this is a good tool to use."

Melanson noted that the town has been involved in assessing vernal pools for a number of years, with much of the initial surveying performed by citizen scientists trained by University of Maine as part of The Vernal Pool Mapping and Assessment Program, which began in 2007.

"I still have the data for all the potential pools throughout the town," Melanson said. "It looks like little dots on the map."

Melanson said the information benefited landowners thinking of developing their property and it iden-

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tified vernal pools in commercially zoned areas.

The Town of Topsham, which adopted the Vernal Pool Special Area Management Plan several years ago, is working with a landowner on a housing development project that impacts vernal pools and could potentially use the new tool.

Melanson has high hopes for the plan's impact. "A win-win situation would be the town ends up with a positive downtown development while at the same time literally protecting a resource that will have long-term value as a resource in a rural area. It allows the town to grow where it wants to grow

and will protect the rural character that the town said it wants to protect."

Melanson added, "For the planning community, it's a great way to do conservation and development in one package to have local control over a successful conservation project and a successful development."

### Looking for opportunities

In Orono, the other Maine municipality which helped formulate and later adopted the Vernal Pool Special Area Management Plan as part of its ordinances, also has yet to see a project that would use it.

"In our identified growth area

where development would happen that might impact one of the pools, there aren't too many locations left," said Kyle Drexler, town planner there for the past three years.

In the meantime, the town has been working with Calhoun and her colleagues to identify vernal pool locations in rural areas to be ready should someone propose a development under the Special Area Management Plan tool.

"We were starting to organize outreach events for people in rural areas to get together to see what an easement would look like," Drexler said. "The pandemic shut down our ability to meet with the property owners and that made it harder to find potential properties out there we might not know about."

He's hoping warmer weather and increased vaccination numbers will allow resumption of the outreach effort.

"From the planning perspective, I think it's a really valuable tool for here," Drexler said. "It supports a lot of what the town's goals are because you are able to focus development where we want development anyway to

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take advantage of infrastructure and achieve goals in rural areas.”

Calhoun is enthusiastic as well.

“For each pool filled in the growth area, we get two pools and adjacent habitat for the amphibians in an area of the town that is already deemed lower development, so there’s a chance for pool-breeding amphibians to have long-term viability. By implementing a permanent conservation easement, we have linked vernal pools to forests, and that is beneficial to all the wildlife that uses the vernal pools, not for breeding, but for feeding and resting. We have a whole suite of mammals, birds, reptiles and other amphibians that use

these vernal pools. So obviously if our goal is to conserve linked landscapes, then we’re conserving corridors and green spaces for all the wildlife.

“Moose, deer and bear all use these vernal pools in the spring, because they are the first things to start melting, the first wetland habitat available, full of good things to eat early in the spring before other food resources come online. So you’ll often find great blue herons or ducks migrating to their nesting areas stopping in these pools. We have turkeys foraging in vernal pools. I am convinced that mink, raccoon and other small mammals are tuned into the rhythms of the vernal

pool amphibian migrations, so they actually stake out these areas and wait for all that food to flow into the pool to get a first, after-winter, really good slug of protein.”

Calhoun and her colleagues are looking at how best to implement the tool.

“The devil’s in the details: Getting a landowner that wants to put their land in conservation, and getting a development project off the ground



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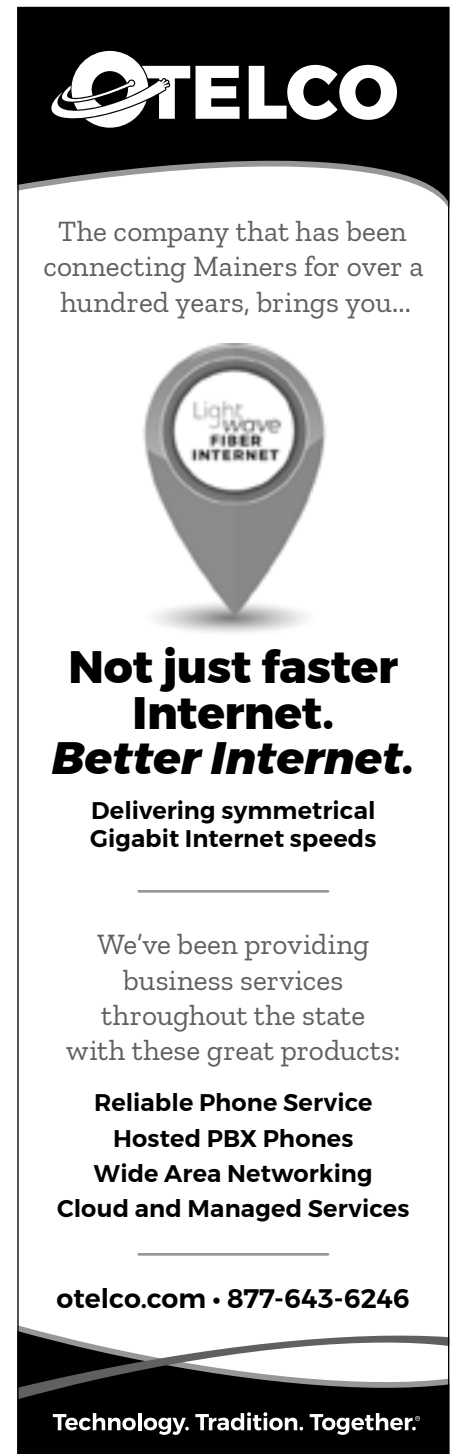
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that wants to use this tool,” Calhoun said. “My colleagues and I are still doing research on the social science aspect of implementing such a tool and the one thing that we have found

surprising is that we finally have the amphibians figured out, but the people, not so much. A lot of people are very hesitant with the permanence of a conservation easement.”

Calhoun said she and Dr. Jessica Spelke Jansujwicz, an applied social scientist at the University of Maine, are willing to make formal presentations to municipalities about how the tool would work. “The tool’s been accepted by the Army Corps of Engineers, the Environmental Protection Agency and the Department of Environmental Protection, and they’re all just waiting for successful projects and towns to adopt it.”

Calhoun also pointed to the regional opportunity. “If Maine can advertise this and get our towns used to it, I expect it will spread through New England, which would be wonderful if we live up to the ‘we lead’ (Dirigo) motto that the state has.”

Richert said, “I think it is a tool most useful in the suburban municipalities that are growing rapidly and trying to find a way to accommodate that growth while trying to preserve a very large rural area around those.”

