

March, 2009

maine townsman

The Magazine of the Maine Municipal Association



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Magazine Staff:

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mstarn@memun.org

Valarie Pomerleau, Circulation Manager
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MMA website: www.memun.org

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recycled paper

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The willingness of people to volunteer their time to serve on the multitude of municipal committees and boards is critical to the function of local government in Maine. It is impossible to calculate at any given time exactly how many municipal committees, or how many different types of committees, there are in Maine's 492 Maine municipalities. Some are standing, meaning they have an ongoing responsibility and some are ad hoc, meaning they are created for a specific task and presumably when that task is completed the committee would cease to exist. But, that's not always the case, as Freelance Writer Doug Rooks explains. This article looks at the municipal committee structure in Maine with some different perspectives on what these committees mean to our system of local government structure.	
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By now, every municipal official in the country has heard about the Federal Stimulus Plan, or it's more formal title the American Recovery & Reinvestment Act. Knowing the slowness inherent in federal government programs, it's surprising how quickly things are moving with the Stimulus Plan. The federal money has started to flow and municipal officials across the state are scrambling to find out everything they can about what local projects they might be able to fund. This article by Freelance Writer Lee Burnett, also a grant writer, gives some guidance to municipal officials on where to look and who to contact.	
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COVER PHOTO: A picture of the Winthrop Planning Board meeting on March 18, 2009.



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Boards & Committees

By Douglas Rooks

Thousands of Mainers serve on municipal committees from the largest cities to the smallest towns. Service is mostly voluntary, unpaid, and by appointment only. Nevertheless, hundreds of citizens answer the call each year, and most municipal governments would not run smoothly without them.

Municipal government has a variety of ways to attract and retain qualified committee members, and to ensure that they perform their assigned functions while fitting into the overall structure of town or city governance. Some committees involve enthusiasm for a cause, while others emphasize a quasi-judicial role in regulating land use, for instance.

While some committees fall into disuse – just as the municipal posts of fence viewer and surveyor of lumber are now largely honorary – they sometimes can be retooled and returned to prominence, as the needs and aspirations of communities continue to change and evolve.

A MIXTURE OF ROLES

Presque Isle is the largest municipality in Aroostook County (pop. 9,518), and its size has encouraged a fairly elaborate mix of standing and ad hoc committees.

City Manager Tom Stevens counts 11 standing committees, not including several independent boards to which the city council appoints members, such as the Presque Isle Housing Authority and the sewer and water districts.

Some committees there are present in almost every larger municipality, such as the planning board and zoning board of appeals. Others are more specific to this particular city – the Airport Advisory Committee, for instance, and the Forum Advisory Committee, the latter helping to oversee a community ice arena Presque Isle built years ago.

There's also a Library Board of Trustees, and a Recreation and Parks Committee, which tend to attract "people who are passionate about those causes," Stevens said. "They feel quite strongly about providing opportunities for learning, and for our youth, and they're a real asset for those programs."

Like most municipalities, Presque Isle has a board of assessment review (BAR) to hear appeals about property valuations. But it also has a registration appeals board, where voters who feel they have been improperly excluded from casting ballots can make their case.

The Presque Isle Development Fund trustees play an economic development role that's also somewhat unusual. The city makes loans to local businesses that are starting up or expanding but have not yet found conventional financing. Using a \$1.5 million revolving loan fund, the trustees make bridge loans that will help a business reach a stage of profitability that allows it to gain credit at a bank or credit union. The Presque Isle Industrial Council, meanwhile, was created to oversee the city's business park

Sometimes an ad hoc committee turns out to meet a long-term need. That was the case with the Downtown

Revitalization Committee, which started out as an effort to revive business on Main Street, but has ended up staying on for the long haul. One current project is aiding studies for a Route 1 bypass that has been long sought to route heavy traffic around downtown.

"A lot of people may not realize it, but 19,000 vehicles a day pass through our downtown," Stevens said. "That's more than travel most sections of the interstate." Maine DOT recently severed bypasses for Caribou and Presque Isle from a larger Aroostook corridor transportation study to permit earlier construction. The Presque Isle bypass may see work in 2011 or 2012.

Another ad hoc committee that's still hard at work has been siting a place for and now hopes to build a new community center, another long-time city goal. "They were instrumental in helping the city council find and evaluate sites," the city manager said.

The committee eventually identified several parcels right in the downtown that couldn't be joined together that weren't in the original study. Rather than a more remote, but available property, Presque Isle will be able to build a community center within walking distance of downtown housing, schools, and businesses.

The city has now purchased the properties needed, and is creating a building plan and considering funding options.

Despite the number of committees, the city hasn't had any difficulty filling them, Stevens said. "There are waiting lists for several committees," he added. "For some of them, such as the library and recreation committees, competition is pretty keen."

Council members often interview

Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the Townsman.

those who apply, and citizens who are chosen are required to attend a brief training course. The city advertises vacancies, and also makes it clear how often committees meet, and what the overall time commitment is.

BUILDING COMMUNITY

The small town of Liberty (pop. 973) in rural Waldo County would seem to be at the opposite end of the spectrum in terms of municipal organization. And indeed, there is no town manager or administrator – not even an administrative assistant, and the three selectmen, as a 20-year veteran of that post, John Krueger, put it, “do all of the work ourselves.”

There is a planning board and a board of assessment appeals, and a single school board representative to SAD 3, and as far as official committees go, that’s about it.

But even in small towns, there is strength in community organizations, and Liberty recently decided to assess and attempt to coordinate the various volunteer and service groups represented within its borders. The town has been chosen as one of five pilot communities in a citizen education program being launched by Maine Municipal Association, and a February 11 meeting brought together many groups to see how they can create more connections.

