

# Maine Town & City

The magazine of the Maine Municipal Association

APRIL 2018

## The Winds of Progress

Local leaders reflect  
on wind projects,  
see mostly positives

### ALSO IN THIS ISSUE

Offshore drilling reaction  
Skowhegan: Moose + more  
Paving contractor, benefactor



# Maine Municipal Employees Health Trust

QUALITY  
BENEFITS

INNOVATIVE  
PROGRAMS

EXCEPTIONAL  
SERVICE



For Over 30 Years...  
*The Difference is Trust.*



1-800-852-8300

[www.mmeht.org](http://www.mmeht.org)



## EXECUTIVE COMMITTEE

### PRESIDENT

*Linda Cohen*

Mayor, South Portland

### VICE PRESIDENT

*Mary Sabins*

Town Manager, Vassalboro

### MEMBERS

*Elaine Aloes*

Chair Selectboard, Solon

*Rick Bates*

Town Manager, Rockport

*James A. Bennett*

City Manager, Biddeford

*William Bridgeo*

City Manager, Augusta

*Jill Duson*

Councilor, City of Portland

*Gary M. Fortier*

Councilor, Ellsworth

*Suzannah Heard*

Chair Selectboard, Arrowsic

*James Gardner, Jr.*

Town Manager, Easton

*Christine Landes*

Town Manager, Bethel

### IMMEDIATE PAST PRESIDENT

*Laurie Smith*

Town Manager, Kennebunkport

### EXECUTIVE DIRECTOR

*Stephen W. Gove*

### MAGAZINE STAFF

*Eric Conrad*, Editor

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

*Valarie Pomerleau*,

Circulation Manager

*Jaime G. Clark*

Graphic Designer/Advertising

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

© 2018 Maine Municipal Association.  
All rights reserved.

**MAINE TOWN & CITY (ISSN 0025-0791)** is published monthly, except in September, by the Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330. (207) 623-8428. Periodicals postage paid at Augusta, Maine, and at additional mailing offices. All rights reserved. Postmaster send address changes to: Maine Town & City, 60 Community Drive, Augusta, Maine 04330. Information, policies and opinions do not necessarily reflect the views or policies of the Maine Municipal Association. Subscription price: \$15 per year.



# Maine Town & City

April 2018 | Volume 80 | Issue 4

The Magazine of the Maine Municipal Association

## FEATURED STORY | 15

### River of Dreams



*More than just dreaming, the Town of Skowhegan hinges part of its real economic future to the beauty of the Kennebec River.*

**MMA President Linda Cohen** writes about a trip she just led, visiting Maine's Congressional delegation in the nation's capital. [Page 5](#)

**2018 HR-Management Conference:** This conference is a "must go" for any elected official, manager or department head who leads people. [Page 25](#)

**ABOUT THE COVER:** The photo shows the Fox Islands wind project in North Haven and Vinalhaven. The photo was taken by the Cianbro Corp. and submitted to Maine Town & City.

## Power of the Wind

*It's been 11 years since Maine saw its first major wind-turbine project become a reality. We ask local officials how the experience has gone.* [Page 7](#)

## Could It Really Happen?

*Could oil rigs sprout up off the Maine coast? What would the impact be on tourism, fishing and local government if that comes to pass?* [Page 11](#)

## Good Man, Good Heart

**Marshall L. "Jack" Gibson** honored his municipal roots. Gibson, a former paving contractor who served 175 municipalities, passed away recently. [Page 21](#)

<b>Risk Manager</b>	<b>17</b>
<b>People</b>	<b>30</b>
<b>News</b>	<b>31</b>
<b>Bulletin Board</b>	<b>32</b>
<b>Legal Notes</b>	<b>33</b>

### FIND US!



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



[@Maine\\_Municipal](https://twitter.com/Maine_Municipal)

---

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

---

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

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

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

**Milton** 

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



## A MESSAGE FROM MMA

BY LINDA COHEN / MMA PRESIDENT

### A productive and renewing trip to Washington, D.C.

**A**s I write this, Maine Municipal Association Executive Director Steve Gove, Vice President Mary Sabins and I have just returned from the annual Congressional City Conference, offered in Washington, D.C. each year by the National League of Cities, along with the annual Advocacy Day on the Hill. We were joined by elected and appointed officials from Augusta, Bath, Brewer and Portland. Unfortunately, a storm kept our colleagues in Windham from getting out of Maine.

One comment I heard frequently by speakers from various elected and appointed positions in the federal government was: "Local government gets it done!" Other observations made were, "This country is in a dangerous place, if we can't get to consensus," and "When did filling potholes become a partisan activity?" I'm sure we can all relate to these statements.

Our keynote speaker was Bob Schieffer who, at 81, not only has the perspective of someone who has spent years in D.C. and in journalism, but also has his fingers on the pulse of today's journalistic challenges. Mr. Schieffer pointed out that most of the major news outlets are located in New York City, D.C. and Los Angeles, meaning that many people outside those areas are relying more and more on social media to get their news. His warning to local officials is to make sure our voices are being heard and that the "real news" is getting relayed to our residents.

While NLC's focus for the week was about the importance of federal and local government working together to rebuild

the country's infrastructure, we focused on three issues when we met with U.S. Senators Susan Collins and Angus King and Representatives Chellie Pingree and Bruce Poliquin. You can read the Federal Issues Paper drafted by MMA staff and sent ahead to our representatives on the MMA website ([www.memun.org](http://www.memun.org)). We narrowed our discussion down to the importance of funding LIHEAP, CDBG and infrastructure, which should also include broadband expansion throughout Maine. We were well received, and I feel that the meetings were productive.

The conference and Capitol Hill were alive with young people, and it was wonderful to see them getting involved in their government and educating themselves on its impact on their lives. It made me wonder if there isn't more we could all be doing to attract young people to get involved on the local level.

These conferences always fill me with a renewed sense of why I do what I do, why we all do what we do as public servants. There may be no glory in serving, but there certainly is honor. I encourage anyone who might be able to attend this event to do so, even if you can only come down for the meetings with our representatives. They do appreciate our effort and hearing from local officials. It's a great opportunity to see the hustle and bustle inside the walls of this historic place. More importantly, it's our time to make sure the voices of the people of Maine communities, large and small, are heard by our elected officials in D.C. ■



*A hearty Maine municipal delegation meets with U.S. Senator Angus King. (Submitted photo)*

The Maine Chapter  
American Public Works Association  
*presents...*  
The Twenty Seventh Annual  
Highway Congress  
**SKOWHEGAN FAIR GROUNDS**  
Thursday June 7, 2018 – 7:00 a.m. – 3:00 p.m.



FREE ADMISSION - Door Prizes  Skid Steer Loaders and  Backhoe Contests

**Complimentary LUNCHEON Sponsored by Maine Chapter APWA**



**The Lions will serve breakfast from 7:00 – 9:00 a.m.**



**Maine Local Roads Center – “Time Out for Training”**

**DEMOS**

**DEMOS**

**DEMOS**

**WHO SHOULD ATTEND?**

- All Highway Departments
- Solid Waste Departments
- Municipal Officials and Managers
- Water & Sewer Utility Departments
- Parks and Recreation Departments
- YOU!!!

*Maine and New England's  
Premier Public Works  
Exposition. There is no better  
show or deal in the industry!*

Annual State and Snow Plow Rodeo  
Championship and Award Presentation



*Brochure and registration forms will be sent out in mid-April. Registration Deadline is May 20, 2018. For more information call the Affiliate Office – Maine Chapter APWA, 1-800-452-8786.*

# After 11 years: Communities recount experiences with wind

*From Mars Hill to Vinalhaven, wind turbines loom over parts of Maine. Reactions remain mixed, but the money from taxes and local agreements is put to good use.*

By Janine Pineo

In the beginning, there was Mars Hill. And its 28 wind turbines were a blip in the sum total of electric power generation for the State of Maine.

Eleven years later, at the end of 2017, the now nearly 400 wind turbines scattered across the state's 16 wind projects generated almost 15 percent of the state's electric power for the year.

From its start atop Mars Hill in Aroostook County, this new source of renewable energy has proven to be no less controversial now than it was then. The argument for wind power as a clean source of electricity has been met with concerns about sound pollution, property value loss and wildlife endangerment. The effect on Maine's pristine landscapes also has been a constant, with many believing that tourism will be affected by the turbines changing the view.

But for several municipalities with wind turbines, what were once sticking points between residents changed after the project was completed.

"The complaints pretty much have gone away," said David Cyr, town manager for Mars Hill. One of the reasons he cited was the result of a class action lawsuit. "The people involved received a financial settlement," he said.

There was controversy over the view, which now has a ridgeline topped with 28 towers 262 feet tall with blades exceeding the 196-foot wingspan of a Boeing 747. These particular turbines were General Electric 1.5 MW models, generating a maximum of 1,500 kilowatts, and a standard for the industry at the time.

---

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



**The Mars Hill wind farm was the state's first wind project.** (Submitted photo taken by James L. Shaw)

Cyr said sound was an issue for some residents who lived downwind on the easterly side of the hill. "The westerly side always had traffic noise from Route 1A," he said. But on the other side, the sound from the turbines was new, and it ended up in court for a settlement.

The town of 1,459 residents annually receives \$500,000, the amount not sheltered by a tax increment financing agreement. Cyr said the TIF will expire when the 20-year agreement is up, but until then, the \$500,000 in revenue is worth about three mills for residents, who don't get a rebate but do have lower property taxes.

"It's an infusion of cash," he said, and it funds the school payment for five months. "We save money on interest fees and generate some money for us."

## Mars Hill benchmark

As the first, Mars Hill became the state's baseline for future wind proj-

ects, with local and state governments building on how to handle proposals and achieve the best value for each community.

One of the tangible benefits created in the years following the Mars Hill project was the community benefits agreement, which requires the owners of a project to provide specific items, such as money, to the community as a form of compensation. Cyr said the complaint he hears the most is that Mars Hill didn't have a community benefits agreement.

It was a different story for the Bingham Wind Project, the state and New England's largest wind project with 56 turbines straddling Somerset and Piscataquis counties that began operation in December 2016. In addition to taxes, municipalities within the Bingham project also received a CBA of varying amounts.

Kingsbury Plantation, population 27, saw its annual budget of \$130,000 rise to \$653,575.76 for 2017, entirely

due to the installation of 21 turbines, said Town Clerk Elizabeth Morin.

“These funds will help us get things repaired,” she said. Up first will be the dam on Kingsbury Pond, which failed once back in the 1960s, “and roads that have been let go for years.”

Down the road, the community plans for a municipal office, which is currently in a construction trailer in Parkman.

The plantation also has no electricity. Most folks have some form of solar, Morin said, although someone did ask if they could get a line run for the town. (The answer was “no,” she said.)

### Turbine experiences

In the beginning of the process, Morin said, a group of people “tried very hard” to block the towers. “They were going to ruin the landscape,” she said. “People now are just kind of accepting.”

Noise was also a concern, but she said the turbines aren’t as loud as one was led to believe. Morin has first-hand experience: As a resident, her home sits about a quarter of a mile from a tower and from her house, she

## MAINE ENERGY FACTS

- In 2016, nearly two-thirds of Maine’s net electricity generation came from renewable energy resources, with 25 percent from hydroelectricity, 24 percent from biomass (mainly wood products), and 14 percent from wind.
- Maine wind turbines generated three-fifths of all utility-scale wind power in the six New England states in 2016.
- Maine had the lowest average electricity retail prices in New England at the end of 2016.

Source: U.S. Energy Information Administration

can see 17 of the towers. What’s more noticeable, she said, are the red blinking lights at night.