In particular he pointed to the Portland region, the Augusta/Waterville area, Bangor and the coastal areas which are experiencing high commercial and residential growth. ■



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# If I led my community...

Maine Municipal Association | 7th Grade Essay Contest Winner

**Lucia Bolaños**  
Shapleigh School  
Teacher: Mr. Waters

If I led my community the most important part would be the feeling of belonging. That means more activities to include everyone. It would be a town meeting-selectmen-manager form of government because the annual town meetings are a good way to bring everyone together. They will allow everyone to have input and not just one person in charge of every issue. Town meetings are also a good place to discuss community and economic development ideas.

The majority of the money for the town in my community would come from property taxes. Most of the money from the taxes will be used to better the community and the education of its citizens. There would be tax exemptions for nonprofit organizations and appropriate zoning laws to enhance community and property values. Property lines will be well defined for specific uses like parking, business, gas stations, restaurants, etc. This helps potential citizens know what to expect when buying property.

Public services are very important. Emergency services such as police, fire, and ambulance will be connected through 911, and all will go through diversity training. Another public service that is important is solid waste and road maintenance. Town workers take care of keeping town property safe and working properly. The community would provide trash pickup for \$10 a week or they can use the dump self-service for free. There would be a recycling center at the dump to help keep the earth clean, and a place to leave unwanted, working items to cut down on landfill waste. A minimum wage position paid for by the trash pickup would pay for someone to work there. In my town we have a building like this at our dump called the "Freebie Barn."

In this community public transportation would be available to everyone. There would be bus stops at common places such as the grocery store, community center, parks, pharmacies, and some highly populated neighborhoods. More public transportation cuts down on greenhouse gas emissions caused by everyone having their own cars and it is a social service for those who cannot afford a car and gas. Other social services provided in my community would be food, shelter and medical assistance for the people who need it. The town would provide these because they are basic human needs.

If I led my community, recreation would be most important. The public areas help bring communities together in common interests and help keep all generations active and healthy. It also cuts down on substance use in teenagers. Some of the buildings and activity centers would be a community center, basketball courts, athletic fields, dog parks, playgrounds, gyms, and well-lit walking trails. These all help the community stay active and bring them together through common interests. Because the sense of community is the most important thing, there would be lots of places to stay active and do things together.

If I led my community, COMMUNITY would come before everything.

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# If I led my community...

Maine Municipal Association | 7th Grade Essay Contest Winner

**Ada Stenhouse**

Bruce M. Whittier Middle School  
Teacher: Ell Fanus

If I led my community, I would focus on bringing young people in our town into the community. I would work to build communal spaces in my town that would belong to town residents and children. With a small number of just above 5,000 residents, I think it is important to have a tight-knit and neighborly community.

A first step would be to work with the Economic and Community Development committee to fundraise and access town money to fund an addition to our town library, and give it some much needed TLC. I think we could find ways to make the library a more appealing place for young people to come and find belonging in the community. I believe that my community would greatly benefit from having a safe place to come and feel welcomed as part of a group.

Behind the library, there are also some town trails through the woods. It is a really beautiful part of our town that we should take more advantage of. My family enjoys walking on the trails on weekends, but we rarely see other people on the trail or parked to use them, which surprises us because the trails are so accessible, fun, and free to use! Adding an addition to our library, and sprucing up the town trail system, would create a place where my community could gather and connect. The construction of a gazebo between the trailhead and the library would serve to connect the two spaces into one communal area.

The trails and the library also happen to be just across the street from the elementary school! So what I would propose is for alternating elementary school classes to cross the street once a week to visit the library. For science classes, (with parent permission slips of course) teachers could bring students to the trails or edge of the woods, where they could see the things they are learning about in classrooms - real and up close. This would not only inspire children about their learning topics and get them using the resources we have right here in our town, but it would also give them a much welcome break from sitting at a desk all day.

When I think of our town community, I honestly think of a lot of adults having a meeting in the town hall, when really I should be imagining the people around me, in my school, my local grocery store, the town hall, being active, outside enjoying the trails. If I led my community I would find ways to include young people in our community, get people outside, active, and enjoying the town.

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# If I led my community...

Maine Municipal Association | 7th Grade Essay Contest Winner

**Aerie Yin**

Trenton Elementary

Teacher: Ms. Autumn Demaine

If I led my community, I would improve the roads, take measures to eliminate littering and trash buildup, and increase safety of kids to let them have more free range. These will help build a positive, fun, and safe community. Firstly, I would hold fundraising events and apply for grants in order to fund my desired operations.

The roads would be tackled first, I would add a bike lane made out of compact gravel to provide the opportunity for kids to bike around without their parents worrying about them. This would increase the probability kids would go outside and exercise. Also, quite a few people like to walk on the roads and it would be much safer if there was an area designed for biking and walking. Adding a bike lane would cut down on stress from parents, but we can also implement some rules and regulations regarding the bike lane. Being visible will reduce the chance of being hit, also we should remind drivers to slow down and give the bikers or walkers plenty of room.

Our roads are very important as they are how we get from one place to the next. I would put more money into the plowing so we don't have as many snow days due to bad road conditions, and we can reduce accidents due to slick roads. A common accident is hitting the power poles, so I would give the electrical companies the power to move the poles back a few feet from the road. This will result in less accidents.

Littering is also an issue. We can cut the trash build up by placing trash cans alongside the road. We can have periodic trash clean ups to maintain cleanliness on our roads. This would also provide things for people to do when they are bored. Related to the littering situation, we should have easier access to ash trays to limit litter from cigarettes. We have not had success with getting people to stop smoking in public spaces completely, but keeping ashtrays nearby is a good way of keeping the butts off the ground. Which helps with less trash build up keeping our community clean and pleasant.

A good investment would be to teach people a little bit about respect. Of course I don't expect people to be jolly to everyone, but respect is a basic human right. You may lose peoples' respect, but you should always start out with having their respect. Just a little reminder every once in a while a little sign or something. Sure some people think it's overrated but people need respect to keep going.

All of these things will benefit the community either physically such as keeping it clean, or the atmosphere by taking measures to make people feel safer and respected. If I led my community, I would make it a place where everyone wants to live.

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# Police in Portland, Augusta see lessons during a trying year

*Protests about masks, politics and social unrest coincided with the COVID-19 pandemic. Police chiefs and council members say some bonds were tightened.*

By Stephanie Bouchard

As two of the largest communities in the state, Augusta and Portland have busy police departments in “normal” times. During this first year of the coronavirus pandemic, they have faced unprecedented challenges.