“The town itself provides almost no services,” Krueger said, “but it can still be a focal point. The first question we need to ask is, ‘How can we help?’ “

Among the groups and interests represented were the Liberty Gardeners, historical society, Masonic lodge, Davistown Museum, farmer’s market, Liberty Food Coop, Boy Scouts and Girl Scouts, the library, cemetery, Am Vets, Little League, Parent Teacher Organization, lake association, Fire Department, food pantry, and church groups.

Krueger points out that not all of the groups have enough members to meet locally; the Boy Scouts, for instance, belong to a troop in Belfast. But he said it’s important for towns like Liberty, where most people work out of town, to find new ways to strengthen their sense of community.

The February 11 gathering also divided into five groups that came up with numerous ideas. Among them were an “honor our elders” dinner, a

monthly newsletter, Liberty-Montville block party, a welcome package for new residents, community garden, directory of businesses, mentoring in the school, and a local food market. Some of the plans were ambitious, such as building trails on town-owned land, timber harvesting, and linking to Sheepscot River conservation land.

The immediate next step for the community will be a “Neighbor for Neighbor” survey after it’s been customized for Liberty. Other towns have used this technique, which attempts to match community needs – an elderly couple who need snow shoveling, for instance – with volunteers efforts.

After attending the meeting, Krueger said he does see a role for town government in reaching out to local community organizations. “Most of them would like to be a little bit bigger, and more active, than they already are,” he said. By creating networking and communication, even the smallest towns ought to be able to do that, he said.

RESOLVING DIFFERENCES

The passion that committee members bring to their posts, as Tom Stevens observed, can sometime lead to conflict, either with other committees or with elected town officials.

Such was the case not long ago in Kittery, where members of the Conservation Commission strongly disagreed with permits that the Zoning Board of Appeals had granted for properties the conservation members felt included valuable wetlands.

The committee members felt so passionately about the issue, in fact, that they took the unusual step of asking the town council to file a court action blocking the permits. The council declined to do so.

There are various ways town government might choose to deal with such a situation. Kittery decided to use a Committee of the Whole (with the acronym COW) to try to create better communication between various committees and boards, said Town Manager Jonathan Carter.

The way it works is that the town council chairman calls a meeting, two to four times a year, which is attended by the chairs of all the town committees, which are numerous. In addition to the Conservation Commission, Kittery has an active shellfish committee

and a port authority overseeing the wharf area.

Because each committee has a particular jurisdiction, its members may not be aware of how their recommendations overlap or sometimes differ from those being made by other committees, Carter said.

The COW meetings have become an effective way of working out these differences, and of keeping the council informed of what directions committees and study groups are taking. “Sometimes it doesn’t work,” Carter said, meaning that people still disagree. “But it does ensure that everyone is on the same page,” and can work on a problem collectively.

Kittery’s committee appointments are sought after, and the council uses a personnel board to help make appointments. There’s a waiting list for membership on the port authority and shellfish committee. While it’s sometimes tough to find members for the planning board, Carter said that membership on these boards can be a tough sell in many towns.

The COW also benefits from written descriptions of each committee’s assignment and jurisdiction in the personnel handbook. It’s a pragmatic guide, Carter said, “on what to do, and what not to do.”

A COMMITTEE REVIVAL

Sometimes committees fall into disuse even though there still might be a purpose for them. That’s what seems to have happened to conservation commissions, which were created in dozens of municipalities in the 1970s. Though there are no exact records, there appear to have been more than 200 conservation commissions at one time, but by the late 1990s their number had fallen to about 40.

Bob Shafto, who was then chairman of the Falmouth Conservation Commission, thinks he knows why. The rise of local land trusts, he said, replaced much of what conservation commissions were supposed to do.

“The focus back then was on land protection and land acquisition,” he said. “The thinking was that the private sector could do this better, and land trusts were formed in almost every coastal town and region.”

Shafto said that there’s no conflict between conservation commissions and land trusts – he’s also a former

chairman of the Falmouth Land Trust, and many other active conservation commissions worked to set up local trusts. But there's plenty of work to be done beyond land acquisition and management, and the message seems to be getting through.

Though there is still no formal list, the Maine Association of Conservation Commissions – where Shafto now serves as executive director – identifies 73 “known conservation commissions,” with the largest number in York, Cumberland and Kennebec counties, and with at least one commission in 12 of Maine’s 16 counties.

The new roles that conservation commissions are taking include advising other municipal boards on wetlands and shoreland zoning issues, monitoring water quality, and identifying critical wildlife habitat.

One of the hot topics for conservation commissions at the moment is open space planning, with workshops, courses and conferences on the subject, including a statewide meeting in Augusta on April 16.

Shafto said that awareness of sprawl and the amount of critical resources being consumed by development in the 1980s and '90s was part of the impetus that led to the re-creation of many commissions. Another recent

spur was the 2006 Brookings Report that helped create the “special places” movement that seems to have struck a chord with many Mainers.

“The landscape and all the things that take place outdoors is a big reason why people come to Maine, and why they stay here,” he said. “There was a sense, though, that we were losing Maine in the way we have known it.”

Each conservation commission creates its own mission, and local concerns are usually paramount. In towns like Rockport and Waldoboro, water quality for clam flats was a major

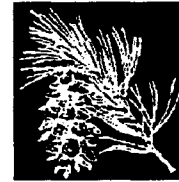
focus, and the Waldoboro commission was instrumental in reopening flats closed to harvesting that are now among the state’s most productive.

Ironically, success did not lead to longevity, and the conservation commission was disbanded by selectmen several years later. This year, though, town meeting voted to revive the commission to take on a new range of issues.

In Bar Harbor, the conservation commission cut its teeth on wetlands issues, and later devoted its attention to the light pollution that interferes with the traditional nighttime pursuit

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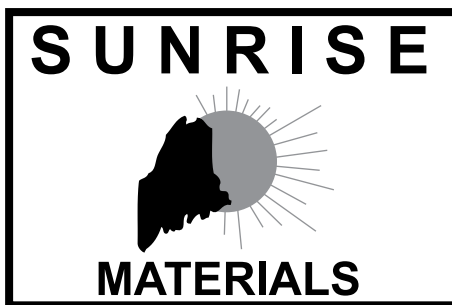


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of stargazing. Last year, Bar Harbor became the first Maine municipality to pass a “dark skies” ordinance, which limits outdoor lighting in terms of intensity and, particularly, direction.