The Bingham project produces 185 MW from its turbines, which are 3.3 MW V112 Vestas, with a rotor diameter of nearly 370 feet (112 meters) atop 308-foot towers.

The Oakfield Wind Project in Aroostook County produces 148 MW from its 48 3.1 MW V112 Vestas turbines. The Town of Oakfield has 40 of the towers in its borders, which translates directly into property tax relief for full-time residents who each

receive a check for \$2,200 annually, said Town Manager Dale Morris.

“We’ve done it for four years,” he said of the community benefits agreement. “Most people are walking away with a positive amount.”

Additionally, the taxes generated from the turbines are substantial, more than \$27 million over 20 years, Morris said. From roads to equipment to structures – including a new fire station – the town can afford to fund improvements.

“It’s quite the feat,” Morris said. “All of our capital needs will be met.

## Maine lawyers working with Maine municipalities.

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

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

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

*The Best Lawyers in America.*

At Jensen Baird,  
our commitment is to you.



Attorneys at Law

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



**The 40 turbines in the Rollins Wind Project stretch across Lincoln, Burlington, Winn and Lee.** (Submitted photo taken by Dave Cleveland/Maine Imaging)

People’s taxes will be stable.”

For the Town of Lincoln, there was a hiccup in tax payments when the new owner of the Rollins Wind Project filed for bankruptcy in April 2016. Rollins was part of First Wind, which was sold to SunEdison in 2014.

Ruth Birtz, Lincoln’s assessor, code supervisor and economic development assistant, said the town had to

file a claim for real estate tax, but it was remedied quickly. “They were a little late,” she said.

“Once the bankruptcy started, everything they said was going to happen has happened,” Birtz said.

The Rollins project, which began operating in July 2011, is a 60 MW installation of 40 GE 1.5 MW turbines. Eighteen of the towers are in Lincoln

and they generate \$480,000 a year in taxes.

### Good timing in Lincoln

Lincoln opted for “strictly value benefit” with a TIF agreement, Birtz said. The CBA was a new introduction that the town decided against. The timing of the wind project was fortuitous, she said, because the town was hit with the unexpected closing of the Lincoln paper mill.

The TIF has helped to keep finances steadier. “Lincoln would have to make some serious cuts in the budget” otherwise, Birtz said, with the money from the tower taxes going into a development fund.

When the project was first proposed, the response shocked the council and staff, Birtz said, with the town of 5,000 divided and neighbors against neighbors.

“The people who are really against it are really against it,” she said, adding that they were aggressive about letting it be known. “We never, ever anticipated it would be this controversial.”

Opinion hasn’t changed much,



## Meet Our Attorneys

### Jon Pottle

Jon Pottle provides municipal clients with advice to meet all their legal needs, including the areas of land use and code enforcement, finance, election, tax, contracts, public records, economic development, personnel, and municipal liability law. Jon assists municipalities in helping to solve their challenging problems, operate efficiently, save costs, and realize economic development opportunities in their region.

**Eaton Peabody**  
Attorneys at Law

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

she said, and as assessor, she has the opportunity to find out what residents are thinking. "I purposely ask," she said.

At one house, the owners will say it's the "most horrid thing" that's ever happened while at the next, the towers are called "mesmerizing to watch." Some still ask for a tax abatement, she said, but "I can't find anything through the market that justifies it."

Birtz estimates the closest residence is a half mile from a turbine. "This is in a remote area down a dirt road," she said. "Caribou Pond is towered by those wind turbines. They loom right over the shoreline like these monsters."

She said that while there's no arguing that it changes the landscape, a question that she felt needed to be asked was: "Do you want to be dependent on foreign oil forever or do you want to be independent?"

### Island power

Town Manager Andrew Dorr said

reducing fossil fuel use was part of the intent of the Vinalhaven wind power facility ordinance.

For the islands of Vinalhaven and North Haven, electricity has come from various sources, beginning in 1915 with a coal-fired electric generation plant that converted to diesel power in the 1920s. Those generators shut down in 1976 when a submarine cable was laid across Penobscot Bay to deliver electricity. Because it wasn't buried, tidal friction and boat anchors often caused outages, but in 2005 a new cable was laid and buried six feet deep.

That new cable's capacity would allow the non-profit Fox Islands Electric Cooperative to pursue installation of three GE 1.5 MW turbines, which

provides not only enough electricity for both islands during fall, winter and spring, but also generates excess power that is sold to the mainland.

The turbines created a great deal of controversy early on with complaints about noise and vibrations, but Dorr said not much of anything is going on now, more than eight years after the turbines became operational.

Dorr said the TIF agreement created was "a little different." The town retains 10 percent of the total tax increment revenue to finance public improvements while 90 percent of the \$150,000 goes back to Fox Islands Wind LLC to help finance the project.

For the islanders, Dorr said, the addition of the turbines was another way to be self-sufficient. ■

**Technology.**  
**Municipal Solutions**  
 Hosted PBX Phones  
 Cloud Computing and Storage  
 WAN and LAN  
 Disaster Recovery  
 Managed Services  
 Municipal Broadband Options

**Tradition.**  
 The OTELCO family of companies; Mid Maine Communications, Pine Tree Telephone, Saco River Telephone, and OTT serviced Maine communities for more than a century. **TODAY**, we embrace our family lineage and **OTELCO** name..

**Together.**  
 Working WITH you to ensure that you stay connected with the community you serve and to realize your community broadband vision.

**OTELCO**  
 Technology. Tradition. Together.

otelco.com  
 877-643-6246

DRINKING WATER | WASTEWATER |  
 WATER RESOURCES | CIVIL ENGINEERING  
 & COMMUNITY DEVELOPMENT

Serving Maine Municipalities  
for Over 70 Years

**WRIGHT-PIERCE**   
 Engineering a Better Environment

www.wright-pierce.com | 888.621.8156  
 Offices Throughout New England and Florida

f t in

**Discover what know-how  
 can do for local governments.**

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

**Barbara Raths, Senior Government Banking Officer, SVP**  
 350 Fore Street, Portland, ME  
 207-828-3131 • barbara.raths@peoples.com

**People's United Bank**<sup>®</sup>

*What know-how can do<sup>®</sup>*

©2017 People's United Bank, N.A. | Member FDIC | Equal Housing Lender

# Offshore oil, gas drilling proposal generally sparks concern

*Portland is among the communities to outright oppose the federal proposal. Some community leaders see benefits, but worry about the tourism and fishing industries.*

By Susan Cover

Leaders in Maine's coastal communities say they are keeping a close eye on a federal proposal to consider off-shore drilling for oil and gas, with some already declaring firm opposition and others taking a wait and see approach.

In early January, Interior Secretary Ryan Zinke announced the National Outer Continental Shelf Oil and Gas Leasing Program for 2019-2024, which

opens nearly all of the East and West coasts to exploration for oil and gas. Currently, 94 percent of the outer continental shelf is off limits, but this proposal would open more than 90 percent to exploration, according to a press release from the U.S. Department of the Interior.

Zinke said expanding the ability of the U.S. to provide its own oil and gas could be an economic driver as well as help make the country less reliant on foreign sources of energy.

"Just like with mining, not all areas are appropriate for offshore drilling, and we will take that into consideration," he said in the press release. "The important thing is we strike the right balance to protect our coasts and people while still powering America and achieving American energy dominance."

Maine is part of the North Atlantic region in the proposal, with an area outlined roughly from Lubec to



Ryan Zinke

southern New Jersey. It calls for two sites in that region to be developed in 2021 and 2023. While nearly all of the U.S. coastline is included in the plan for exploration, Florida was granted an exemption a few days after the proposal was announced.

The proposal describes a 25-mile nautical buffer as a "potential exclusion area" and the Bureau of Ocean Energy Man-

agement describes a long list of considerations, including impacts on wildlife, tourism, recreation, job creation and historical sites such as shipwrecks.

While Gov. Paul LePage supports the proposal, saying it can be environmentally sensitive, good for jobs, and help reduce energy costs, all four members of the state's congressional delegation oppose it.

## Portland opposition

In early February, the Portland City Council unanimously adopted a resolution opposing oil and gas exploration off the Maine coast.

"On Maine's own coastline, the subject of artists and the year-round destination of international and local visitors, the importance of keeping the ocean pristine is undebatable," according to the resolution. "At the same time, the risk of pollution and harm to aquatic life from offshore drilling are well known."

Portland joined more than 140 other coastal town and city governments nationwide in opposing the proposal.

## OFFSHORE FACTS

**What:** U.S. Secretary of the Interior Ryan Zinke announced on Jan. 4 a proposal to look for oil and gas offshore.

**Where:** All areas off the East, West and South coasts, except Florida, which received an exemption.

**Why:** The federal government wants to create jobs and make the U.S. more energy independent.

**More information:** [www.boem.gov/National-Program](http://www.boem.gov/National-Program)

Unlike Portland, the Town of Jonesport has not taken a position on the proposal, said Select Board member Harry Fish. Fish said he did not want to take a public position on it, but that like any other proposal, the town would have to consider all aspects of this type of project.

"Jonesport is a fishing village that relies mostly on the lobster industry," he said. "We're all sensitive to the environment in the Gulf of Maine."

He said local fishermen are active in forums where proposals and projects are discussed and that if a more concrete proposal were to come forward, it would require careful consideration.

"All of this stuff needs to be done carefully with a lot of forethought," he said. "We can't go radically in one direction or another."

In Wells, Town Manager Jonathan L. Carter said the town is opposed to the proposal.

"Our industry here is tourism and, because of our beaches and everything else, we don't want to risk pollution on

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

our coast,” he said. “I don’t see much of a benefit to this region of Maine.”

In Bar Harbor, the town has been having ongoing discussions about a cruise ship pier, with some residents raising concerns about new development, said Bar Harbor Town Councilor Stephen Coston. He said the thought of oil and gas drilling off the coast seems “far-fetched.”

“Bar Harbor is not near anything,” he said. “People come here to see mountains.”

Coston echoed the comments from many coastal leaders who said there’s not a lot of information available about the proposal, saying the conversation is new.

Down the coast in Boothbay Harbor, Select Board Chair Wendy Wolf said the board had a brief discussion about the proposal and in general is concerned about possible impacts.

“I would expect that, given our reliance on tourism and marine-related businesses and the unique ecosystem that the Gulf of Maine represents, that our coastal towns would generally oppose off shore drilling,” she wrote in an emailed statement.

Rockland Mayor Valli Geiger

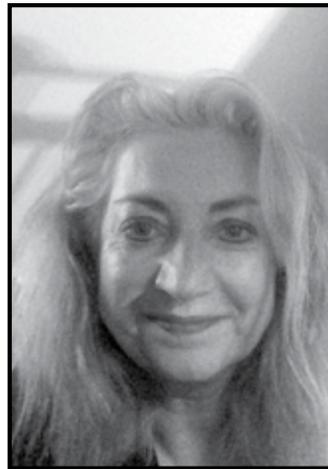
didn’t hesitate when asked for her reaction to the proposal. “Horrendous, terrible,” she said.

From her perspective, Maine is known for clean air and clean water and the coastline should be protected for fishing and beautiful beaches.

“One accident and we’re devastated forever,” she said.

### Quiet concern

In Old Orchard Beach, the council has not addressed the issue and Town Manager Larry Mead said it’s also not something members of the public have raised with him. He said from his perspective, the fact that Florida earned an exemption indicates that all coastal areas share the same concerns



Valli Geiger



Larry Mead

with regard to protecting the environment.