## Honeymoon was over

On Sept. 6, 2019, Frank Clark, who served for more than 30 years with the South Portland Police Department, became Portland’s chief of police. “I was five months into my honeymoon period,” he said, “and then, of course, by March, all heck was breaking loose, so it was a pretty abbreviated honeymoon.”

The city, the state, and most of the country went on lock down as the world tried to stem the progress of COVID-19, and figure out how to function while a virus was killing people.

The Portland Police Department put its already-developed pandemic emergency plan into action, said Clark, getting in touch with people across the city and state to ensure they were making the best decisions they could.

“Looking back on it,” Clark said, “one of the things that has helped us through this has been – from the top down – an open and cooperative collaboration amongst not only people in the police department, but people in all the departments of the city.”

That cooperation was particularly helpful in handling complaints about violations of pandemic restrictions,

such as not wearing masks in public spaces, ignoring curfews, and exceeding the number of allowable people in indoor spaces, he said. The city’s permitting and inspections department handled the bulk of business-related violations, with the police department stepping in only when the need arose.


When the city council agreed to close some streets in the city’s downtown to allow for restaurants and shops to have more safe space, it was collaboration again that allowed that change to work.

The police department walked the designated areas with the city’s permitting and inspections staff, and members of the fire department and public works department, to make sure those altered street patterns

would be safe for everyone to use and that the changes wouldn’t place extra coverage burdens on the police department or other departmental staff to manage the areas.

Then, as the social justice conversation ramped up across the country and in Portland, the Portland police department faced the challenge of allowing people to exercise their rights while managing to keep themselves, protestors, and others in the community not taking part in the protests, safe. To do that, the department had to make sure they had enough staff to cover the protests and to respond to emergency situations outside the protest area.

During one of the protests, he said, a serious motorcycle accident



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

happened elsewhere in the city that required the responding officer to use three tourniquets on the injured motorcyclist. The officer's efforts not only saved the motorcyclist's life, but also both his legs and an arm.

While that period of protests last summer, some of them directed at the police themselves, was difficult, Clark said, good things have come from it. The police department had follow-up

meetings with members of the protest groups last summer and is continuing to reach out this year.

In May, he, other police chiefs and leaders and members of communities representing specific social justice issues will meet in a moderated forum to talk about fairness in policing and social justice topics, he said.

"Sitting there across the table, we can answer questions, we can ask

questions, with the goal being by the end of it that we are in a much better place of understanding," he said. "If we can't get to understanding, if we can't communicate, it's hard to get to that level of mutual respect."

### Staying connected

Just before the coronavirus pandemic upended life everywhere, the Augusta Police Department embarked on an ambitious project: to earn accreditation from the Maine Law Enforcement Accreditation Program (MLEAP).

Developed by the Maine Chiefs of Police Association, MLEAP is a voluntary program in which police agencies prove their compliance with law enforcement best practices and standards. There are 162 standards in the program and they cover all aspects of law enforcement, ranging from health and safety to use of force to evidence management to record keeping. Police departments seeking accreditation provide written documentation, do interviews with assessors,

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and undergo an on-site evaluation to demonstrate how they meet MLEAP standards.

In April of this year, the Augusta Police Department became one of eight police departments in the state to earn MLEAP accreditation. Earning MLEAP accreditation at any time is a noteworthy achievement, but that the Augusta Police Department did it during the upheaval of a worldwide

pandemic, a heated election cycle, and social unrest is “amazing,” said Marci Alexander, an at-large member of Augusta’s city council.

“It was quite a 12-month period,” said Alexander. “I feel like they did a great job. I don’t ever remember any issue that (the city council) talked to them about that they weren’t a hundred percent behind tackling it and getting it done in a professional manner.”

“They’re an outstanding force,” said Eric Lind, another city councilor and a retired brigadier general of the Maine National Guard, who saw his share of disaster work during nearly 40 years of military service. “I think the police department (is a) relationship-based and community-based force,” he said. “They know the city, they know the people, people know them.”

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Nomination forms are available on the MTCMA website: <https://www.mtcma.org/about-mtcma/awards/>. Nominations are accepted until June 30, 2021.

That knowledge is critical in times like the past year, when even what they were used to took on heightened levels of emotions.

Being the state's capital city, Au-

gusta and its police department are no strangers to protests.

"We have more experience with protests than most," said Jared Mills, Augusta's police chief.

Given that reality, Augusta police have tested and proven processes in place that help things go smoothly for everyone involved. Those processes worked during the social justice protests and the protests and rallies related to the election last year – even with emotions running high.

"We work with (organizers) to make sure they have a successful event because we actually encourage this. It's a First Amendment right. We want people to safely demonstrate and get their message out. So, taking that stance has been successful for us and we work with the folks to do that."

While the Augusta police department is practiced in protests, when the pandemic began, they found themselves facing other challenges that weren't so familiar.

#### Added home base

For one, they needed to find physical space for their staff members to work where they could safely physically distance. Some employees could work from home, but for those who couldn't, they were split between the

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police station and the Buker Community Center.

Buker Community Center was not set up to be a police station, so it was altered to accommodate the department's needs, which meant the purchasing of additional technology – hardware and software such as laptops, ethernet cable, and program licenses – and the setup of that technology.

In the first months of the pandemic, Augusta police also focused on trying to keep staff members as unexposed as possible. They developed protocols to limit in-person contacts so instead of going to a resident's house to handle a complaint, for example, they'd conduct that business over the phone, when possible. If they had to go to homes, they'd meet outside the house instead of indoors. They also partnered with the Augusta Civic Center's food preparation staff to provide meals for staff members, which served to further limit exposure.

It wasn't just the police department trying to limit their exposure – all city's residents were, which cre-

ated another challenge for the department. They were not getting the normal volume of calls for mental health and domestic violence issues, and that was concerning.

"We realized that stuff wasn't going away," Mills said. "The concern was that it's not being reported anymore because people are stuck inside and locked inside."

The department decided to make a concerted effort to message that people should call the police department if they needed help. They partnered with local domestic violence organizations to get the word out and made YouTube videos and used their Instagram, Facebook and Twitter accounts and the local community television station and radio stations to run public service announcements.

The department used these same communication tools, as well as placed electronic message boards at high-

traffic locations around the city, to say there were available community resources for people in need. Augusta police even helped the city's parks and recreation department get meals to children who were no longer able to get meals at school because the schools were closed.

Meeting the challenges of the last year would have been hard – and maybe impossible – if it weren't for the support of their communities and city staff members, said chiefs Clark and Mills.