In Veazie, the conservation commission helps manage the town forest, and in Ogunquit, “They’re involved in just about everything,” Shafto said. Ogunquit’s goal is to be “the greenest town in Maine,” an important point for one of the state’s famed tourist destinations.

Other commissions, such as in Manchester, have been instrumental in spurring more recycling, while Topsham’s commission is drawing up an ordinance that would allow transfer of development rights. Developers in Topsham’s growth zones would be allowed to build more densely, while paying to preserve open space in outlying areas.

Sometimes, just rolling up one’s sleeves can be enough. In Phippsburg, the town decided it couldn’t afford to hire a consultant to map vernal pools, as required under a recent state law. So the conservation commission recruited a group of young people to


head out in the woods and find them. “The kids were playing out there anyway, so they knew where to look,” he said.

CARE AND FEEDING

Those who deal with municipal committees regularly say they can be highly useful in performing specific functions and investigating new projects and proposals, whether building a public safety building, or drawing up an energy efficiency plan.

Recognition and respect are important – a few towns have volunteer

appreciation days, or dinners – but so are clear rules and guidelines. While elected officials get most of the news coverage, and are most often called on the carpet at town meeting, the work by committees behind the scenes can make a lot of difference.

A thriving committee system, Tom Stevens said, is important to making sure municipal government works. In Presque Isle, “The city council is appreciative of the wide cross-section of opinion they’re able to get from the committees. They recognize that they can’t do it all themselves.” 

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COUNSELORS AT LAW

Federal Stimulus Money Starts to Flow

By Lee Burnett

For municipal officials wondering about funding opportunities in the \$787 billion economic stimulus package, there's both fresh infusions of money in old programs and brand new programs.

Among the newest opportunities are grant programs for:

- reducing fossil fuel use in heating and transportation
- extending broadband to rural Maine
- building infrastructure that improves economic resiliency in disaster-struck counties, and
- planning protection measures for impaired urban streams.

There's also big new money for roads, sewer and water systems, police equipment and personnel, and brownfields sites. Some money is coming through the state and some is coming straight from the federal government.

Much can be done even while you wait for guidelines and deadlines to be announced. A first step should be to get registered through www.grants.gov and www.fedconnect.net, two online services where federal agencies post opportunities and accept grant applications. One is not a substitute for the other. Some agencies use one, some the other. If you've never done it before, plan to set aside some time. Each requires a DUNS number and a CCR user profile, which can take up to three weeks to process. Tech support is available, but the wait can be lengthy. Even after you're registered, don't leave filing the grant application to the last hour. On submission

day, it can be nerve-racking to consume hours working out a glitch in the online application and then learn that yours is one of 14,000 applications being filed the same evening.

It helps to assign a point person to research opportunities, and subscribe to bulletins and news feeds. Some opportunities will come from state offices, others from federal agencies. Once you have an opportunity lined up, it may help to contact your Congressional office, particularly on major projects. Letters of support are not always required and their worth is debatable, but if you need one, plan ahead. "I would say contact us as soon as you know you're going to put in an application," said Ed Gilman, spokesman for U.S. Representative Mike Michaud. "We are ready, willing and able to help in any way possible but our advocacy is limited to just that, we can't demand anything."

There will be new reporting requirements. Stimulus funds must be tracked separately for maximum transparency and expenditure reports must be filed more frequently. Documenting the jobs retained or created by each project is another new requirement and could be crucial in obtaining funds. (*see sidebar on next page*)

Now's the time to think creatively. There's a lot of money in brand new programs with unexplored nooks and crannies, although much of the money is being pushed through existing programs with clear preferences.

ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

One of the most intriguing programs is the Energy Efficiency and Conservation Block Grant program

being administered by the federal Department of Energy. Any community with municipal buildings to heat, streets to light or buses to run should consider it. It's huge – \$3.2 billion. As of this writing, the guidelines had not been released, but they were expected to follow the guidelines of the Energy Independence and Security Act of 2007, which was passed but not funded. The largest portion, \$1.9 billion, is being awarded in formula grants to the ten largest communities in each state. Another \$784 million is being awarded to states with a requirement that 60 percent of the funds be awarded to local governments not eligible for formula grants. Another \$400 million will be awarded through a nationwide competition.

The program would pay for almost anything that reduces fossil fuel consumption. The program can be used to make heating, cooling and lighting buildings more efficient. That would include insulation in buildings, more efficient furnaces, more efficient lighting as well as energy audits and conservation plans. The program can also be used to reduce gasoline consumption through ride-sharing programs, sequencing stop lights, and more efficient street lighting.

For ideas of how these funds might be used, Lewiston and Portland – two communities with developed plans for how to reduce fossil fuel use – were contacted. Lewiston is considering converting its transit buses to compressed natural gas (CNG), a plan that appears to be on hold until the infrastructure catches up – the servicing, fueling and replacement parts of CNG, according to Ian Houseal, the city's appointed "energy czar." "We

Lee Burnett is a freelance writer from Sanford.

haven't gotten rid of the idea," Houseal said.

In the meantime, the city is running a pilot program of installing LED bulbs in streetlights. The city is also plotting all 3,500 streetlights as a layer on its GIS mapping to determine whether some streetlights can be moved or eliminated entirely to save electricity costs without loss of illumination.

"I think street lights is a real great example of what energy efficiency and conservation is about," Houseal said. "It makes absolutely no sense to invest [in LED] lights when you can go straight to your [lighting] formula and find out if a street light is in the right spot or should be taken out."