In 2010, an explosion at an oil drilling site in the Gulf of Mexico released four million barrels of oil, making it the largest marine oil spill in history, according to the U.S. Environmental Protection Agency.

“It’s something that is a significant concern to me as a town manager of a beach community that is so dependent on protection of the resource and tourism for its economic vitality,”

## Experienced Lawyers for Established Communities

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

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



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

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

**DrummondWoodsum**

ATTORNEYS AT LAW

Mead said.

In addition, the fact that the U.S. hasn't seriously considered this type of significant expansion of off-shore drilling in decades is another sign that policy makers know it comes with risk to the environment, he said.

When it comes to the need for the country to be energy independent, Mead said the U.S. has made strides in recent years to become less reliant on foreign sources of energy.

"I think we've gained ground in terms of energy independence," he said.

The 2010 Gulf oil spill also came to mind for Vinalhaven Selectman Eric Gasperini, who said although he could not speak for the entire board, he personally opposes the federal off-shore drilling proposal. A sternman, Gasperini called it "disheartening" that drilling is even being considered in areas that rely so heavily on the fishing industry.

### 'A fishing community'

"It's a terrible idea," he said. "Vinalhaven is a fishing community. It's the bread and butter of the community."

He mentioned other states that are seeking exemptions from the exploration areas. Last year, while the proposal was still in draft form, New York, California and New Jersey asked for exemptions. And this year, after Florida was granted an exemption, South Carolina's governor said he would seek one too, according to the New York Times.

Gasperini said he'd like Maine to consider doing the same.

"If I had the ear of the governor, I would urge him to petition to exclude Maine from the list," he said. "We all saw what happened in the Gulf in 2010. It decimated the fisheries down there."

In St. George, which includes the villages of Tenants Harbor and Port

Clyde, much discussion has taken place in recent years about another major project in the ocean – an effort by Maine Aqua Ventus to develop two floating wind turbines three miles off Monhegan Island. St. George Select Board Chair Richard Bates said the opposition to the wind project comes from concerns about negative impacts on the fishing industry. But at the same time, residents understand the need to find alternatives to fossil fuels, he said.

"The general consensus is we all are very concerned about climate change and the responsibility everyone has to reduce carbon emissions," Bates said.

For fishermen and others who live in coastal communities, the impacts of climate change are well documented, including rising sea levels and ocean acidification, Bates said. When it comes potential oil drilling, the concerns about impacts to the fisheries would be the same, he said.

The Cutler select board discussed the issue at the beginning of a February meeting, with all members agreeing that if any type of oil or gas extraction were to occur off the coast, it could not impact the fisheries.

"All three of us are from fishing families so naturally our concerns would be no impact on the fisheries," said Select Board member Cynthia Rowden.

Board member David Glidden asked about whether there would be a buffer zone and said depending on how far out it reaches into the ocean, a 25 mile buffer off Cutler would put the rigs in Canadian water.

"I'm all for it as long as it doesn't mess with any of the fisheries," he said.

Board member Skip McGuire said his biggest concern would be an oil spill. He also raised the issue of how shipping lanes would work, how gear would be impacted and said more regulations would put further pressure on those who fish for a living. He said as it is now, fishermen in his area are "fighting tooth and nail" against right whale regulations.

In addition, McGuire said he doubted that jobs created by the new industry would go to local people.

"I have mixed feelings on it," he said. "From a fisherman's position, it's tough. There's a lot that can go wrong with oil drilling and gas." ■

1-800-532-6654  
tdbank.com



America's Most Convenient Bank®

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

When you need  
community-centered  
solutions and clear  
communication

**HEB**  
*Engineers*  
CIVIL • STRUCTURAL • SURVEY

An employee-owned company  
in Bridgton, ME & North Conway, NH  
HEBENGINEERS.COM



# REGISTRATION NOW OPEN!

[www.memun.org](http://www.memun.org)

# 2018 Municipal Technology Conference



Friday, April 27, 2018

Augusta Civic Center • Augusta, ME

Sponsored By:  
Maine Municipal Association & Maine GIS User Group



## 2018 Keynote Speaker

Andrew Grover

### **Protect Thyself: Assessing Cyber Threats and Preventing Fraud**

There's no need to list the names. Besides, there are too many of them. We've all read how some of the nation's largest businesses and government agencies were hit with online data breaches and potential fraud on a massive scale. Andrew Grover, Chief Risk Officer and Senior Vice President for Bangor Savings Bank, is our keynote speaker. An expert on this topic, Mr. Grover, a trained accountant who has been with Bangor Savings for eight years, is president of the Maine Chapter of the Association of Certified Fraud Examiners.

He previously worked as an audit manager for Macdonald, Page & Co., one of the state's largest public accounting firms. Come hear this valuable address as Mr. Grover updates 2018 attendees on the many threats that exist and what cities and towns can do about them.

# Skowhegan: Moose are beloved, but much more is happening

*The former mill town is using a fast-running stretch of the Kennebec River to reinvent itself. Imagination, energy and determination are key ingredients.*

By Steve Solloway

A cold wind slapped at Kristina Cannon's face but she barely blinked. Standing on the Walking Bridge high above the Kennebec River gorge, she gestured to the icy water below.

"See that whitewater," she said. "That will be the first station." Cannon pointed to a second patch, perhaps a hundred yards away and then a third, further up the river near an eddy. She motioned to where, one day, spectators would occupy terraces carved into the river banks watching kayakers or canoeists play or race.

Cannon wasn't describing a scene; she was envisioning something very real in her mind. No wonder she was oblivious to a cold January wind. Her mind was in July or August of a not-too-distant summer when a whitewater recreation area named River Run in Skowhegan was reality and an engine to a new economy.

"Skowhegan is a gateway to the Maine woods" said Cannon, the young and ambitious executive director of Main Street Skowhegan. "We want to be a destination, not a place that people drive through to go somewhere else.

"Lots of towns turned their backs to the river. Their storefronts faced away." That, she says, will change. Skowhegan and the area around it will, too.

That kind of optimistic talk reads from a marketing playbook. Communities hire Main Street promoters for fresh ideas to revive downtowns, boost civic enthusiasm and all manner of other positives. Sometimes the challenges are too complicated, too difficult and the search begins for another new face with new ideas.

---

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



**Kennebec River in summer 2017.** (Submitted photo taken by Maria Landry)

"Kristina is exactly the face we needed," said Soren Siren, a Skowhegan selectman. "She goes in all these directions at 100 miles an hour. She brings people together, too."

## Embracing the moose

It was Siren, a Maine Master Registered Guide and physical education teacher at Skowhegan High School, who first suggested the town host the annual Maine Moose Lottery, the centerpiece of the three-day Skowhegan Moose Festival June 8-10. Siren attended a recent lottery and festival in Bethel and, knowing the lottery moves to different locations around Maine, thought Skowhegan should bid for the 2018 drawing.

"We're centrally located in the state and (Somerset County) has never hosted the Maine Moose Lottery. "We've got the infrastructure." The lottery and festival would be one more event that would expose Skowhegan, said Siren echoing Cannon and others.

The Skowhegan Moose Festival is

the latest addition to a busy schedule that included the Maple Festival in March, the Kneading Conference and Maine Artisan Bread Fair in July, the River Fest in August and the Skowhegan Craft Brew Festival in September.

Outside Somerset County, Skowhegan isn't necessarily known as a go-to town, other than the Skowhegan State Fair, observing its 200<sup>th</sup> anniversary this August and believed to be the oldest continuous state fair in the country. Not coincidentally, the center of the moose festival will be the fairgrounds.

The town is proud that Margaret Chase Smith lived here. Chase, the U.S. senator who stood up to fellow Senator Joe McCarthy and his witch hunt for Communists in 1950, died in 1995. Her reputation has been revived with events in Washington this past year.

Don't forget the Skowhegan High School field hockey program, said Siren, nodding to the school gymnasium and its multitude of championship

banners. People don't need to be interested in sports to understand the importance of 18 state titles, 15 in the past 17 years.

On the other hand, Skowhegan hasn't escaped the pervasive opioid crisis and other social and economic problems in small town America.

"We have plenty of challenges just like anywhere else," said Christine Almand, Skowhegan's Town Manager. "Drug use and the crime that goes with it. An aging population. Economic issues. If we stop looking at the negatives and start harnessing our potential, we can do good things."

### 'New energy'

Down the hall inside Skowhegan's municipal building (built in 1907-1909), Jeff Hewett reinforces Almand's thoughts. Hewett is the Director of Economic and Community Development and has worked for the town for 30 years. "We have synergy. We are collaborating on a new level, maybe because we have new people in town.

"We work very well together and in the past that's been harder to do. We're coordinating better all the diverse groups working for the betterment of Skowhegan."

Almand's husband is a carpenter who's worked on many renovations and construction projects in town, giving her another perspective. "There is new energy in town," she said.

People want to partner with others and become active stakeholders. Siren is one example among many. He grew up in Brighton Plantation, 20 miles north of Skowhegan. He's in his third year of his first term as selectman and ran for office because he wanted to make a commitment to Skowhegan and become more active in its future.

Cannon grew up on a dairy farm in North Anson, not far from Madison. After graduation from Carrabec High School, she continued her education in Boston and is an Emerson College graduate. Cannon worked in admissions and marketing at Colby College before coming to Skowhegan nearly three years ago when Main Street Skowhegan had a staff of two. Now the staff has four people.

Cannon learned more of the original Skowhegan Gorge Run of River Feasibility Study written in 2004 and, like others in Skowhegan, saw the economic potential. With the long-ago

disappearance of traditional manufacturing mills, the Kennebec River wasn't considered the asset it once was. The river flows west to east through Skowhegan. The narrow gorge section with its own natural beauty runs about a half mile from Weston Dam to the "Big Eddy" near Coburn Park, a recreation area.

Three places in the gorge have whitewater, although there's not quite enough energy to give kayakers the thrill that whitewater enthusiasts find on the upper reaches of the Kennebec below Wyman Dam. The study calls for natural features to be added to enhance the whitewater at the three locations, or stations. What's more, in the relatively confined space, kayakers can repeat the experience more easily. A slalom course, suitable for competition, is also planned.

Satisfied and tired from the thrills, it's a short walk to downtown Skowhegan to restaurants and pubs, said Cannon. She envisions a waterfront promenade.

Run of River would be the first of its kind in New England, says Cannon. That's why she and Almand went to Colorado to visit whitewater parks there at several locations. The economic boost the whitewater parks provided reinforced their ideas and belief the concept would benefit Skowhegan.

### More than just water

Run of River's full outline includes a recreation area. A major expansion of walking, hiking, and mountain biking trails is an important part of the picture.

The price tag is about \$5 million, with the Town of Skowhegan already earmarking \$1.4 million for construction. Cannon also wears the hat of campaign chair for the Run of River Committee, which is an example of Hewett's use of the word "synergy." The chairman is Greg Dore, Skowhegan Road Commissioner. Local politicians, a bank manager, business people, whitewater paddlers and the town fire chief are among the diverse 14-member committee.

"The river is a gold mine," said Siren, the select board member. "It is totally underutilized."

Cannon says the Skowhegan Moose Festival will extend to the river where visitors this summer can get on the water and see for themselves what

is planned for the future. Cannon doesn't limit her ideas to the river. "We will do our best to tap the flavor of Skowhegan," she said, pun perhaps intended. The area is home to two craft beer brewers.

Thanks to the Kneading Conference and the Maine Artisan Fair, Somerset County can once again be a bread basket. Cannon sees a future in agritourism for the Skowhegan area.

There is fun in the air. The title of the official town visitors' guide reads: Skowhegan, A Place to Watch. Skowhegan is an Abenaki word for "watching place for fish." Someone with an awareness of Skowhegan's recent history may read the title as watching a town reinvent itself.