Being able to lean on other members of the law enforcement community has been particularly helpful, Mills noted, both for emotional support but also to exchange what works and what doesn't.

"We use each other," he said. "We communicate regularly so we don't reinvent the wheel." ■

All of the upcoming workshops can be found on the MMA website. Use the following link:  
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# MANAGEMENT VIRTUAL CONFERENCE JUNE.17.2021



Sponsored by the Maine Municipal Association  
In Cooperation with the Maine Local Government Human Resources Association

## AGENDA

9:00 AM: LOGON

9:10 am: Welcome by Stephen W. Gove, Executive Director, Maine Municipal Association

9:15 – 10:30 AM: KEYNOTE ADDRESS

### Best Practices for Inclusive Hiring

If we want to hire the best talent, we need to make sure our hiring processes are truly welcoming and inclusive to everyone. What are the barriers...that perhaps we didn't even realize were barriers...that prevent our hiring processes from attracting the most highly qualified candidates? Join Maine Intercultural and an HR professional specializing in diverse talent acquisition as they lead participants through an exploration of inclusive recruiting, applications, and interview questions.

**Presenters:** Liz Greason, Co-Founder, Maine Intercultural Communication Consultants; Humza Khan, DE&I Partner, Inclusion Maine

*MTCMA Certification – 1.25 points Leadership, Human Resources and Ethics categories*

10:30 – 10:45 AM:  
BREAK/ SPONSOR BREAKOUT MINI SESSION

10:45 – 11:45 AM: CONCURRENT SESSIONS

### Why I Joined Municipal Government

Perhaps it was to get a good job, close to home. Or, a spirit of giving back to a community, to know that one is serving a higher purpose. Maybe they just found their prospective co-workers too darn fun not to work with! Listen to these three impressive panelists describe what led them to choose municipal government for their career paths, how their experiences have been to date and what they recommend

that municipal employers consider changing, going forward.

**Panelists:** Galen Weibley, Economic & Community Development Director, City of Presque Isle; Emily Scully, City Clerk, City of South Portland; Kara George, Town Manager, Town of Thomaston

**Moderated by:** Alicia Gaudet, Manager, Educational Services, Maine Municipal Association

*MTCMA Certification – 1 point Leadership and Human Resources categories*

### Avoiding Discrimination Claims

Find out what you, as employers, need to know about discrimination, retaliation and Whistleblower laws. Sarah Newell and Ryan Dumais from Eaton Peabody will provide you with an overview of federal and state protections and exceptions. They will also cover the protected classes included in the law for purposes of sex discrimination, race discrimination and the creation of hostile work environments. And most importantly for any employer, they will cover the top -five strategies for avoiding lawsuits.

**Presenters:** Sarah Newell and Ryan Dumais, Attorneys, Eaton Peabody

*MTCMA Certification – 1 point Legal, Human Resources and Ethics categories*

11:45 – 12:15 PM:  
BREAK/ SPONSOR BREAKOUT MINI SESSION

12:15 – 1:15 PM: CONCURRENT SESSIONS

### Managing Conflict in the Virtual Environment

Humans are naturally hardwired to respond with our fight-or-flight instincts when engaged in conflict. However, in many instances, conflict and challenging conversations offer us an opportunity to develop new skills. In this program, participants will cultivate the courage and develop the skills necessary to work through difficult situations efficiently and effectively. This session will explore best practices for having difficult conversations, especially in the virtual

environment; prepare for typical reactions when engaged in conflict; provide tools and models to keep conversations positive and on track; recognize conflict as an opportunity to improve relationships and collaborate; and build trust and respect with others, both in and outside the workplace.

**Presenter:** Amy Harkins, HR Consultant, KMA Human Resources Consulting

*MTCMA Certification – 1 point Leadership and Human Resources categories*

### Payroll Tips for 2021

Ed Spencer of Payroll Management, Inc. will delve into everything you need to know to process a municipal payroll today. From W4s to 1099s, online payroll, employee handbooks and background checks, this session will address all of your pressing payroll questions.

**Presenter:** Edward Spencer, Senior Account Manager, Payroll Management, Inc.

*MTCMA Certification – 1 point Finance/Budget and Human Resources categories*

1:15 – 1:30 P.M.

**BREAK/ SPONSOR BREAKOUT MINI SESSION**

1:30 – 2:30 pm: **CONCURRENT SESSIONS**

### EAP and You (30-minute session)

Life is not always easy. But when the going gets tough, there are resources available to help. This session will give an overview of the Anthem Employee Assistance Program and the benefits that area available to both HR personnel and employees. Participants will learn how the confidential EAP works and how to best utilize the wide variety of resources that are available free of charge. Please note: The Anthem EAP is only available to employer groups that offer a health plan through the Maine Municipal Employees Health Trust.

**Presenter:** Anne Charles, Health Promotion Manager, Maine Municipal Employees Health Trust

*MTCMA Certification – .5 point Leadership and Human Resources categories*

### Rated Groups Claims Reporting (30-minute session)

Do you work for a large employer (51 or more covered employees) that participates in the Maine Municipal Employees Health Trust health plan? Are you interested in learning how your group's claims experience affects your premium adjustments each year? At the Trust, we feel that it is important for individually rated employers to understand how their health premiums are calculated, and what factors are driving their claims costs. For this reason, we have developed personalized reports for our larger participating employers that provide detailed information on each group's overall claims costs, trends, and medical cost drivers. Attend this presentation and learn what these reports can show you – and how you can help to improve your group's health claims experience.

**Presenter:** Anne Wright, Project Coordinator, Maine Municipal Employees Health Trust

*MTCMA Certification – .5 point Finance/Budget and Human Resources categories*

### Mediation in Employment Matters

Mediation can be useful for resolving a host of employment disputes, including allegations of employment discrimination, workplace harassment, wage and overtime disputes, and termination issues. This session will cover the mechanics of mediation and special considerations for public sector entities.

**Presenters:** Rebekah Smith, Esq., Seven Tree Solutions, LLC; Maria Fox, Attorney, Mittel Asen, LLC

*MTCMA Certification – 1 point Legal and Human Resources categories*

2:30 – 2:45 PM:

**BREAK/ SPONSOR BREAKOUT MINI SESSION**

2:45 – 3:45 PM: **CONCURRENT SESSIONS**

### Saving Money by Working Safe

This session, led by MMA's Loss Control team, will review the Maine Bureau of Labor's compliance directives and will provide guidance for public sector employers on required safety programs. Hazard-focused programs can assist employers in identifying employee safety training which, in turn, will reduce workers' compensation claims and employer costs.