Lewiston is also considering spending \$60,000 to install GPS devices in more than 50 city trucks as a tool for reducing fuel usage. The devices will enable more efficient dispatching of plows during a storm, and can also monitor engine idling time. The investment can be recouped in four

years through an incentive system for reducing idling, he said. The city has conducted energy audits on building heating costs and plans more investments there.

Portland has just awarded a \$150,000 contract for a performance audit on all 51 city buildings. The audit will determine such things as where insulation is needed, whether HVAC controls are properly calibrated and ducts properly sized. It will also prioritize investments according to cost and payback period. Getting the audit done will make the city "well-positioned" for stimulus funding, said Troy Moon, the city's solid waste manager. The city has also developed a "climate action plan" through a citizen planning process, which should help to ensure effective investments, he said.

RURAL BROADBAND

Rural Maine has a huge opportunity to acquire high-speed Internet connections in the \$7.2 billion

targeted for extending broadband service. Although guidelines haven't been released, it's not too soon for municipal officials to develop a partnership with a teleco, cable company or Internet provider, said Phil Lindley of ConnectME. "The details aren't there yet ... but it's clear they're talking public entities or public-private partnerships," Lindley said. He advised municipal officials to keep an eye on the website of the National Telecommunications and Information Administration, which is competitively awarding \$4.7 billion in three batches in April and October 2009 and April 2010. "There's just a ton of money ... It's more than I've ever seen," said Lindley. "If there aren't 50 applications from the state of Maine I'd be surprised." Although it's a nationally competitive program, the other competitors will be other rural communities and the law specifically requires all states to get a piece of the action, he said.

ECONOMIC RESILIENCY INFRASTRUCTURE

There's \$150 million in funding coming through the Economic Development Administration, which may be sufficient to fund "one or two" projects in Maine, according to Alan Brigham, the EDA administrator for Maine and New Hampshire. "We're trying to find projects that combine the greatest economic need with the greatest economic benefit," he said. Eligible projects include water and sewer infrastructure improvements, business park expansions, rail-siding extensions, road improvements, and technology investments, he said. Potentially, much more money is available from the \$500 million in Disaster Recovery funds being funneled through EDA in response to Midwest flooding in 2008. The funds are potentially available to any county that was the subject of a FEMA disaster declaration during 2008 – which includes every county in Maine except Washington and Hancock, said Brigham. "Maine could receive several million dollars," said Brigham, who said he is aware of \$7 million in potentially eligible projects in Maine.

Disaster Recovery funds are aimed at improving the resiliency of local economies. Madawaska, for example, is applying for funds to upgrade flood

Economic Modeling Software

Many funding opportunities in the \$787 billion economic stimulus package carry a new requirement to document the jobs retained or created by a particular grant request.

Coincidentally, FairPoint Communications is releasing a brand new tool for measuring the economic impact of infrastructure investments. The tool is economic modeling software calibrated to reflect regional variations across Maine, New Hampshire and Vermont. FairPoint is distributing the software free of charge as a contribution to regional economic development in northern New England. Development of the software was identified as a high priority by business and development leaders who participated in FairPoint's outreach efforts since its acquisition last year of Verizon's wired phone lines and Internet operations.

Although the software was developed as a generic tool, it is being eyed to help package applications for funding under President Obama's stimulus package. "We're exploring that right now," said Frank Knott, president of ViTAL Economy of Riderwood, Md., which developed the software for FairPoint. "Job creation is one of the primary factors in awarding funding. It's not the only one."

It's not yet clear what kind of job impact documentation will be required in many of the grant programs and the new FairPoint software may not be suitable in all cases. It is the most sophisticated available for measuring the impact on a particular region of a particular infrastructure investment or of particular kind of job created, says Knott.

Traditional economic modeling software relies on statewide data. The software being rolled out in northern New England uses more-difficult-to-extract regional data. Southern Illinois is the only other part of the country with comparable software, he said. FairPoint unveiled the software at a recent conference hosted by the Economic Development Council of Maine. Most regional planning commissions and councils of government have copies of the software.

protections at a wastewater treatment plant, which would help protect Fraser Paper from an unplanned shutdown due to flooding, he said.

An expansion of a business park might also qualify for an EDA grant if it could be shown that it would lead to more economic diversity, and hence greater resiliency, he said.

The EDA operates on a rolling grant admission process, which tends to reward early applications, although Brigham said awards are granted throughout the year.

WATERSHED, IMPACTED STREAM PLANNING

Maine traditionally gets about \$40,000 per year in 406 (b) funds for communities to develop strategies for reducing stormwater runoff and for improving degraded urban streams. The stimulus package provides Maine with \$306,000 in 406(b) funds. "To all of a sudden be getting this much money is mind blowing," said Don Kale at Maine's Department of Environmental Protection. Half the money must be awarded by June. Kale urges communities to take advantage of this program to develop watershed plans because municipalities will be coming under increasing pressure from EPA to clean up. "The department and the EPA won't be handing out any implementation money without a plan," Kale said.

What follows is a summary of funding opportunities in traditional programs.

ROADS

Unless you have a project on the list released by Maine Department of Transportation on February 24, forget about getting any stimulus funding for a road or bridge repair. By law, all the \$130 million coming to Maine for road improvements must be spent on a federal aid highway. "That includes everything from the Interstate down to major collectors," said Mike Laberge, spokesman for the Maine Department of Transportation. "Unfortunately, it cannot be spent on local roads." The 198 miles of road projects funded with stimulus money were ones that were already in DOT's funding pipeline. There are 6,509 miles of federal aid highway and 13,617 miles of local roads in Maine.

WATER AND SEWER INFRASTRUCTURE

There are three streams of stimulus funding available for water and sewer line upgrades. Most of it is already allotted. Some \$29.1 million is being distributed by Maine's Department of Environmental Protection through the Clean Water State Revolving Loan Fund. It's too late to get in line for that money. Requests were due by January 30.