Hewett said that one of the last vacant buildings downtown, a late-1800s, three-story brick structure, is being renovated by Jason Cooke, a former Maine Huts and Trails manager. His business plans include retail for boaters, a restaurant and lodging on the upper two floors. Jason and Julie Cooke have become stakeholders in Skowhegan's future, joining a growing list.

When people talk of Skowhegan's new energy they point to a spark – Amber Lambke, who saw the promise in Skowhegan's old jail and turned it into the Somerset Grist Mill with a business partner, Michael Scholz. Maine Grains, the Maine Grain Alliance and the Kneading Conference and Artisan Bread Fair were born from that decision.

"She saw that it could be done," said Hewett. "She took that old jail and filled it up. We renovated the parking around it. More parking in downtown was renovated. The Cornville Charter School moved downtown and is doing amazing things renovating its building. Skowhegan's downtown was booming in the mid-1970s. Then there were vacant storefronts. You don't see that today."

Almand lists four cornerstones of Skowhegan's economy: the Sappi Mill, which has been spending to renovate its vast workplace; Redington-Fairview General Hospital; Gifford's Ice Cream; and New Balance.

"You know," said Almand with a smile, "New Balance has its own initiative called SparkStart.

Synergy. Intentional or coincidental. ■

# The Municipal RISK MANAGER

SPRING 2018

A Publication of the Maine Municipal Association

## Solar Hazards for Fire Fighters

Roof mounted solar electricity installations are increasingly popular, and new installations are increasingly common. But while careful thought may have gone into the installation, potential hazards to firefighters likely have not. Traditional firefighter tactics for ventilation, suppression and overhaul may present unexpected hazards when a solar photovoltaic system is encountered.

Solar panels are always “on”; as long as they are receiving light, they will produce electricity. Damage to panels by fire or from suppression activities may create new and unexpected electrical conduction paths. “Shutting down” the system may not be simple or even possible. Throwing a tarp over the panels may block sunlight and stop generation of electricity, but wind and hose streams may make keeping a tarp in place problematic. Even if a fire event takes place at night, scene lighting erected to assist with fire suppression efforts may cast enough light on solar panels to generate electricity just as if they were exposed to sunlight. Water coming in contact with energized components, severing of energized components during ventilation efforts, and direct contact with severed or damaged components pose shock hazards that may not have been anticipated. Some installations may have battery storage systems or large capacitors in inverters that may keep portions of the system energized even if cutoff switches have been thrown. The physical layout of the panels may inhibit roof access or make it impossible. Finally, breaking a panel could potentially release all the energy in the system!

### What can be done?

Maintain a listing of solar photovoltaic

installations in your district. Be aware some installations are designed to “blend in” with other structural components so it may not be obvious from exterior inspection a solar photovoltaic system is present.

- Where are the panels located, and will they make rooftop access difficult or even impossible?
- Determine if there are cutoff switches



for the system and for individual panels.

- If possible, obtain system information from the premises owner or the installer.

In the event of fire, “size up” is critical to check potential hazards.

- Treat all components as energized, work around all components.
- Shutdown as much of the system as

**Story Continued on Page 18**

## Local Law Enforcement Must Train School Crossing Guards

LD 785, An Act To Improve Safety and Traffic Efficiency near School Grounds became law effective October 15, 2017. In order to qualify to direct traffic as a school crossing guard, the following requirements must be met.

- The crossing guard must be 18 years of age or older;
- Be under the control of a local law enforcement agency;
- Complete training to perform traffic direction duties. This training must be prescribed by the local law enforcement agency that has control over the school crossing guard and the training must be of a type approved by the Maine Department of Labor, Bureau of Labor Standards;
- Wear an appropriate uniform as specified by the local law enforcement agency that has control over the school crossing guard; and

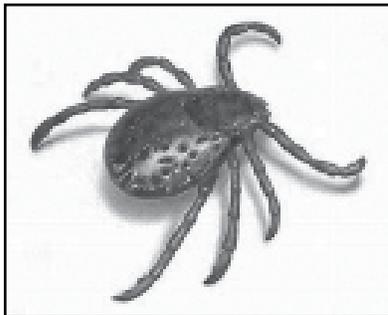
- That the school crossing guard is directing traffic in an intersection with a marked crosswalk on a public way.

The Maine Department of Labor has approved a video that can be used to meet the training requirement. Participants of the MMA Risk Management programs can access the video at our Online Safety Training University. From the MMA web site, click on Risk Management Services, then Online Safety Training. Once you have logged in, go to Schools, and Crosswalk Safety Training will be in the right hand column under Resources. If you have any questions on how to access the video, please contact Risk Management Services at 1-800-590-5583 and ask for Jenette Holt or Don Vickery.

The complete text of the enacted bill can be found at the Maine Legislature web site: <http://legislature.maine.gov/>

# Ticks

Warmer weather will be here soon, and while we all look forward to working and playing outdoors, it also brings some unwelcome aspects, including ticks. According to the Maine Center for Disease Control, there were 1,787 positive tests for Lyme in 2017, an increase of 22 percent. Also reports of another tick borne disease, anaplasmosis, increased by 78 percent in 2017.



Some simple precautions will help you avoid contact with ticks and potentially a tick borne illness:

**Avoid Direct Contact with Ticks:** Avoid walking through wooded and brushy areas

with tall grass and leaf litter. Walk in the center of mowed or cleared trails to avoid brushing up against vegetation.

**Dress Appropriately:** Wear light-colored clothing to make ticks easier to detect.

Wear long pants tucked into socks or boots and tuck your shirt into your pants to keep ticks on the outside of your clothes. Do not wear open-toed shoes or sandals when in potential tick habitat.

**Use Tick Repellents:** On the exposed skin and clothing such as 20-30% DEET. Other options are Picaridin, or Oil of Lemon Eucalyptus. Remember some repellants need to be reapplied

periodically to be effective. When using repellents always follow product directions.

Consider using products that contain permethrin to treat clothing and gear. Do not apply permethrin directly to your skin.

If you find a tick attached to you, remove it as soon as possible with tweezers, a tick spoon or other removal tool. After removing the tick, thoroughly clean the bite area, your hands, and the removal tool with rubbing alcohol, an iodine scrub, or soap and water. If a rash appears at the bite site, or flu-like symptoms are experienced after a tick bite, consult with a doctor as soon as possible.

More information on tick bite prevention can be found on our web site [www.memun.org](http://www.memun.org). Click on the Risk Management and Safety Shorts links. Also, members of the Risk Management programs can access the Online Safety Training and the Field Biological Hazards course which contains information on ticks, insect bites as well as poisonous plants. ➡

## Solar Hazards (cont'd)

possible:

- Lockout/tagout all disconnects
- Isolate the system at the inverter using dependable methods.

**Training and education:** The National Fire Protection Association has many resources addressing this topic. [www.nfpa.org](http://www.nfpa.org) and [www.nfpa.org/Foundation](http://www.nfpa.org/Foundation)

Resources can also be found at: [https://www.maine.gov/dps/fmo/documents/firefighter\\_tactics\\_solar\\_power.pdf](https://www.maine.gov/dps/fmo/documents/firefighter_tactics_solar_power.pdf) ➡



**The Municipal Risk Manager**

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

**Publisher:** Risk Management Services  
**Editor:** Marcus Ballou  
**Layout Designer:** Jaime G. Clark  
 P.O. Box 9109, Augusta, ME 04332-9109  
 1-800-590-5583 or (207) 626-5583



**If you text and drive, your next message may be your last.**

TALKING. TEXTING. DIALING. EATING. SHAVING. READING. APPLYING MAKEUP.

**In 2015 3,477 people died in distracted driving accidents.**

ARGUING. CHANGING CHANNELS. WATCHING VIDEOS. WRITING. DRINKING.

**Distractions are anything that takes your attention away from the task at hand.**  
**When your task is driving, distractions can be deadly.**  
 Learn more by taking our featured course

**Tailgate Topics: Distracted Driving**

**MMA Risk Management Services Online Safety Training**

For more information please contact the MMA Loss Control Department at (800) 590-5583  Maine Municipal Association RISK MANAGEMENT SERVICES

## Changing Seasons Signal Flood and Fire Danger

As we transition into spring and summer, we need to keep an eye on two conditions that can have a huge impact on property and lives, especially in our rural communities: flood and fire. With below-average snowfall in many parts of the state this winter, wildfire is a very real concern even before breakup. In either situation, however, preparedness is the key to securing property and keeping employees and citizens safe.

Rivers are the lifeblood of many communities. They are such an integral part of daily life that they can be taken for granted, but their power should not be ignored. Rivers, like any body of water, deserve a healthy measure of respect and caution. Fa-

miliarize yourself with terms used to identify a flood hazard. A **flood watch** means that flooding is possible. Be prepared to move to higher ground, and listen to State Emergency Services, commercial radio, or television for information. A **flood warning** means that flooding is occurring or will occur soon. If you are advised to evacuate, do so immediately.

Just like spring breakup, there are many variables that can affect the outcome of fire season; among them are temperature, humidity and rainfall, winds, frequency and intensity of storms (lightning strikes), insect-killed trees, and human factors (accidental or intentional causes of fire). If your property is vulnerable to wild-

fire, conduct inspections and make sure that all buildings have a “defensible space” extending at least thirty feet on all sides. This space should be cleared of trees, large shrubs, and debris that could spread a fire to the building. The cleared space also allows firefighters and their equipment room to work. Consider the placement of driveways and walkways as firebreaks.

Besides human safety considerations in the event of either flood or fire, public agencies must consider how to protect business records, including those stored on computers, as well as real property. If you don’t already have steps in place for backing up critical computer files, you should adopt a plan as soon as possible. A network server should ideally have a backup at an off-site location. If you are not networked or only have a few computers requiring critical backup, a portable backup drive may be a reasonable solution, but keep in mind that small storage devices can be easily lost or stolen. You will need to ensure the security of your data on any portable storage device.

File cabinets or their contents that may be in danger should be moved to the location providing the most security from the threat at hand. Computers and other electronics should be moved as high as possible to avoid flood waters. Assign employees to specific tasks to make sure all critical documents are protected. Don’t expect employees to know what needs to be done; write it up in your Emergency Action Plan.

To help mitigate flood damage, install check valves in sewer traps to prevent flood water from backing up into drains in the building. Close valves to fuel oil and propane tanks to help prevent leaks, and make sure tanks are securely anchored. Where possible and practical, construct barriers to stop floodwater from entering the building.

## New Maine Law Enforcement Accreditation Program

The Maine Chiefs of Police Association reached out to the Maine Municipal Association Property & Casualty Pool staff in 2017 to provide details of the new Maine Law Enforcement Accreditation Program (MLEAP) they were developing. The staff was excited to see this firsthand and to see the tremendous amount of time, effort and consideration put into this endeavor. This program allows any municipal agency, large or small, to become accredited. The standards are designed to reflect the best professional practices in each area of law enforcement, administration, operations and training. Obtaining accreditation is proof that a law enforcement agency is meeting and maintaining

the highest standards of professional excellence and accountability. Accreditation of a law enforcement agency benefits the municipality as well as the MMA Property & Casualty Pool. It ensures that agency practices are consistent with progressive professional standards. The Pool is pleased to offer a discount to municipal members of the Property & Casualty Pool once an agency becomes accredited. In order to obtain this discount, proof of accreditation must be submitted with the Pool renewal application. The maximum credit is 15% and will be applied to the Law Enforcement Liability contribution. This discount will be available starting July 1, 2018. 🚒

**MMA Risk Management Services welcomes the Town of Athens as the newest member to the Property & Casualty Pool.**

We thank our dedicated members for their partnership.