**Presenter:** Robert Thomas, Loss Control Manager, MMA Risk Management Services

*MTCMA Certification – 1 point Finance/Budget and Human Resources category*

2:45 – 4:30 PM:

### HR in the Age of COVID

The year 2020 introduced a whole suite of HR challenges for municipalities – and we're not out of the woods yet. In this session, municipal attorneys and labor/employment law experts Ann Freeman and Matt Tarasevich will shed light on the impacts of COVID-19 on personnel law.

**Presenters:** Ann Freeman and Matt Tarasevich, Attorneys, Bernstein Shur

*MTCMA Certification – 1.75 points Legal and Human Resources category*



# REGISTRATION NOW OPEN!

[memun.org/Municipal-HR-and-Management-Conference/Registration](https://memun.org/Municipal-HR-and-Management-Conference/Registration)

# PEOPLE

The only fire chief the Town of Littleton has ever known will cap his 40-year career at year's end. **Dwight Cowperthwaite**. During an April 12 recognition supper which he hosts annually, Cowperthwaite announced his decision and talked about his love for the Aroostook County town of 1,000 residents. He also told select board members how much their help and support impacted his career and the department. He said firefighters are like family to him. A Littleton native, Cowperthwaite graduated in 1966 and worked 33 years in farming before deciding he wanted a new career. He was hired by the federal Agriculture Department and worked in Presque Isle. During the department's annual awards dinner, Cowperthwaite presented five volunteers with 40-year pins: **Jamey Watson, Jeff Hubert, Keith Nason, Allen Duff** and **Barry Campbell**.



*Ann "Nancy" Gilbride Hill*

**Ann "Nancy" Gilbride Hill**, the first female mayor elected in Waterville, died April 13 in Dedham, Mass., at the age of 90. A native of Lowell, Mass., Gilbride Hill immersed herself in Greater Waterville organizations and non-

profits. First, she earned a nursing degree at Columbia University School of Nursing and met her future husband, a medical student. They were married in 1956 and soon packed for Maine. Her late husband, **Kevin Hill**, was a Waterville native. In the 1960s, the Gilbride Hill family moved to Waterville. Once settled, she began what would become decades of public service on numerous issues and efforts. She was elected chairwoman of the Maine Democratic City Committee in 1964 and attended multiple state conventions. She attended the 1972 Democratic Convention as a delegate for the late Maine Sen. Edmund Muskie, a vice presidential candidate with Hubert Humphrey. (Richard Nixon won that election, a close one.) Gilbride Hill was elected as chairwoman of the subcommittee on foreign policy committee and spoke from the floor. That experience boosted her ambition and self-confidence and led her back to

school to earn a psychology degree from Thomas College. She ran for the city council in 1981 and made Maine history by being the first city mayor and one of three statewide. She was re-elected in 1983, but resigned after her husband died suddenly in 1984. She volunteered for everything from the local Boys & Girls clubs to the Maine Municipal Association Executive Committee and the National League of Cities. She worked for Maine Yankee for 15 years. After the death of her husband, she ended her municipal work and retired. She was fanatical about the Boston Celtics and attended the first and last games played by Bill Russell. She is survived by a large family of children, grandchildren and extended relatives.



*Clayton Huntley Jr.*

Newcastle town officials, staff and the public lost a 50-year firefighter, **Clayton V. Huntley Jr.**, who served as chief for the past 31 years. Huntley died April 5 at the age of 69. A day after his death, the select board honored Huntley by naming the town's only fire station the "Clayton V. Huntley Jr. Station." His obituary said he died peacefully after a valiant fight against cancer. Select board members noted Huntley's half-century service to the town of about 1,700 residents, and his hard work with the Lincoln County Fire Chiefs Association, his fundraising prowess and longtime training efforts. Officials also said Huntley encountered many town residents during difficult circumstances when he answered emergency calls day or night. Huntley was still working as chief at the time of his death. This year also marked Huntley's 50<sup>th</sup> wedding anniversary to Margo Huntley. They have two sons.

The Eastport City Council recruited a veteran officer with the Philadelphia Police Department as the community's new police chief. **Andrew Little** worked as an officer and then sergeant for 20 years before moving to Eastport during the past year. Although the department is small, Little is the city's 10<sup>th</sup> police



*Andrew Little*

chief in 10 years. The vote to hire Little was unanimous. One councilor said he was impressed with how Little handled himself and his enthusiasm for the job. He started immediately.

**Courtney O'Donnell** returns to the City of Bangor in July when she starts her new job as assistant city manager, a position she held previously from 2015 to 2017. She replaces **Rich Cromwell**, who was named assistant manager in July 2018. He now works in the city's Human Resources Department. O'Donnell comes to Bangor after managing Stockton Springs from February 2017 until July 2019. She then was hired as manager of Casco and served until last September. O'Donnell earned a degree in public administration from the University of Maine and a master's degree in business administration from Husson University.



*Janet Richards*

**Janet Richards** has been named Randolph town clerk, replacing longtime clerk Lynn Mealey, who retired in January after serving the town for 22 years, the past 16 as clerk. Richards, formerly deputy clerk, began her new duties in January. A Pittston resident, Richards has worked for the town since 2004. She will now serve as town clerk, treasurer, deputy tax collector and deputy Registrar of Voters, among her other responsibilities. **Jessica Soucy** of Pittston was appointed tax collector, deputy treasurer/town clerk and Registrar of Voters. She served as Pittston treasurer prior to accepting the Randolph job. ■



*Jessica Soucy*

## STATEWIDE

It may seem counterintuitive, but while homebuyers have come to Maine in droves during the ongoing COVID-19 pandemic to scarf up most available housing, the state has not seen a significant increase in population. Even some of the remote areas of Maine, including Rangeley and Houlton, have been inundated with new homebuyers. Meanwhile, developers continue building affordable housing. According to industry officials, home sales in Maine hit a historic high in 2020. Median prices also increased last year. Sales were 10 percent higher than 2019 levels. Cumberland and York counties, the farthest south, saw the most new out-of-state buyers, while rural counties Lincoln, Franklin and Washington recorded the largest percentage of gains over 2019. Aroostook and Piscataquis counties saw fewer people relocate. The highest raw number of people moving to Maine came from Massachusetts, up by nearly 33%, followed by New York State, with a 106% increase. Other states from where citizens fled to Maine included: Florida, California, Connecticut and New Hampshire.