The DEP received requests totaling \$270 million, most of them long overdue upgrade projects required by the Clean Water Act. "Some [projects] just came out of the woodwork. I've never heard of them before," said Steve McLaughlin in the grants and loans office of the Bureau of Land and Water Quality. Andy Fisk says the DEP's priorities are ready-to-go projects with the greatest environmental benefit. An award announcement is pending.

Maine's Office of Community Development also received \$3.4 million in supplemental funding. That money will be distributed among projects that applied for funding this winter, according to Mike Baran, acting director of the Office of Community Development. Some \$13.5 million in projects were received, he said. "I wish we had double [the amount], but at least it's something" said Baran. "We still won't have enough to do absolutely everything. We're still way over subscribed."

If you represent a community of less than 10,000 residents, it's not too late to apply for the approximately \$20 million in water and infrastructure funding being distributed by the U.S. Department of Agriculture's Rural Development Program. Its money is restricted to projects in rural areas. "The extra money will help," said Ron Lambert. "Some of the smaller com-

munities will be able to do projects because they'll be more affordable." Lambert said the Rural Development application process is very user friendly. "It's something the average town manager or non-profit CEO could do," he said. "And if they can't, we can work with them one on one."

BROWNFIELDS

Any community with a pending federal Brownfields application stands a good chance of getting it funded, according to David Wright, Maine's Brownfields program director. The stimulus package added \$100 million to the program that funds assessment and cleanup of contaminated industrial sites with reuse potential. The supplemental funding - combined with a regular appropriation of \$81 million - should be enough to fund "most of" the \$211 million in projects that sought funding last November, he said. No new projects are likely to get funded. "My understanding is all the money is claimed," Wright said.

LAW ENFORCEMENT

In the category of "easy money" is the \$3.5 million in Byrne Justice Assistance Grants (JAG) going straight to local police departments in Maine, according to an allocation list released by the U.S. Department of Justice on March 6. The program is not competitive, but a required online application is due on May 18.

The application itself will not be easy for most communities. Only 16 of the 70 eligible police departments are due to receive an individual allocation. Everyone else - including Portland, Bangor and other large communities - are due to receive joint allocation with "suggested" individual allotments. That means departments must coordinate their application with other jurisdictions in the region



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through a Memorandum of Understanding. The MOUs may be used to pool allotments and set up a county-wide task force, although there is no requirement for regionalization, according to Susan Oliver of the Office of Justice Assistance. "It's totally up to you," said Oliver. The Byrne-JAG money may be used for equipment and for retaining personnel but not for "totally new hires," she said.

Maine Department of Public Safety is receiving another \$6 million in Byrne JAG funding and a little more than half of it must be "passed through" to smaller departments not on the allocation list. The Maine Justice Assistance Council was due to hold a public hearing on March 16 at the Department of Public Safety in Augusta to gather comments on setting priorities before soliciting applications.

The Community Oriented Policing Services (COPS) program has also been loosened up in an effort to get more police officers on the street. Some \$1 billion is available through a nationally competitive program (the first application deadline is April 14).

The 25 percent local match and the \$75,000 cap have both been lifted, making the program far more attractive than before. The program will pay for the salary and benefits of an officer(s) for three years as long as the community agrees to fund the fourth year.

DIESEL ENGINE REPLACEMENT, CONVERSION

Maine should have at least \$1.7 million in stimulus money to phase out diesel engines in school buses, locomotives, and commercial trucks and boats, according to Lynne Cayting, director of the mobile source pro-

gram in DEP's Bureau of Air Quality. The program will pay for 25 percent of the cost of a newer diesel engine vehicle or up to 50 percent of the cost of an alternative fuel vehicle, but the old vehicle must be retired before the end of its useful life and must be destroyed. Cayting says applications will be taken until March 16. Although the program is wildly popular among lobster fishermen with 30-year-old engines in their boats, it has not generated much interest among municipalities, according to Cayting. "It's not that easy. You need council approval, public hearing. You've got to have it in the budget." [ME]

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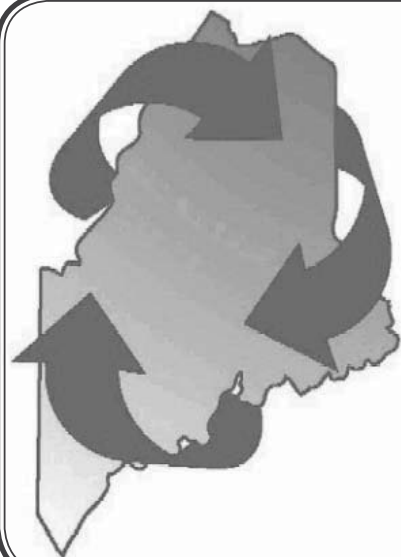
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Managing Meetings in Challenging Times

By Pam Plumb

In the current economic climate in communities across Maine, managers and staff, boards of selectmen and councils will be faced with hard choices and difficult decisions. Budgets are tighter than ever and your town may be facing program cuts or department reorganizations. Sounds like mission impossible. But there are some meeting tips and tools that can make meetings easier in the face of tough decisions. Here are a few ideas from a former local elected official and professional facilitator.

The Value of Good Meeting Process

Whether you are looking at staff, committee, council or public meetings, planning the meeting process carefully in advance will make your meeting easier and increase the chances for a thoughtful, productive outcome. Planning will help you have the right tools to make carefully considered decisions in a reasonable period of time. Facilitating the meeting will help you manage the stress and emotions of tough decisions. In short, process matters.

Take Time to Plan in Advance.

Clear purpose and outcomes:

Be sure that you are clear about the purpose of the meeting. What short statement answers the question, "Why are we having this meeting?"

Next, you need to state clearly what you want as the specific outcome(s) of

the meeting. Is it a list of suggestions, a decision on the budget overall, an outline of what the newly combined department would look like?