## Treasurer-Tax Collector Certification Benefits Us All

The Maine Municipal Association Property & Casualty Pool is pleased to collaborate with the Maine Municipal Tax Collectors and Treasurers Association to reward members who have allowed their Treasurer and/or Tax Collector to earn this certification.

Certification of Tax Collectors and/or Treasurers benefits the municipality as well as the MMA Property & Casualty Pool. It ensures that the employees in these very important positions have mandatory training on municipal law for tax collectors, tax liens and cash management procedures along with additional training on governmental accounting, cash

handling, excise tax and motor vehicle procedures. Together we reviewed the certification program offered by the MMTCTA and the Pool is pleased to offer a discount to municipal members of the Property & Casualty Pool.

In order to obtain this discount, a copy of the certificate must be forwarded directly to the Pool at each renewal. The maximum credit is 10% and will be applied to the Crime contribution. This discount will be a direct cost savings to the municipality starting July 1, 2018. For further information or questions please email [rmsunderwriting@memun.org](mailto:rmsunderwriting@memun.org)



## Preflight Coverage Check for your Unmanned Aircraft



**Did you know that drones are considered aircraft and are potentially subject to Federal Aviation Administration regulations?**

Public aircraft operations are limited by federal statute to certain government operations within U.S. airspace. Title 49 U.S.C. § 40102(a) (41) provides the definition of "Public Aircraft" and § 40125 provides the qualifications for public aircraft status and drones can meet the definition.

As such, it is of critical importance

to note that most standard insurance policies including the MMA Property & Casualty Pool, do not automatically include "Aircraft" as covered property and further exclude "bodily injury" or "property damage" arising out of the ownership, maintenance, use or entrustment to others of any aircraft.

Therefore, before you buy and attempt to fly be sure to verify:

Compliance with Federal Aviation Administration laws.

Insurability of the aircraft for property damage to the drone itself.

Confirm availability of liability insurance thru the MMA Property & Casualty Pool or your local insurance provider. ■

## FREQUENTLY ASKED QUESTIONS:

### **Question: What is the Pothole Law?**

**Answer:** Within the local highway law there is what is commonly referred to as the "Pothole Law". When someone claims their vehicle was damaged because of a pothole or similar road defect, the issue is governed by the "Pothole Law", see 23 MRSA §3651-3655. The Pothole Law requires municipalities to keep town ways (and State roads under municipal control) in good repair.

### **Question: What is my Town's Liability?**

**Answer:** The town's liability arises from the physical condition of the road itself, not the town's negligent use of the vehicles or equipment. Three facts must be established before a municipality will be held liable under the Pothole Law:

- First, the defect which caused the damage must be in a town way.
- Second, the damage must be the result of a highway defect.
- Third, the town must have had at least 24 hours prior actual notice of the defect in question and failed to correct it.

### **Recommendations:**

- Have a written plan documenting notice and the date and time of road repair.
- Record and log for at least 6 months the time and method of repair.
- The statute does not specify what type of repair must be made. The repair will be judged on a reasonableness standard.w

Please look for this new Frequently Asked Questions section of the Municipal Risk Manager each quarter. If you have a question you would like to ask please email Marcus Ballou at [mballou@memun.org](mailto:mballou@memun.org)

# Gibson will be remembered for his good work – and good heart

*Marshall L. “Jack” Gibson’s paving company served 175 municipalities over the years. The business and trust that they gave to him was never forgotten.*

By Liz Mockler

The late Marshall L. “Jack” Gibson was known for putting his money where his mouth was, a fact many of the 175 Maine municipalities that hired him for paving and recycling projects over six decades can verify.

In all, Gibson and his wife, Ruth-Anne, donated \$600,000 over five years to 60 municipalities for myriad community projects – many that benefited the young and the old.

“Jack felt these were the municipalities that made him successful,” said Mrs. Gibson. “Jack felt very strongly about giving back to the community and Maine was his community.”

Mrs. Gibson said her husband lived a humble life. He owned just two suit jackets, eschewed fancy restaurants, never went to the movies and loved Scottish and Irish folk music. He played the banjo at home – “not very well, but he played” – and considered philanthropy to be his hobby.

“He was a wonderful man, a wonderful husband,” she said.

Gibson was 88 when he died on Feb. 24 at his home in South Portland. He worked most every day, often by phone and email, until he suffered a stroke in early February. Gibson owned Commercial Paving & Recycling Company for 59 years and completed municipal paving projects from the tip to the tail of Maine.

He sold the firm in 2004, but continued working at Gibson Realty, his industrial and real estate development firm.

## Municipal gratitude

Farmington, a western Maine college town of 7,650, was one of the

benefactors of the Gibsons’ Municipal Charitable Grant Program.

Town Manager Richard Davis said he and his select board received a letter from the Gibsons in the spring of 2013 offering the town a chance to receive one of the \$10,000 grants that would be awarded that year.

In August 2013, the town finished upgrades to its community center, built in 1941, using the money donated by the Gibsons.

The improvements included installing LED lights over the gymnasium bleachers, painting walls where needed and creating three pickle ball courts, which are popular and used regularly.

“Jack Gibson was a very nice man,” Davis said. “He was an honest, upright and respectful gentleman and I really enjoyed knowing him.”

Davis said Gibson’s paving firm was hired many times by the town. “He did very good work. A lot of it is still in place serving the public today,” Davis said.

In thanking the Gibsons in an Aug. 22, 2013, letter, Farmington Parks and Recreation Director Stephen Shible noted that cuts in the state Municipal Revenue Sharing Program made it hard to predict when the town would be able to afford to make the community center improvements.

“Thanks to you, these needs/wants get scratched off our to-do list and the town can consider other worthy undertakings in the future,” Shible wrote, in his thank you letter.



Marshall L. “Jack” Gibson

Fort Kent officials used a 2012 Gibson grant to pay for a mural painted at the new entrance to Riverside Park. In the spirit of Gibson’s work in transportation, the mural features the original ferry crossing from Fort Kent to Clair, New Brunswick, Canada, that operated from the 1860s to the 1940s, according to town officials. A steel international bridge opened in 1930 to replace a footbridge built in 1905.

Among other projects statewide funded wholly or in part by Gibsons’ grant program included buying waterfront property for community use, upgrading playgrounds and pools, renovating libraries and supporting senior programs.

In the first year of the program, the Town of Norway used its \$10,000 Gibson grant to provide \$1,000 in property tax relief to 10 elderly residents.

## One in a million

Over five years, from 2011 to 2016, the Gibsons donated \$600,000 to 60 communities in the “one in a million” municipal grant program, according to Steven Tenney, senior vice president of UBS Financial Services of Portland.

Tenney was the caretaker of the program funds, but Gibson and his wife decided each year which 12 cities and towns would receive a \$10,000 donation.

The grants were awarded to one community each month. The hurdle for receiving a subsidy was low. “Towns would have to write a letter explaining

*Liz Mockler is a freelance writer from Randolph and regular contributor to the Maine Town & City, [lizmockler@hotmail.com](mailto:lizmockler@hotmail.com).*

what they wanted to do with the money, and send before-and-after photos. That's all they had to do," Tenney said.

Tenney estimated that 80 percent to 90 percent of the grants were awarded to small towns.

The municipal program was "based purely out of the goodness of his heart," Tenney said. Given the state's population, the program "was literally one in a million," he said.

"Jack was one of the greatest people



**The Gibson Municipal Charitable Grant Program financed this mural by Darren Connor or St. Francis.** (Submitted photo taken by Maria Landry)



## Skelton Taintor & Abbott

ATTORNEYS AT LAW

At the top of our field—and at the center of it all.

You will always find central Maine's largest team of governmental services attorneys right in the middle of the action. For over 150 years, we have leveraged our location in the heart of the state to provide premium legal services for Maine communities at the most competitive price point.

See why we have been trusted by so many for so long. Talk with Bryan Dench, Chair of Government Services, today:

**BDench@sta-law.com**  
**207.784.3200**

**sta-law.com**



I've ever worked with," Tenney said. In addition to the municipal grant program itself, "Jack and Ruth-Anne were one in a million," he added.

"He had very definite ideas of what he wanted for everything in his life. He was kind and humble and a heck of a businessman," Tenney said.

The Gibsons did not want to bring their biases to the grant program, so they asked the municipal officials what they wanted to accomplish. The couple regretted only that more communities did not seek grants, Tenney said.

A child of the Great Depression (born in 1929), Gibson's first job was

selling magazines door-to-door at the age of seven. "What housewife could resist the tiny boy with a huge satchel, blue eyes and a ready smile?" Mrs. Gibson asked.

He missed being drafted into World War II by a single day, but four years later he was drafted into the Army at the start of the Korean War.

Gibson's family, in his obituary, said he often said the "best thing about being drafted... was meeting his first wife, Susan, (while) on a three-day pass in Ottawa."

He married Susan in 1953; she died of cancer in 1989. Mr. Gibson

## Smarter banking is smarter financing.

Public-sector financing available state-wide.

Androscoggin Bank can meet all of your financing needs, including:

- Lease financing for 100% of new or used equipment;
- Tax-Anticipation Notes and Bond-Anticipation Notes (TANs and BANs);
- General Obligation Bonds (GOBs).

Ready to discuss your options?



Call John Simko today.  
Vice President, Androscoggin Bank  
Jsimko@androscogginbank.com  
207-376-3623

androscogginbank.com

**Androscoggin**  
Smarter Banking™



donated \$2 million in her memory to Maine Medical Center in Portland to build the 44-bed Marshall L. and Susan Gibson Pavilion, which offers state-of-the-art cancer care.

To honor his second wife, Ruth-Anne, whom he married in 2001, he donated \$100,000 to build a new ballfield at the Jewish Community Alliance of Southern Maine's Center Day Camp in Windham.

His other philanthropy efforts are too numerous to list, although he never forgot to help organizations that rescued and cared for animals.

Mrs. Gibson said she was attracted to her husband "for his humility, his grace, his respect for everyone regardless of their so-called 'station,' and his generosity."

### Hard work, integrity

An only child, Gibson never stopped working after finishing his door-to-door stint as a wee magazine seller. After watching his parents struggle through the Depression, doing his

part to help, he concluded that if he were going to be successful in life, he would have to work for himself.

He dropped out of high school in his senior year and started working as a full-time truck driver for New England Shipbuilding's West Yard in South Portland. Before he turned 21, he had already started what would become Commercial Paving & Recycling. His early niche was paving driveways in the mid-1940s, when it was a novel idea.

But when he returned home from war, where he served in the U.S. Army Corps of Engineers, "nobody remembered me," he told the Maine Townsman magazine (now Maine Town & City) in a September 2011 interview.

"I had to start over," he said.

In 1957, M.L. Gibson Contracting was renamed Commercial Paving & Recycling. The firm won its first municipal job doing road work for the

Town of Oxford. Gibson soon earned a reputation for quality work, good prices – and honesty and integrity.

Over nearly 60 years in the paving and recycling business, Gibson worked as a contractor for 175 of Maine's nearly 500 Maine municipalities. In 1989, Gibson started a new twist on paving: He was the first contractor in Maine to receive state approval to use recycled material in pavement.

Despite his success and wealth, he led a quiet, humble life. He drove a Lexus – a 2008 model – and never left home without shinning his shoes. He had a good sense of humor and was old-fashioned in his manners and jokes.

"Jack thought he was funny," quipped Mrs. Gibson.