## STATEWIDE

Just as Congress begins considering an ambitious infrastructure plan, the Federal Highway Administration reports the condition of Maine bridges are not great, with 13 percent considered to be in "poor" condition. State and federal bridges in Maine total 2,472. In addition to the 315 bridges in "poor" condition, an additional 1,431 are in "fair" condition. Only five states have more bridges in bad shape, including all states and territories, and even Puerto Rico, ravaged in September 2017 by Hurricane Maria. President Joseph Biden proposed a \$2.3 trillion plan to repair and rebuild concrete infrastructure such as airports, rail, bridges and roads. Biden also is pushing for money to replace old lead-laced water pipes in much of the country; expand broadband access; build thousands of electric stations; spend \$300 billion on manufacturing; \$400 billion for care for aging and disabled Americans; and \$213 billion for affordable and workforce housing. Cities and towns would share \$111 billion for water work improvements; and \$100 billion for workforce development.

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

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

- **Revenue Sharing Updates:** An effort to restore the Municipal Revenue Sharing Program to its time-honored 5% of state income and sales tax revenues is advancing. MMA is providing timely coverage via our website.
- **MMA's Legal Services Department** filed an "amicus curiae," or friend of the court, brief supporting the Town of Old Town in a property tax assessment case that held major implications for all municipalities. The Maine Supreme Judicial Court recently found in favor of Old Town.
- **MMA in recent months** added four new members to our Executive Committee. Learn more about them and their impressive backgrounds. Better yet, if you are an elected official or municipal manager, consider applying for the Executive Committee yourself someday.

## BAR HARBOR

A consultant for the town estimated that the cost of repairing or replacing the once-bustling ferry pier will cost between \$17 million and \$21 million. The idled pier and land was acquired by the town in 2018, as well as the remainder of the terminal property. Built in 1956, the pier has not been used since 2009, when Bay Ferries ended service between Bar Harbor and Yarmouth, Nova Scotia. Once restored, town councilors intend to lease seven acres of the property to Bay Ferries and may repurpose the pier to preserve access to the ocean and waterfront use.

## CARIBOU

The city council asked a judge to drop a civil lawsuit filed by two residents who allege the council violated the city charter when an elected official was not seated because he owed back property taxes. The city attorney has asked that the lawsuit be dismissed completely because it is "legally defective." According to the charter, "Only qualified voters of the city, who are current for all annual personal and real property taxes due to the city on or before December 31st of the previous year, shall be eligible to hold the office of councilor."

## CUMBERLAND

Despite some neighbors' concerns over possible noise, organizers who want harness racing back in town are on their way to success. The town council said last month that a project to restore may not need a permit. Michael Cianchette is leading the effort and has proposed a 56-day

racing schedule for May, June and July, and again in November and December. Officials, horse owners, the council and others believe the project would help the economy, create jobs and provide families a new entertainment venue. The Cumberland Fairgrounds is owned by the Cumberland Farmers Club. So, unlike the commercial Bangor Raceway, for example, the Cumberland property is privately owned.

## CUTLER

The U.S. Navy will sample private drinking wells sited near the Naval Support Activity Cutler Fire Station. The samples will be tested for certain chemicals that may have leached into nearby wells. The chemicals include the chemical perfluorooctanoic acid, known as PFAS. Normally, Navy officials would seek a public meeting to explain the testing issue to town residents and answer their questions. Due to the pandemic, the Navy worked with other groups to create a virtual open house. It is available at <https://go.usa.gov/xfGMx>. The testing is required by a 2016 federal environmental rule.

## STONINGTON

An Olver Associates engineer, joined by town water officials, told the select board last month there is much pre-work to complete before a new water transition line project can begin. Olver Engineer Annalies Hafford runs the Stonington Water Co. The project is being funded by a \$999,000 Community Development Block Grant. The pipeline being replaced is 100 years old. ■

# MUNICIPAL BULLETIN BOARD

## PLEASE NOTE

Due to constraints caused by the coronavirus public health emergency, many of the training programs listed below will be held online via Zoom, although we are beginning to transition into a mix of virtual and in-person events. Please view our website ([www.memun.org](http://www.memun.org)) for updates and details. Thank you.

## ZOOM EVENT MAY 27

### The Middle Class Housing Crunch

It's been well-reported that housing prices in Maine are soaring, and working-class Maine families can find it difficult to own, or even rent, homes. Listen to nationally known "zoning whisperer" Eric Kronberg assess the situation – which is happening in areas across the U.S. – and offer basic tools for municipalities to use in addressing this trend.

While pre-registration is required, this is a free, virtual event for MMA members, running from 3 p.m. to 4 p.m. Cost for non-members is \$50.

## ZOOM EVENT JUNE 3

### New Managers

This interactive webinar is designed to meet the needs of new city and town managers, administrators and administrative assistants to select boards. It will also acquaint people with the services offered by the Maine Municipal Association and Maine Town, City & County Management Association.

Various presenters will participate, including MMA Executive Director Stephen Gove and Rhonda Irish, president of MTCMA and manager in the Town of Wilton. The virtual webinar is complimentary for new managers, administrators and assistants. The cost is \$35 for other MMA members who wish to attend and \$70 for non-members. It begins at 9 a.m. and will end at 1 p.m.

## ZOOM EVENT

JUNE 10

### Managing Freedom of Access Requests

This 2.5-hour webinar, aimed at municipal staff members who handle FOAA requests and municipal leaders who want to learn more about them, will be led by two attorneys from MMA's Legal Services Department, Nathan Poore, manager in the Town of Falmouth, and Eric Conrad, Director of Communication & Educational Services at MMA.

The webinar will focus on the FOA law itself, how to handle requests and open meeting requirements. Attendance does meet the state's requirements for FOAA training. The workshop will not explore laws about criminal investigations and police records. It will run from 2 p.m. to 4:30 p.m. Cost is \$35 for MMA members and \$70 for non-members

## ZOOM EVENT

JUNE 10

### Cash Management

The Maine Municipal Tax Collectors' and Treasurers' Association will host a webinar on cash management best practices, which will run from 9 a.m. to 1 p.m. on June 10, and will be led by James Bennett, city manager in Biddeford.

The workshop will touch on topics such as: objectives of cash management, receipts and receivables, disbursements and payables, budgets, cash flow forecasts and more. Cost for the workshop is \$30 for MMTCTA members and \$60 for non-members. Online audio capability is required in order to attend.