For example, instead of a memo that says: "We will meet tomorrow at 10:00 in my office to discuss the consolidation of Parks and Public Works", send an agenda that looks like this:

Parks and Public Works Meeting,

When: April 23, 10:00 - 11:30 AM,

Where: Manager's office

Meeting purpose: to look at the potential of consolidating Parks and Public Works

Desired outcomes:

- A list of the potential savings and possible costs of consolidation
- A list of the benefits and of the challenges or potential problems
- A timeline for effecting the consolidation
- A list of next steps

Then everyone will know what needs to be accomplished and they can stay focused on the task at hand.

The right participants and background information:

Another part of your preparation includes having the appropriate, needed people at the meeting and making sure that they have the agenda and the necessary background information in advance. Without that, the meeting is likely to go nowhere.

The best process tools for the task:

There are lots of different process tools for generating ideas, evaluating ideas and then coming to a decision. Using a tool such as a particular type of brainstorming, a multivote or reflecting the sense of the group, can provide an effective way to help a group get its hands around a tricky

subject. The right tool can help keep people focused on the specific task. But the tool needs to fit the task and generate the type of result that you need such as a prioritized list or a decision.

Pay Attention to Process During the Meeting

Have someone pay attention to process:

You may not necessarily have someone who is formally standing at the front of the group as the facilitator, but it is important to have someone whose role it is to pay attention to process during the meeting. That person should be checking to see that everyone is being heard, that the group is staying on the topic, that ideas are summarized or clarified as needed, that the group is using the tools that you decided on for the meeting, that the group is coming to a conclusion. The person facilitating will likely have an opinion on the subject as well, which will mean separating clearly her roles as facilitator and participant, letting people know when she is changing roles.

If it is a large meeting, such as a big public meeting, it is more effective to have a person who is skilled in facilitation and is clearly managing the meeting.

Have ground rules or group norms:

Ground rules are a list of agreements on how the participants will act in the meeting. They can be about how participants will treat one another or about meeting procedure. When the norms are explicit and people agree to them, it will be easier to manage the meeting. You can gen-

Pam Plumb is a consultant, facilitator, trainer, and co-founder of "Great Meetings! Inc." Pam is also a former Portland city councilor and a past president of the National League of Cities.

erate ground rules from the group at the beginning of the meeting or bring in some suggested ones and check for any changes. Examples of ground rules might include:

- Begin and end the meeting on time
- People are entitled to have their own, different opinions
- Debate ideas not people (i.e., disagree with the idea that someone is putting forward don't attack the per-

son for having that idea)

- No interrupting people
- Respect time limits
- Raise your hand to be recognized (if that is how you want the meeting to run)
- Turn cell phones off

Intervene, if necessary, to keep the meeting on track:

Groups have a tendency to wander off the subject. When that happens, it is helpful to interrupt the group, acknowledge that the group has gotten off the subject, remind the group about the task at hand and bring them back to it. If the group has an off-agenda issue that it will need to deal with in the future or if there is an off-agenda idea that you don't want

to lose, then capture it on a separate list called a "Parking Lot". At the end of the meeting you will need to come back to the Parking Lot and decide when to deal with the issue raised.

Value and clarify differences of opinion:

Meetings can fall apart when people with strongly held, differing points of view start to get heated and personal in their debate. It can lead to anger and make reasoned debate impossible. The facilitator, chair or any participant can help the situation by encouraging each person to articulate why he holds his opinion. What are each person's reasons, needs or data underlying that opinion? You want the group to understand the interests



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underlying the person's position and to separate the data from the emotion. Then you can have the data in front of the group for their consideration rather than an argument between two people.

Two Tools for Evaluating Ideas and Deciding

Multivote

Multivoting is a simple way to take a long list of ideas and see which ideas are most important to the group. To begin with, you need to check that the participants are clear about the meaning of all the items on the list. Give the group a number of votes equivalent to roughly a third or less of the number of items on the list. Then you need to give the group a clear, specific question on which they cast their votes. "Which items on the list do you think would generate the most savings?" or "Which items do you think would improve the service the most?" Now the participants can cast the number of votes you gave them (only one vote per item) by raising hands for each

item or by having people put dots by the items on the flip chart. You will see immediately by the concentration of dots or votes, which items are preferred by most of the group. Write the number of dots by each item to make it clear. You may want to take the top vote getters and do more work to reach a final answer.

To make the multivote a more deliberative tool, take time for a discus-

sion before you vote, asking people to speak to the ideas they think are most important.

Nominal Group Technique

Nominal Group Technique is a more deliberative process, allowing time for people to influence one another and to change their minds based on new information. Working with a brainstorm list that is not too long (say



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under 20 items), ask the participants to rank the items on the list in priority order on their own piece of paper. Again, you need to give the group a clear, specific question on which they cast their votes. "Which items on the list do you think would generate the most savings?" or "Which items do you think would improve the service the most?" Once the participants have rank ordered the items, ask for someone who had the first item as their #1 priority to speak briefly to why he thinks it is highest, or, if no one had it #1 look for a comment from someone that had it a relatively high priority. There can be additional, brief comments for or against that priority rating, but not a full blown discussion. Continue to ask for a spokesperson for each item. This process allows the group to understand why people think one item is a higher priority than another and allows people to be persuaded to change their minds.


When you are done having people speak to items, ask all the participants to priority order the items again and record their responses on a prepared flip chart. The scores are then tallied

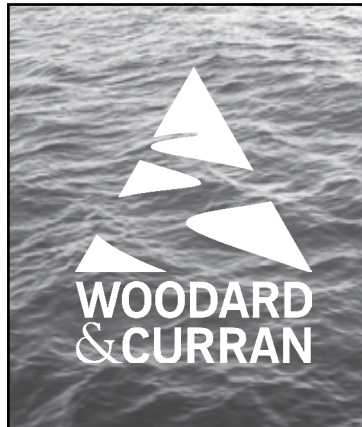
for each item. Remember, the items with the lowest scores show the highest priority, since 1 means first priority.