On Sundays, he baked Scottish shortbread and brought a platter to cancer patients at Maine Med. It was a years-long volunteer effort to cheer up

**SOLUTIONS**  
 SOLUTIONS  
 SOLUTIONS  
 SOLUTIONS  
 SOLUTIONS  
 SOLUTIONS



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



**ELLIS & MEADER**

ATTORNEYS AT LAW

**Legal Counsel To Maine Communities**

EXPERIENCED • EFFECTIVE • EFFICIENT

Prior to co-founding Ellis & Meader, Amanda was a Staff Attorney at Maine Municipal Association for five years. Amanda spent the first seven years of her career in private practice, where she advised municipalities, counties and utility districts on a broad range of issues including:

*General Legal Advice • Labor & Employment*

*Ordinance Drafting & Review • Planning, Zoning & Enforcement*

*Taxation • Real Estate*

**Ph:** 207-530-9026 **Email:** [amanda@ellismeador.com](mailto:amanda@ellismeador.com) **Web:** [ellismeador.com](http://ellismeador.com)  
**Address:** 227 Water Street, Suite 222, Augusta, Maine 04330

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

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

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

painfully sick people and ended just before his death when hospital staff asked him to stay away out of fear he would contract the flu.

Each Sunday, Mrs. Gibson said her husband also brought a clipping from a magazine or book in what he called "Worth Pondering." Most were humorous in another effort to cheer up patients.

The only time Gibson would take a break from his work was when he and Ruth-Anne vacationed in Scotland

and Ireland. Mrs. Gibson said Susan Gibson was born in Glasgow, Scotland, while his mother's family were native to County Armagh in Northern Ireland.

In addition to his wife, Gibson is survived by two sons, Thomas and John, of New Smyrna Beach, Fla., and Raymond, respectively; and a stepson, Mark, of Stockholm, Sweden, and their families. He was a grandfather to six children and a great-grandfather to four more. ■

## EDITOR'S NOTE

I met Jack Gibson in his South Portland office in the summer of 2011, during my second year at the Maine Municipal Association. We wanted to do a magazine article on the way Mr. Gibson and his wife were "giving back" to towns and cities. I decided to write this one myself. My family and I had lived in Cape Elizabeth and Westbrook for 10 years, from 1996 to 2005, so his office building and the area around it was a place that I knew well.

We spent hours together, talking about his start in the paving business – he showed me photos and a model of the first truck he ever owned – his real estate ventures, his philanthropy and his family.

Jack was close to renowned Portland Press Herald columnist Bill Nemitz, a former colleague of mine, who I remain in touch with nine years after leaving the Maine newspaper business. I sense from Bill's writing that Jack touched him profoundly.

As Liz Mockler's accompanying story shows, Jack was the kind of person you never forget meeting: bright-eyed, sincere, open, loyal and generous. We could use more like him these days.

*Eric Conrad*



*The Only Decisions We Make Are*  
**LOCAL DECISIONS.**

**Specializing in fixed-rate leasing programs for Maine municipalities**

Leasing is a great alternative to spending your precious capital. With a broad range of fixed-rate programs for new or used equipment, 100% financing for Maine municipalities and a streamlined application process, we'll have you up and running in no time. That's the power of local banking. That's banking you can believe in.

**Contact Rick Proctor, Vice President Leasing, at (207) 222-1498.**



Gorham Savings Bank Leasing Group, LLC is an affiliate of Gorham Savings Bank.

Member FDIC Equal Housing Lender



Working with communities across the state to serve their engineering, environmental and surveying needs.

ces-maine.com  
207.989.4824



# 4th Annual **HR** & Management Municipal Conference

## June 14, 2018

### Thomas College Waterville, ME

## ATTENDEE REGISTRATION



Maine Municipal Association

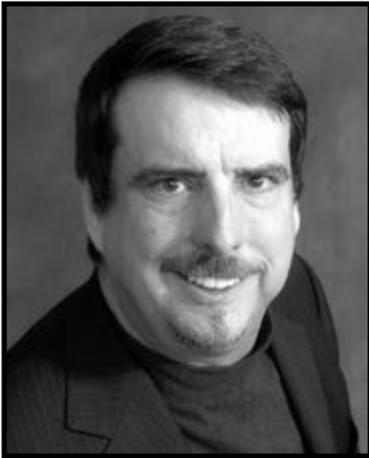
**Presented by:** Maine Municipal Association

**In Cooperation with:** Maine Local Government Human Resources Association



[www.memun.org](http://www.memun.org)

## KEYNOTE SPEAKER: Jim Mathis, The Reinvention Pro



### Positioning People to Excel

Every municipal leader wants people to work together to reduce stress – including the leader's! How do you manage different people in a changing environment? Can you communicate with everyone using their individual strengths? Jim Mathis, a bestselling author and professional motivational speaker, has helped leaders around the country to reinvent their organizations and leadership styles. This session, sprinkled with humor, will teach attendees about the essential tools for managing, leading and retaining good employees, improving communication and reducing stress.

## Conference Agenda:

### 8:00 am: Registration

#### 8:45 am: Welcome (Summit Rm)

Welcome by Stephen W. Gove, Executive Director, Maine Municipal Association, and Nick Isgro, Mayor of Waterville

#### 9:00 – 10:00 am: Keynote Presentation (Summit Rm)

### Positioning People to Excel

Session Summary: Every municipal leader wants people to work together to reduce stress – including the leader's! How do you manage different people in a changing environment? Can you communicate with everyone using their individual strengths? This session, sprinkled with humor, will teach attendees about the essential tools for managing, leading and retaining good employees, improving communication and reducing stress.

*Presenter: Jim Mathis, author and motivational speaker*

**MTCMA Certification – 1 point Leadership category**

#### 10:00 – 10:15 am: Break/Visit with Sponsors

#### 10:15 – 11:15 am: Block 1

### Emerging Issue: Sexual Harassment (Auditorium)

The last year or two have seen sexual harassment in the workplace take on new proportions, toppling leaders in business, the entertainment industry and federal government. How can municipal leaders and managers minimize the chances of this happening in their “shops,” without infringing on employees' legal rights?

*Presenters: Thad Zmistowski and Sarah Newell, Attorneys, Eaton Peabody*

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

### Recruiting the Future: Hometown Careers (Summit Room)

Four months ago, Maine Municipal Association launched a major campaign to encourage young people and those considering career changes to consider careers in municipal government. At this session, attendees will hear an update about this campaign. You will be asked to offer feedback and talk about future efforts.

*Presenters: Stephen W. Gove, Executive Director, Maine Municipal Association; Gina Tapp, Director of Human Resources, City of Portland*

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

#### 11:20 – 12:20 pm: Block 2

### Recognizing Signs of Employee Impairment (Auditorium)

The legalization of recreational marijuana use in Maine has brought new attention to an age-old problem, namely how managers and employers can look for signs that workers may be under the influence on the job. This session offers tips on warning signs, along with legal advice on how to approach the issue when it becomes necessary.

*Presenters: Scot Mattox, former Portland Police Sergeant, Attorney and Owner, Dirigo Safety, LLC; Daniel Thompson, Firefighter, Town of Limington and Adjunct Instructor, Dirigo Safety, LLC*

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

### Support Our Troops through USERRA (Rooms 103/104)

The Uniformed Services Employment and Reemployment Rights Act establishes rights and responsibilities for mem-

*(Cont'd on next page)*

## Conference Agenda:

bers of the National Guard and Reserve, and their employers. Come hear how the act works and how employees can support troops, while also managing their municipal workloads back home.

*Presenter: Attorney Michael Stultz, MMA Legal Services Department*

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

### Quality Updates to MMA's Salary Survey Tool

*(Summit Room)*

Maine Municipal Association's online Municipal Salary Survey entered its third year in 2018, and we've made significant changes to make it more printer-friendly and easier to use. More than 210 municipalities enter data and use the survey each year. This is an incredibly valuable HR tool that you need to know more about!

*Presenter: Holly Maki, Dynamic Benchmarking*

**MTCMA Certification – 1 point Human Resources category**

### 12:20 – 1:20 pm: Lunch

Cafeteria style, "picnic" stations, can sit in cafeteria or outside.

### 1:20 – 1:30 p.m. Break/Visit with Sponsors

### 1:30 – 2:30 pm: Block 3

#### The Impact of a Rising Minimum Wage *(Auditorium)*

We know that relatively few municipal workers are paid the minimum wage in Maine, although some are. However, as the minimum wage increases, and all kinds of employers increase their salaries to meet it, ripple effects are felt through the municipal world.

*Presenter: Commissioner John Butera, Maine Department of Labor*

**MTCMA Certification – 1 point Human Resources category**

#### Maine Veterans' Services: Points of Access *(Rooms 103/104)*

Come and learn more about the Maine Bureau of Veterans' Services mission, services and points of access that are available to veterans – including veterans whom you employ – in the State of Maine. Learn how to effectively provide your employees or citizens with helpful assistance, how to refer

them to the bureau and where to obtain useful information.

*Presenter: Adria Horn, Director, Maine Bureau of Veterans' Services*

**MTCMA Certification – 1 point Human Resources category**

#### Handling Employment Claims *(Summit Room)*

Please join our expert speakers as they provide real-life case studies of actual employment claims, examining what was done, what could have been done better, the outcomes of the claims and why decisions were made to defend them or settle.

*Presenters: Attorney Mark Franco, Drummond Woodsum; TBD MMA Risk Management Services Claims Representative*

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

### 2:30 – 2:45 pm: Break/Visit with Sponsors

### 2:50 – 3:50 pm: Block 4

#### Using Technology – In the Appropriate Ways

*(Auditorium)*

Technology is a wonderful gift (most of the time). It makes employees more productive, makes communication easier and often saves money. However, it also poses challenges, particularly in the area of inappropriate images and messages. How can municipal employers monitor technology use and step in when necessary?

*Presenters: Mark A. Bower and Alyssa Tibbetts, Attorneys, Jensen Baird Gardner Henry, Portland*

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

#### How Full Is Your Bucket? *(Summit Room)*

This workshop will reveal how even the briefest interactions affect your relationships, productivity, health, and happiness. Abby's engaging presentation style will have participants laughing and learning how this simple approach can change your life and lead to better morale in your workplace.

*Presenter: Abby DiPasquale, Health Promotion Coordinator, Maine Municipal Employees Health Trust*

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

**Directions to Thomas College:** Thomas College is located at 180 West River Road in Waterville, Maine. From Interstate 95 exit 127 (formerly 33), go east on Kennedy Memorial Drive (Route 137). In approximately 1.5 miles, turn right onto West River Road (Route 104 South). Thomas College is 1.5 miles on the left. **Please follow these directions instead of those provided by your GPS for the best route to campus.**

Pay by credit card when you register online here: <https://memun.org/Municipal-HR-and-Management-Conference/Registration>

4th Annual  
**Municipal  
HR & Management  
Conference**

# Attendee Registration

June 14, 2018 – Thomas College, Waterville, Maine

Presented by: Maine Municipal Association

In Cooperation with: Maine Local Government Human Resources Association

**Registration Type** (please check ONE):

- MMA Member Municipality/Patron/Non-Profit/State Agency-\$75.00  
 Non Member Municipality-\$150.00 /  Business Representative-\$100.00

---

**Billing Information:**

Full Name: \_\_\_\_\_

Employer: \_\_\_\_\_

Billing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Name Badge Information** (Name badge will read as indicated here):

First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Primary Title: \_\_\_\_\_

Employer: \_\_\_\_\_

---

**Payment Options:**  Send invoice\*  Check will be mailed\*\*  Payment Enclosed\*\* PO #: \_\_\_\_\_

(\*You will be invoiced after the Conference – \*\*Please send a copy of this registration form with payment)

➔ **Credit card payments accepted with online registration only.** ←

**Fax registration form to:** (207) 626-5947 **Mail form to:** HR Conference Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. **Please make check payable to: Maine Municipal Association**

---

**Dietary Requirements:** We do our best to plan meals according to general dietary guidelines. If you have a specific dietary restriction, please call our office at least 5 business days prior to the start of the event. Please note that we are not able to accommodate onsite requests, as catering planning happens in advance of the event.