## ZOOM EVENT

JUNE 16, 17

### Athenian Dialogue: Daring Greatly

The Maine Town and City Clerks' Association will offer a two-part, interactive session using the techniques of Athenian dialogue, meaning clerks will share their stories with guidance from the facilitator

and with relevance to public leadership. The event will be led by Dawn Michanowicz, who is practiced in the fields of Energy Medicine, Reiki and stress management.

The event will run from 8:30 a.m. to noon on both June 16 and 17. Cost to participate is \$60 for MTCCA members and \$80 for non-members. Class size is limited to 30. The deadline to register is June 9. Attendees are required to participate on both days.

## ZOOM EVENT

JULY 20

### Local Planning Boards & Boards of Appeal

Attorneys from MMA's Legal Services Department will lead a Zoom webinar session for local Planning Board and Land Use Boards of Appeal members from 4 p.m. to 7:30 p.m. on July 20.

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

## IN PERSON EVENT

AUG. 18

### Elected Officials Workshop: Saco

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead an in-person workshop for Elected Officials on Aug. 18 at the Saco Ramada Inn and Conference Center. The evening workshop begins with registration at 4 p.m. and ends at 8 p.m. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

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



All of the upcoming workshops can be found on the MMA website. Use the following link: <http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>  
Visit the MMA website for more information: [www.memun.org](http://www.memun.org)



# LEGAL NOTES

## MUNICIPAL HOME RULE POWER: STATUTORY PREEMPTIONS (2 OF 2)

(This is the second of two installments on this topic; the first appeared here in last month's issue.)

Municipalities in Maine have broad "home rule" power to enact any lawful ordinance the Legislature could authorize them to enact unless they have been preempted, either expressly or by clear implication, from doing so (see 30-A M.R.S. § 3001). Here is the second installment of an alphabetical list of all the subjects we know of that municipalities are preempted from regulating by ordinance, either in whole or in part or by state or federal law. Because statutory preemptions are numerous and often obscure, the only thing we can be certain of is that this list, although as comprehensive as we can make it, is also incomplete.

**Marijuana, medical, adult use.** Ordinances may not prohibit or limit the number of registered medical marijuana caregivers or prohibit medical marijuana retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that were operating with municipal approval prior to December 13, 2018 (see 22 M.R.S. § 2429-D); ordinances may not prohibit the home cultivation of marijuana for personal adult use but may regulate it, subject to certain requirements and restrictions (see 28-B M.R.S. § 1502(3)).

**Motor vehicles, speed limits, parking, icebound lakes.** Municipalities may not set or alter speed limits on public ways, including municipal roads but not including municipal parks, unless certain requirements are met (see 29-A M.R.S. § 2075(3)); ordinances regulating motor vehicle parking and motor vehicles on icebound lakes are subject to certain requirements and restrictions (see 30-A M.R.S. § 3009(1)(C), (D), (E)).

**Municipal elections, qualifications for voting, reapportionment.** Ordinances may not govern the method of voting or the conduct of municipal elections, only state law and municipal charters may do so; the legal qualifications for voting are governed solely by state law (see 30-A M.R.S. § 2501); ordinances establishing election districts for municipal officers are subject to certain requirements and restrictions (see 30-A M.R.S. § 2503).

**Municipal employees, residency.** Ordinances may not require municipal employees to reside within the municipality

## MUNICIPAL CALENDAR

**MAY** — Municipal officers shall meet as the "licensing board" to license innkeepers and tavernkeepers during the month of May or at a special meeting at other times they determine (30-A M.R.S. § 3812).

**MAY 1** - Any holder of life insurance, gift or stored-value property presumed abandoned under 33 M.R.S. § 2091 must file a report covering the 12 months preceding July 1 of the last year to the Administrator of Abandoned Property in the State Treasurer's Office by May 1. (33 M.R.S. § 2093). See State Treasurer website for forms.

**ON OR BEFORE MAY 15** — Monthly/quarterly/semi-annual expenditure statement and claim for General Assistance reimbursement to be filed via online portal or sent to Department of Health and Human Services, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311; DHHS regulations).

**MAY 31** — **Memorial Day**, the last Monday in May, (or May 30 if designated federally), is a legal holiday (4 M.R.S. §1051). Municipal officers shall direct the decoration of veterans' graves. (30-A M.R.S. § 2901).

**ON OR BEFORE JUNE 15** — Monthly/quarterly/semi-annual expenditure statement and claim for General Assistance reimbursement to be filed via online portal or sent to Department of Health and Human Services, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311; DHHS regulations).

but may require new hires to reside within a specific distance or response time of a facility if that is a legitimate job requirement (see 30-A M.R.S. § 2703).

**Municipal legislative body.** The municipal legislative body, which by statute is the town meeting (see 30-A M.R.S. §§ 2001(9)(A), 2524(1)), may not be changed by ordinance or bylaw but only by municipal charter (see 30-A M.R.S. §3007(1)).

**Natural gas terminals, pipelines.** Municipalities may not regulate the siting, construction, expansion or operation of liquefied natural gas (LNG) terminals or pipelines except as permitted by federal law (see the Energy Policy Act of 2005, the Natural Gas Act, and Federal Energy Regulatory Commission regulations).

**Oil terminals, storage facilities.** Ordinances regulating oil terminals and storage facilities may not be in direct conflict with State law (see 38 M.R.S. §§ 556, 570-C).

**Pesticides.** Ordinances regulating the storage, distribution or use of pesticides must be filed with the State, with notice, or they are unenforceable until these requirements are met (see 22 M.R.S. § 1471-U(5)).

**Plumbing, wastewater disposal.** Ordinances regulating plumbing and subsurface wastewater disposal may not be less restrictive than the State's plumbing and subsurface wastewater disposal rules (see 30-A M.R.S. § 4211(2)).

**Public utilities, exemptions for essential**

**services.** Public utilities may seek a full or partial exemption from ordinances from the State if reasonably necessary for the public welfare or convenience (see 30-A M.R.S. § 4352(4)).

**Public utility facilities within public ways.** Compliance with the permit requirements of state law is the exclusive method for public utilities to obtain the right to locate their facilities within public ways; municipalities may not require any other permit for doing so but may adopt underground location standards for the statutory permit, subject to certain restrictions (see 35-A M.R.S. § 2503(19), (20)).

**Railroad crossing "quiet zones."** Ordinances establishing railroad "quiet zones" at public highway grade crossings are subject to certain requirements and restrictions (see 49 C.F.R. pts. 222, 229).