Ways to Find Out More About Good Process and Facilitation

For more tools:
Great Meetings! Great Results, by Dee Kelsey and Pam Plumb, Chapter 6 Choosing the Right Tool.

For facilitation training:
 University of Southern Maine, Center for Continuing Education, Certificate Course in Facilitation, April 29,30 & May 1, 2009 For more details check: http://www.usm.maine.edu/cce/detail.jsp?offering_id=100042460

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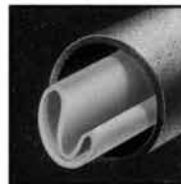
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People

Rumford selectmen in February appointed Police Chief **Stacy Carter** as interim public safety director as a step toward creating a joint police and fire department. Under the plan approved on a 3-1 vote, selectmen agreed to move ahead with Town Manager Len Greaney's idea to combine the police and fire department operations — as well as those of code enforcement, the health officer and the animal control officer — as one operation with one director responsible for the budgets and policies of all of the town's public safety units. Carter will receive a \$13,000 salary increase with the added duties. A proposed ordinance will go before June town meeting voters, who ultimately will decide whether to keep the joint department.

Howland Town Manager **Glenna Armour** is retiring in July, 2009 after serving 37 years of dedicated service to the town. Glenna was hired by the town in 1972 as an office clerk and then hired as town manager in 1979. She worked closely with the town's planning board on the Penobscot River Restoration Trust and on the construction of the bypass at the Howland Dam.

Los Angeles Police Captain **James Craig** has been named police chief of Maine's largest city. Craig, 52, comes to Portland after working for the LAPD for almost 30 years, many of them in some of the city's most dangerous areas. As a captain, he supervised 370 officers; Portland's force totals 160. Craig will begin his new duties on May 4.

Longtime former Biddeford Mayor **Donna Dion** has announced she will seek the Democratic nomination for governor in the primary election next year. Dion served as the city's mayor from 1997 to 2003.

Melissa Harvill was named deputy town clerk, tax collector and deputy treasurer in February by the Washington Board of Selectmen. Harvill replaces **Ann Dean**, who resigned. Harvill, who has 15 years of office experience, will work part-time.

In a special election in February, **Penny Jordan** defeated James Walsh to fill an unexpired term on the Cape Elizabeth Town Council. Jordan fills the seat vacated last fall by **Mary Ann Lynch**. Jordan will serve through December

2010. She defeated Walsh by a vote of 569-400. Lynch resigned after accepting a position with the Maine judiciary.

A joint effort to create a tri-town public works department began to take shape in February when the communities of Readfield, Manchester and Wayne hired **John Moultrie** as director of the collaborative. Moultrie, a Chesterville resident, worked as highway supervisor for Georgetown, Massachusetts, for 15 years before moving to Maine. He has worked as a Readfield equipment operator for the past 18 months.

Five Bangor police officers were recognized for valor in January by the Maine Association of Police. Officers **Richard Polk** and **Jason Stuart** received heroism awards for saving two people from a burning home while on patrol last June. Officers **Chris Blanchard** and **Michael Jewett** received lifesaving awards for saving a resident who had hung himself from a tree, with one officer climbing on the other's back to cut the noose in time. Officer **Russell Twaddell** also received a lifesaving award for reviving an airport patron who had collapsed from heart failure. Meanwhile, the police association recognized Greenville Police Chief **Scott MacMaster** and state game warden Sgt. **William "Bill" Chandler** for talking an armed man into surrendering inside a supermarket, and prevented anyone from being injured during the standoff.

Ralph Sarty Jr. has resigned as a selectman for the town of Denmark in far western Maine, citing the difficulty of serving as both a selectman and a newly-elected state representative in the Maine Legislature.

Minot selectmen in late February promoted Road Commissioner **Arlan Saunders** to town administrator, effective immediately. A 10-year town employee, Saunders replaced **Rhonda Irish**, who accepted the job of Wilton town manager. Saunders will continue his duties as road commissioner, as well as his new work as town administrator.

After almost 30 years of service to the town of New Sharon, **Miriam Smith** has announced she will not seek another term as town treasurer. A new treasurer will be nominated from the floor of the annual town meeting in March.


Weld Fire Chief **Wallis Tyler** was carried down a trail on popular Bald Mountain March 1 by members of his own department after dislocating a knee and being unable to make the walk down the 1,400-foot peak. Tyler had reached the summit of the popular mountain near Weld with his wife and a friend before his knee gave out. A rescue crew from Weld, Wilton and Farmington made the 1.25-mile climb, sometimes on icy terrain, to get the chief and bring him down on a portable rescue sled.

Kittery Police Chief **Edward "Ed" Strong** has been named Maine's 2008 Chief of the Year. A 30-year department veteran, Strong won the top chief's award in 2001. Strong said he was "shocked" by the award, but that he welcomed the good news during what will be a "doom-and-gloom" budget season.

William "Bill" Welch, Lewiston's longtime police chief, has completed a two-week FBI-created law enforcement seminar to help develop leadership skills and offer high-ranking police officials from local, state and federal government agencies a chance to meet each other and exchange leadership ideas. Welch was invited to the national seminar by FBI Director Robert Mueller.

Bath Finance Director **Abigail Yacoben** has accepted the finance director position in nearby Freeport, replacing **Gregory L'Heureux**, who also moved from Bath to Freeport in 2002. Yacoben, a Maine native and graduate of the University of Chicago, will begin her new duties in mid-March, though she has agreed to work part-time for Bath until April 10. L'Heureux left Freeport in late February to accept the finance director's job for the city of South Portland.

At its organizational meeting in January, **Joseph Hanslip** was re-elected chairman of the Sanford Town Council and **Maura Herlihy** was re-elected as vice-chair.

Former Thomaston Selectman **Walter "Walt" Breen** died February 4 at the age of 75. Breen served the town for 12 years as a selectman and member of other municipal boards. He worked for the Maine State Prison for 40 years. 