**ADA Message:** In order to ensure your complete participation, we would appreciate your informing us of any special requirements you may have due to a disability.

**Questions & Cancellations:** Cancellation notification must be given in writing at least 3 business days before the session begins. Any cancellation received within that 3 day window will be charged the full registration fee. All cancellations are subject to a \$10 administrative fee for processing. Please go to <http://www.memun.org/TrainingResources/WorkshopsTraining/Cancellations.aspx> to cancel. If you have any questions please contact the Educational Services Office at (800) 452-8786 or (207) 623-8428.

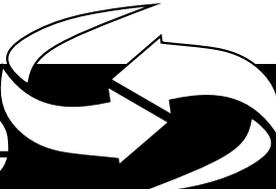
# 2018 MRRA Backyard Composting Supply Sale

**DEADLINE  
for orders  
April 27, 2018**

Download your sales packet at:  
[http://mrra.net/assets/  
2018-composting-sale-packet.pdf](http://mrra.net/assets/2018-composting-sale-packet.pdf)



For more information contact:  
Victor Horton @ 207-942-6772  
[victor.horton@mrra.net](mailto:victor.horton@mrra.net)

**Maine  Resource  
Recovery Association**  
[mrra.net](http://mrra.net)

# PEOPLE

Appleton Select Board member **Scott Wiley** resigned on March 6 after serving on the board for 10 years. Wiley is moving with his family to southern Maine. Wiley was elected to four straight terms beginning in 2008. His resignation was set to take effect April 1. The annual election will be held on June 12 and will include choosing someone to finish the final two years of his term.

Former Cpt. **Normand Melancon** of the Biddeford Fire Department received a Legislative Sentiment on March 13 in recognition of his public service of 42-plus years with the city. The coveted sentiment also honored Melancon's outstanding dedication and acts of bravery over his long career. Melancon retired last July.



**Donald Guimond**

The Fort Kent Town Council will look for a new manager for the first time in nearly 25 after saying goodbye to **Donald Guimond** in March. Guimond was popular with residents and town employees for his strong work ethic

and willingness to help anyone he could, and earned respect from officials and groups outside the St. John Valley in far northern Maine. In 2009, the Small Business Administration presented Guimond the Phoenix Award in Washington, D.C., which honors outstanding contributions to disaster recovery efforts by a public official. A year earlier, he was honored for his life-saving efforts during the Fort Kent flood.

Hampden Town Councilor **Greg Sirois** resigned his at-large seat March 19 to give his family and job more attention as the council's workload revs up even faster with the upcoming budget season and hiring a new town manager. Sirois' term expires in December. A special election will be held in June 12 to fill the unexpired term. In November voting, the seat will be filled for a three-year term.

Portland Fire Chief **David Jackson** retired after 27 years with the department at the end of March. He served four months as interim chief before taking over as chief in February 2016. He



**David Jackson**

joined the department in 1990 and was promoted in 2004 to lieutenant. In 2010, Jackson was promoted to deputy chief, with a focus on air rescue and marine operations. In June 2014, he was promoted to assistant chief of emergency operations. In early March, officials tapped 23-year veteran and Assistant Fire Chief **Keith Gautreau** as interim chief. In addition to day-to-day management of the department, Gautreau has been asked to complete a full assessment of the department. Police Chief **Michael Sauschuck** will work with Gautreau on the project. Gautreau joined the department in 1995 and moved up the career ladder first as a lieutenant, then fire captain, deputy fire chief and assistant fire chief.

Wells Police Lt. **Kevin Chabot** will attend the FBI National Academy in Quantico, Va., this spring – the first member of the force to attend the prestigious training program since the 1990s. Chabot will attend the academy program that runs from April 2 to June 8. The academy sits on more than 500 acres and is known as the world's premier law enforcement learning and research center. Chabot, a combat veteran in Bosnia and Iraq, joined the department in 2004. He is an instructor at the Maine Criminal Justice Academy in Vassalboro.

Lincoln County Detective Sgt. **Ronald Rollins** was named Deputy Sheriff of the Year during an awards banquet March 15 in Biddeford. Rollins has worked his entire career for the county, beginning in 2000. He was promoted to detective



**Ronald Rollins**

in 2004 and to detective sergeant in 2013. He holds an associate's degree in criminal justice from Southern Maine Community College and a bachelor's degree in criminal justice from the University of Southern Maine. Rollins supervises the department's Criminal Investigation Division.

**Kim Dalton** was hired as the Woolwich Town Tax Collector, effective March 9, and will also work as a deputy town clerk and the general assistance coordinator. Her prior experience includes stints as tax collector in Gardiner and most recently her hometown of Monmouth. She moved to Maine from Colorado in 2003.



**Stephen Burns**

York Town Manager **Stephen Burns** is having a blast visiting town staff and taking "Selfies with Steve" that are posted on the municipal website. His rule is "no do overs," so he gets just one shot to get it right. (His photo here is a selfie.) The new adventure has the full support of selectmen and has become a quick hit with the public. When Burns posts the selfies, he includes information on the town staffer with him in the photo, the location where the photo was taken and a little information on the employee's job. Over time, Burns intends to take selfies with nonprofit and social service employees. ■

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

Simple ✓  
Convenient ✓  
High Quality ✓  
Low-Cost ✓

**MAINE  
START**

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

Contact: Stephanie Fecteau  
tel: 207-512-3305 e-mail: Stephanie.Fecteau@mainepers.org  
www.mainestart.org

## MADAWASKA

Special town meeting voters on March 20 to authorize the select board to borrow \$3 million from the Maine Municipal Bond Bank to finance a downtown revitalization program. Voters also authorized the select board to pledge a 25 percent grant match, from the loan funds, should the town win a \$300,000 Community Development Block Grant. Voters' overwhelming support allows the town to seek even more federal and state grants. The downtown plan is still in the study phase, but will be developed using the town's strategic plan, called Grand Plan Madawaska. A major goal of the project will be to create a multi-use trail system to give snowmobilers access to the downtown.

## PRESQUE ISLE

United Airlines will replace PenAir as the new airline service from the Northern Maine Regional Airport to Newark, N.J., beginning in July. Under the plan approved by the U.S. Department of Transportation, and supported by the city council, United will provide 12 round-trip flights per week with a 50-seat jet. United was one of six bidders seeking a federal subsidy to serve the Presque Isle airport under its Essential Air Service (EAS) program. United will receive \$4.7 million annually. PenAir had provided Boston-to-Presque Isle service since 2012. The Presque Isle City Council voted 5-1 in January to support United's bid. Market research shows that the No. 1 destination of northern Maine passengers is New York and No. 2 is Orlando. United will provide the first jet service out of Presque Isle for the first time since 1978. PenAir service was provided with a double-engine turboprop plane.

## SANFORD

The city will receive \$850,000 from the Federal Aviation Administration and \$50,000 from the state to build a new facility to house snow and other equipment at the Sanford Seacoast Regional Airport. The remainder of the \$3.7 million project cost would be covered by revenue generated by a 50-megawatt solar farm planned for the airport by NextEra Energy. Voters must give final approval to the plan in June municipal balloting. City officials plan to seek a bond for the entire project amount and immediately pay it

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

**Driving While Impaired.** AAA of Northern New England and the Maine Bureau of Highway Safety will hold a "Maine Impaired Driving Summit" in Portland on June 6. The focus will be on people who drive while impaired by marijuana use.

**Public Education Financing.** Educate Maine, in cooperation with the State Chamber of Commerce, released a report outlining public education spending in Maine, from pre-K through community colleges and public universities.

**Hometown Careers.** Maine Municipal Association launched a major social media campaign – with member tools, handouts, videos and testimonials – aimed at encouraging people to consider careers in municipal government.

down using the federal and state grants. The new building would measure nearly 7,300 square feet and replace several smaller buildings now being used to store equipment. Additionally, equipment worth about \$1.2 million has no shelter at all.

## SOUTH PORTLAND

The city police department has joined several other communities in Maine that have been accredited by the national Commission on Accreditation for Law Enforcement Agencies (CALEA), a highly prized and hard-earned recognition of public safety excellence. The accreditation process began in 2015 and the final

phase was conducted last November, when a team of CALEA assessors arrived in South Portland to review the department's policies, procedures, management, operations and support services to determine whether they complied with commission standards. The department was required to meet 189 best practices standards for police excellence. Department leaders accepted the accreditation during a CALEA conference in Frisco, Texas, on March 24. Less than 5 percent of U.S. police departments have earned CALEA accreditation. South Portland joins Lewiston, Auburn and the Cumberland County Sheriff's Office in attaining the status in Maine. ■



**Members of the Portland City Council were part of MMA's recent delegation to Washington. Pictured, left to right: Nicholas Mavodones, Jr.; Pious Ali; Belinda Ray; Jill Duson; and, Spencer Thibodeau. (Submitted photo)**

# MUNICIPAL BULLETIN BOARD

**APRIL 25**

## **Tax Lien Procedures: Portland**

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a workshop on the important, and timely, issue of procedures in the tax lien process on April 25 at Keeley's Banquet Center in Portland. Gilberte Mayo, Deputy Treasurer and Deputy Tax Collector in the Town of Greenbush, is the instructor.

The one-day workshop stresses the "how to" rather than the legal aspects of tax liens. Participants will receive up-to-date forms and will be able to share information with one another. Cost for the workshop is \$55 for MMTCTA members and \$85 for non-members. Registration begins at 8:30 a.m.

**MAY 1**

## **Board of Assessment Review: Augusta**

Attorneys Sally Daggett, William Dale and Mark A. Bower from the law firm of Jensen Baird Gardner & Henry will present an overview workshop of the Board of Assessment Review process on May 1 at the Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta.

The workshop, sponsored by the Maine Association of Assessing Officers, will begin with registration at 4 p.m. and will conclude at 7:30 p.m. Among the topics: an overview of applicable Maine law, preparing for a BAR hearing and recent Maine Law Court decisions. Cost to attend is \$50 per person.

**MAY 2**

## **Personnel Practices: Portland**

Fireside Inn and Suites in Portland will be the site for an all-day workshop on Personnel Practices, on May 2, starting with registration at 8:30 a.m. Presenters will include: Attorneys Linda McGill, Matt Tarasevich, Glenn Israel and Sara Hellstedt from the Bernstein Shur law firm.

The workshop is a "must" for any elected or appointed official or manager who should be informed about personnel laws. Cost is \$85 for MMA members and \$170 for non-members.

**MAY 8**

## **Planning Boards/BOA: Ashland**

MMA's Legal Services Department will host a session for local Planning Board

and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on May 8 at the Ashland Community Center in Aroostook County. This is a new site for an MMA training program, and members from this region are encouraged to take advantage of this training opportunity.

The workshop is designed as an introduction for new or less experienced members, but veterans 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 \$55 for MMA members and \$110 for non-members.

**MAY 15**

## **Clerks' Licensing Workshop: Augusta**

The Maine Town and City Clerks' Association will host a one-day workshop covering various clerks' licensing duties on May 15 at the MMA Conference Center in Augusta. Among the topics to be covered: dog licensing fees, including late fees; hunting and fishing licenses; business and liquor licenses; and much more.