**Religious institutions.** Land use ordinances may not impose a substantial burden on the exercise of religion by any person, including religious institutions and assemblies, unless the ordinance furthers a compelling governmental interest and is the least restrictive means of doing so (see 42 U.S.C. §§ 2000cc et seq.)

**Rental housing, habitability.** Ordinances regulating the habitability of rental housing, including heating requirements, must be at least as stringent as state law (see 14 M.R.S. § 6021(6)).

**Restaurant menus.** Municipalities may not regulate the caloric or nutritional

# LEGAL NOTES

content of chain restaurant menus (see 22 M.R.S. § 2500-A(8)).

*Roof guards, falling ice and snow.* Ordinances requiring building owners or lessees to install roof guards to prevent snow and ice from falling from the roofs of their buildings are subject to certain requirements and restrictions (see 30-A M.R.S. § 3007(3)).

*Satellite TV dishes.* Ordinances may not impair the installation, maintenance or use of satellite dishes or other antennas used to receive video programming (see 47 C.F.R. § 1.4000).

*Sex offenders, residency restrictions.* Municipalities may not regulate convicted sex offenders except for ordinances restricting residency, which are subject to certain requirements and restrictions (see 30-A M.R.S. § 3014).

*Shellfish conservation, licensing.* Ordinances regulating shellfish conservation and licensing are subject to certain requirements and restrictions (see 12 M.R.S. § 6671).

*Signs, outdoor advertising.* Ordinances regulating signs and outdoor advertising visible from any public way may not be less strict than or inconsistent with state law (see 23 M.R.S. § 1922).

*Single-use carry-out retail bags.* Municipalities may not regulate single-use carry-out bags at retail establishments (see 38 M.R.S. § 1611).

*Small wireless facilities.* Small wireless facilities must be a permitted within the public right-of-way, subject to permitting requirements and nondiscriminatory conditions and consistent with state and federal law, including location permits for public utility facilities in the public way (see 30-A M.R.S. § 4362).

*Solar energy devices.* Ordinances directly regulating the installation or use of solar energy devices on residential property are subject to certain requirements and restrictions (see 30-A M.R.S. § 3013).

*Solid waste disposal facilities.* Ordinances regulating the siting and design of solid waste disposal facilities may not be more strict than state law (see 38 M.R.S. § 1310-U).

*Sport shooting ranges.* Ordinances may not limit or eliminate shooting activities that have occurred on a regular basis at a sport shooting range prior to the enactment of the ordinance or restrict a sport shooting range established prior to Sept.

1, 2016 from performing maintenance or making improvements; ordinances may regulate the location and construction of a new sport shooting range or a substantial change in use of a sport shooting range on or after Sept. 1, 2016 (see 30-A M.R.S. § 3011).

*State or federal projects.* State projects must comply with municipal building codes if the municipality has notified the State that it intends to require compliance and the municipal code is at least as stringent as the state code (see 5 M.R.S. § 1742-B); state agencies must comply with zoning ordinances in the development of any building, parking facility or other publicly owned structure if the ordinance is consistent with a comprehensive plan that is consistent with state law, but the Governor may waive this requirement under certain circumstances (see 30-A M.R.S. § 4352(6)); federal agencies proposing to construct or alter buildings must consider zoning and land use ordinances and consult with, submit plans to, and permit inspections by, local officials but cannot be required to comply or to pay any fees or fines (see 42 U.S.C. § 3312).

*Taxing authority, municipal property tax assistance, service charges.* Municipalities may not assess or collect taxes or grant tax exemptions or abatements except as expressly authorized by state law (see Me. Const. art. IX, § 9); municipal property tax assistance programs are subject to certain requirements and restrictions (see 36 M.R.S. §§ 6232, 6271); ordinances imposing service charges on tax-exempt properties are subject to certain requirements and restrictions (see 36 M.R.S. § 508).

*Telecommunications facilities (cell towers, etc.).* Ordinances regulating the placement, construction and modification of telecommunications facilities may not prohibit or have the effect of prohibiting wireless services and must require permitting decisions to be made within a reasonable period of time (see 47 U.S.C. § 332(c)7).

*Timber harvesting.* Ordinances regulating timber harvesting must use definitions that are consistent with state law, may be no less stringent than state law, and must be adopted according to the process prescribed in state law for the development and review of these ordinances (see 12 M.R.S. § 8869(8)).

*Tobacco sales.* Ordinances regulating

the retail sale of tobacco products may be more restrictive than state law but are subject to certain requirements (see 22 M.R.S. § 1156).

*Transportation network companies ("rideshare services").* Municipalities may not regulate the operations of a transportation network company, driver or motor vehicle except at certain municipal public airports and subject to certain requirements and restrictions (see 29-A M.R.S. § 1677).

*Vessel mooring assignments.* Ordinances regulating the assignment of vessel mooring privileges are subject to certain requirements and restrictions (see 38 M.R.S. § 7-A). (By R.P.F.)

## NOTE: SUBDIVISION PLANS REQUIRE LAND SURVEYOR

A professional land surveyor contacted us recently and asked us to remind municipal planners that Maine law requires subdivision plans to be signed and sealed by a Maine-licensed professional land surveyor. He's right.

Title 30-A M.R.S. § 4403(3)(D) prohibits the municipal reviewing authority (commonly a planning board) from approving a final subdivision plan unless it has been signed and sealed by a professional land surveyor. The signature of an engineer, architect or landscape architect is not sufficient unless they are also a licensed land surveyor.

This requirement is critical because subdivision plans establish the legal boundaries of lots to be conveyed, and the failure to include the endorsement of a licensed land surveyor could jeopardize real estate titles. (By R.P.F.) ■

## PROFESSIONAL DIRECTORY



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# Maine Municipal Bond Bank

## 2021 SPRING 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 Spring Issue.

FEBRUARY						
	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						

MARCH						
	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			

APRIL						
				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	

MAY						
						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, February 10th

Application Deadline.

### Wednesday, March 17th

Application approval (Board Meeting).

### Monday, April 5th

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

### Wednesday, April 7th

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

### Week of April 19th

Maine Municipal Bond Bank Pricing.

### Monday, May 10th

Final documents due from bond counsel.

### Wednesday, May 19th

Pre-Closing.

### Thursday, May 20th

Closing - Bond Proceeds Available (1:00 PM)

If you would like to participate in or have any questions regarding the 2021 Spring Bond Issue, please contact Toni Reed at 1-800-821-1113, (207)622-9386 or tir@mmbb.com.



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