Patty Brochu, City Clerk in Old Town,

and Kim McLaughlin, Town Clerk in Old Orchard Beach, are the instructors. Cost for the event is \$60 for MTCCA members and \$80 for non-members. Registration begins at 8:30 a.m. The workshop will conclude at 4 p.m.

**MAY 16**

## **Managing Freedom of Access Requests: Skowhegan**

Sometimes FOA requests come in slowly. Sometimes they come from serial requesters, and they keep coming for a while. Either way, Maine law requires that all FOA requests be handled properly, fairly and in a timely manner. That's what this workshop – which will be held at the Margaret Chase Smith Library in Skowhegan – will address.

The program will be led by MMA Legal Services Attorneys Richard Flewelling and Rebecca McMahon; Union Town Manager Jay Feyler; and, Eric Conrad, MMA's Director of Communication & Educational Services. The afternoon workshop begins with registration at 1:30 p.m. The program itself runs from 2 p.m. to 4:30 p.m. Cost is \$35 for MMA members and \$70 for non-members. ■

## **OLVER ASSOCIATES INC.**

### **ENVIRONMENTAL ENGINEERS**

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

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

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

## **ELECTIONS, ELECTIONS, ELECTIONS**

**HAS YOUR TOWN HAD ITS ELECTION?**

**DID YOU LET MMA KNOW,  
SO WE CAN UPDATE OUR DATABASE?  
NO ELECTION, BUT YOU HAVE CHANGES: LET US KNOW!**

***DATABASE IS UPDATED DAILY***

**Call Val or Kimberly: 1-800-452-8786 or 207-623-8428**

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

# LEGAL NOTES

## MMA Legal Services Attorney to Retire

After a remarkable 40-year career with MMA Legal Services, Senior Staff Attorney Rebecca Warren Seel has announced her retirement next month.

Becky is well-known to both local officials and her legal colleagues for her thorough knowledge of municipal law and her wise and patient counsel. She has been a leader among Maine's municipal attorneys and an invaluable resource for MMA members and staff alike.

We will all miss her greatly, and we wish her the very best in her retirement.

## Food Sovereignty & Municipal Liability

*Question:* Can a municipality be held liable if someone is sickened by food that has been exempted from State food safety laws by a local food sovereignty ordinance?

*Answer:* Probably not, because the Maine Tort Claims Act grants immunity from liability to governmental entities, including municipalities, for legislative acts (see 14 M.R.S.A. § 8104-B(1)). A "legislative act" includes, among other things, the adoption of any ordinance. Thus, the enactment of a food sovereignty ordinance probably does not give rise to municipal liability for claims resulting from food sales or transactions authorized under the ordinance.

But that's hardly the whole story. Just because a municipality may ultimately be immune from liability does not mean claimants are barred from filing suit. The costs of defending against a lawsuit (attorney's fees, etc.) are the same whether the municipality ultimately prevails or not, and they can be substantial. Moreover, the prevailing party in a lawsuit generally cannot recover its legal fees from the other party, so a municipality's costs of defending against a lawsuit based on a food sovereignty ordinance will come out of its own pocket, win or lose.

And then there's the matter of personal liability for producers. The sale of uninspected food or food products to the general public strikes us as a high-risk proposition, with significant potential for liability on the producer's part in case of contamination and illness. It may well be, as some food sovereignty ordinances provide, that consumers can enter into pri-

vate agreements with producers to waive liability (though we doubt this is common practice). The validity of such agreements, however, particularly in view of the public health implications, seems very much an open question. (By R.P.F.)

## Section 906 Orders Revisited

*Question:* We heard recently about a town adopting a policy to allow the tax collector to apply *real estate* tax payments to unpaid *personal* property taxes. Is this permissible?

*Answer:* No. Maine law authorizes the municipal officers (selectmen or councilors) to adopt an order requiring the tax collector and treasurer to apply tax payments to the oldest unpaid tax on the *property for which payment was tendered*. But this law does not permit real estate tax payments to be applied to unpaid personal property taxes. Nor does it allow a tax payment made on one property to be applied to another property.

The law we're referring to of course is 36 M.R.S.A. § 906, which accounts for the title commonly given to these orders. A "Section 906 Order" prevails regardless of the taxpayer's directions or intent. It applies to both real estate and personal property taxes, but as we said, *it applies only to the property for which payment was tendered*. It also applies whether taxes have been liened or not, so it can be very helpful where an older tax was not liened for some reason and the taxpayer is thus unmotivated to pay it.

For more on Section 906 Orders, see "Section 906 Orders & Unpaid Property Taxes," *Maine Townsman*, Legal Notes, April 2015.

For a sample Section 906 Order, see Appendix 1 of *MMA's Tax Collectors & Treasurers Manual*, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## Can Local Officials Enforce NFPA 101 Life Safety Code?

*Question:* Can local fire chiefs, building officials, and code enforcement officers enforce National Fire Protection Association (NFPA) Standard #101, the *Life Safety Code*, if it has not been adopted by the municipal legislative body (town meeting or town or city council)?

*Answer:* Yes they can, provided they have been authorized to do so by their municipal employer.

## MUNICIPAL CALENDAR

**MAY** — Municipal officers shall meet as the "licensing board" to license innkeepers and tavernkeepers during the month of May (30-A MRSA §3812)

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

**MAY 28** — (Last Monday in May) Memorial Day observed. A legal holiday (4 MRSA §1051); a school holiday (20-A MRSA §4802). Municipal officers shall direct the decoration of veterans' graves. (30-A MRSA §2901).

According to 25 M.R.S.A. § 2361(1-A), fire chiefs or their designees, building officials, and code enforcement officers, when authorized by their municipal employer, may bring a civil action in the name of the municipality to enforce any of the state laws or state rules duly adopted pursuant to 25 M.R.S.A. pt. 6 or 10 M.R.S.A. ch. 1103. (The term "municipal employer" is not defined, but we presume it refers to the municipal officers, i.e., the selectmen or councilors.)

Among the state rules duly adopted by the State Fire Marshal's Office pursuant to 25 M.R.S.A. pt. 6 is 16-219 C.M.R. ch. 20 (2011), which adopts (with certain exclusions) National Fire Protection Association Standard #101, the *Life Safety Code*, 2009 edition.

Interested readers can locate this rule on the following webpage by scrolling down the left hand column and clicking on "Ch. 20" under the heading "Office of State Fire Marshal": <http://www.maine.gov/sos/cec/rules/16/chaps16.htm>

Bottom line: According to State law (25 M.R.S.A. § 2361(1-A)), municipal fire chiefs or their designees, building officials, and code enforcement officers, when authorized by their municipal employer, may (but are not required to) enforce NFPA Standard #101, the *Life Safety Code*, 2009 edition, because that edition of the code (with certain exclusions) has been

# LEGAL NOTES

adopted as a state rule by the State Fire Marshal's Office.

Because enforcement of the *Life Safety Code* is discretionary under these circumstances, both the municipality and its employees would be immune from liability under the Maine Tort Claims Act (see 14 M.R.S.A. §§ 8104-B(3), 8111(1)(C)).

The *Life Safety Code* and related training materials can be purchased from the National Fire Protection Association at [www.nfpa.org](http://www.nfpa.org) (1-800-344-3555).

Local officials interested in enforcing the *Life Safety Code* would do well to consult with the State Fire Marshal's Office (207-626-3870) before taking action. (By R.P.F.)

## Adopting a Municipal Seal

**Question:** Can we adopt a municipal seal, and if so, how?

**Answer:** Maine law (30-A M.R.S.A. § 2002) has long authorized municipalities to adopt corporate seals, and many have done so. Municipal seals are commonly used to identify official documents, municipal vehicles and municipal websites, among other things. Municipal seals are also often a source of great pride, incorporating iconic local scenes, symbols and sayings.

The law authorizes the municipal "body corporate" to adopt a seal, and we interpret this as empowering the municipal legislative body (town meeting or town or city council) to do so on behalf of the municipality. Otherwise, there is no recognized legal authority by which the body corporate can act.

Incidentally, it is illegal to use or display an imitation, likeness, imprint, representation, facsimile or copy of a municipal seal without written permission from the municipal clerk (see 30-A M.R.S.A. § 2006). A municipality may sue to enjoin any person from using or displaying a municipal seal without permission. The unauthorized use of a municipal seal is also a Class E crime.

If a municipality wishes to adopt or revise its seal, we recommend a manageable-sized special committee, with perhaps some professional design assistance, for best results.

For a sampler of Maine municipal seals (among other things), do a Google image search using that phrase. (By R.P.F.)

## Maine Model Cable TV Franchise Agreement

We weren't aware of it until recently, but the State has developed and posted a Maine Model Cable TV Franchise Agreement. The model agreement and related information can be found at <http://www.maine.gov/connectme/about/modelcable.shtml>.

The model is just that – a sample or example. Municipalities and cable system operators may use the agreement or any of its provisions if they wish, but they're not required to and may negotiate their own agreement instead.

Municipalities must have a cable television franchise ordinance in place before entering into a cable television franchise agreement (see 30-A M.R.S.A. § 3008(4)). The municipal officers (selectmen or councilors) have the exclusive authority to adopt such ordinances. They must give at least seven days' notice of the meeting at which the ordinance is to be enacted, in the same manner as provided for town meetings (see 30-A M.R.S.A. §§ 2521, 2523).

Cable television franchise ordinances are one of several types of ordinances that the municipal officers have exclusive authority to enact. Others types include

traffic and parking ordinances, general assistance ordinances, and road weight limit ordinances, among others (see "Municipal Officers' Legislative Authority," *Maine Townsman*, Legal Notes, May 1999).

Cable television franchise ordinances are also one of a variety of ordinances required by State law. General assistance ordinances, shoreland zoning ordinances, and street addressing ordinances are other examples (see "Eight Required Ordinances," *Maine Townsman*, Legal Notes, January 2015).

For a detailed guide to ordinance enactment procedures, see our "Information Packet" by that title, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.) ■

## PROFESSIONAL DIRECTORY



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

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

## MMA Personnel Services and On-site Consulting Services

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

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

**Executive Search** — Assistance with the recruitment of a new city or town manager, department head and/or senior management position.

**Training** — On-site training in a variety of topics. **Testing** — Entry level police and fire testing.

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

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

*Making a Difference for Maine's Communities*

# MAINE MUNICIPAL BOND BANK



*Call us when you need capital financing for your next project. Let us put our Strong Credit Rating to work for you.*

Since 1972, the Maine Municipal Bond Bank has provided a successful, simple, and cost-effective borrowing program for Maine's municipalities. The Bond Bank's long-term loans provide Maine's communities access to low cost funds for all their capital needs through the sale of our highly rated tax-exempt bonds. Let us save money for you too on your next capital acquisition or improvement project.

**COMPETITIVE FINANCING**

**LONG-TERM BORROWING**

**COST-EFFECTIVE FINANCING**

**LOWER COSTS OF ISSUANCE**

P.O. Box 2268  
127 Community Drive  
Augusta, ME 04338  
PH: (207) 622-9386 • FX: (207) 623-5359  
[www.mmbb.com](http://www.mmbb.com)



When you need a

**land use team** that feels like

part of **your team.**



**Philip Saucier**



**Mary Costigan**

Our 360-degree understanding of municipal and public sector issues benefits our clients, and we can help you find the best way to work with local governments for land use development.

**BERN  
STEIN  
SHUR**

[bernsteinshur.com/municipal](http://bernsteinshur.com/municipal)