News *From Around the State and City Hall*

Houlton: The police department will start up a Citizens Police Academy on April 8. The program, one of many being tried around Maine, will allow up to 30 residents to learn basic information about highway safety, juvenile correction and other topics. The course will be taught by volunteers such as Houlton Police Chief Butch Asselin, state police and other law enforcement officials.

Caribou: Officials met with Gov. John Baldacci in early March to firm up plans to begin construction of a connector between Route 161 and U.S. Route 1, forcing traffic away from the downtown. Rep. John Martin, D-Eagle Lake, who arranged for the meeting, called it the start of extending I-95 from Houlton north. The project is estimated to cost \$20 million.

Statewide: The federal stimulus package passed by Congress in February contains almost \$10M for Maine under the Edward Byrne Justice Assistance Grant program from a nationwide total of \$2 billion. The money will be used to fight drug trafficking and gang violence.

Mechanic Falls: The state will impose heavy fines on the municipality if its public works crew doesn't stop dumping snow near the Little Androscoggin River. The town has agreed and are figuring out an alternate place for the white stuff.

Waterville: City Hall and a nearby non-profit organization received envelopes on Friday, March 7, containing an unknown white substance. No one was injured, though the buildings were temporarily evacuated until the town's hazmat team could evaluate the situation.

Westbrook: The historic Warren Memorial Library, citing losses in investments and endowments, announced in early March that it will close this spring. Although a private library, the landmark has been a proud achievement of the community since the Great Depression. The city runs Walker Memorial Library.

Chelsea: The small town near the state capital will become one of a growing number of Maine municipalities to make hunting and fishing licenses available online through a program of the Maine Department of Inland Fisheries and Wildlife. Chelsea residents without

a computer can access the online service at the town hall.

Lyman: Special town meeting voters rejected a proposal in February to appoint their town clerk, choosing instead to keep the position as an elected job. The vote was 28-14.

Kennebunk: Selectmen have given their approval to a Tax Increment Financing (TIF) District for Central Maine Power Co.'s proposed new grid project. The tax revenue will be captured to help pay for future capital and infrastructure projects and for economic development efforts.

Alfred: Poland Spring officials told selectmen in early February it is not actively looking for new water sources, including a town-owned site the company had previously considered. The company said the site was not appropriate for its needs.

Biddeford: The city council in early February voted to spend up to \$50,000 to hire a consultant to study ways municipal government and the city's school department could merge services and improve efficiency. The vote was 7-2. Councilors are hoping the investment will pay for itself in future savings.

Wells: A York County Superior Court judge agreed with the city's code enforcement officer and fire inspectors in deeming a 21-unit apartment complex unfit for human occupancy. The complex was considered unsafe, dirty and presented both fire and electrical hazards and the judge concurred. The housing was cleared out by city officials, who then padlocked the property.

Baileysville: A decision by the town's leading employer and property taxpayer, Domtar, to indefinitely shut down its pulp mill on May 5 is putting serious pressure on the town council's municipal budget. Officials said that every municipal service is on the table. Town officials also want to sell the town-owned medical building.

Augusta: An abandoned mill owned by Augusta Tissue Co. has been foreclosed on by the city and will be demolished. The mill closed in 2001 owing the city about \$626,000 in taxes and interest. The received 18 bids on demolishing the site, ranging from under \$50,000 to \$3.5 million. The low bidder,


Costello Dismantling of Massachusetts, will get salvage rights to the steel and other materials.

Bar Harbor: Supporters of a 6-month moratorium on larger commercial development in the Town Hill area of town have submitted the requisite number of signatures to place the issue before voters in June. In January, Hannaford had proposed building a 35,000 sq. ft. store on Route 102 in the Town Hill area. Moratorium supporters want the project put on hold until the town has adopted growth and development plans and regulations for this area of town. The moratorium proposal has a retroactive provision in it.

Brunswick: About \$10 million of Governor Baldacci's proposed \$306 million bond package would go to redevelopment at the Brunswick Naval Air Station (BSAS). A little over half of the money would be used to retrofit base buildings while the other \$4.75 million would be used to make improvements to four buildings on the base for classrooms in an educational partnership between Southern Maine Community College and the University of Maine.

Calais: The city is working on purchasing two new ambulances and a used one. Bids were due on March 25 and the city council was expected to award the bid for the three vehicles on March 26. The city is expecting to spend up to \$400,000 to purchase the ambulances.

Ellsworth: Standard & Poor's has upgraded the city's credit rating from A to AA-, a two step increase. "We're very excited about this," said City Manager Michelle Beal. The improved credit rating comes as the city is preparing to borrow \$7 million for a new wastewater treatment plant.

Vinalhaven: Discussion of a proposed wind power project on Vinalhaven attracted over 60 people to a meeting on March 14 at the Blue Hill Town Hall. The meeting lasted two hours. The \$14 million Fox Islands wind project received support of islanders last July when they voted 382-2 in favor of it. It is estimated that residents of Vinalhaven and North Haven who belong to the Fox Islands Electric Cooperative could save about half a million each year in reduced power costs. 

Municipal Bulletin Board

MCAPWA SPRING MEETING

The Maine Chapter of the American Public Works Association (MCAPWA) will hold its Annual Spring Meeting on April 2 at the Waterville Elks Center.

This year's meeting will focus on engine transmission technologies and Maine DOT transportation funding.

For more information, contact MMA's Affiliate Services office, 1-800-452-8786.

MWWCA SPRING CONFERENCE

The Spring Conference of the Maine WasteWater Control Association is scheduled for April 3 at Verrillo's Convention Center in Portland.

The conference runs from 8:30 a.m. to 3:00 p.m. Registration information can be obtained from MMA's Affiliate Services office, 1-800-452-8786.

GOVERNMENTAL ACCOUNTING

The Maine Municipal Tax Collectors & Treasurers Association (MMTC-TA) will be offering its Governmental Accounting I and II courses in April.

Governmental Accounting I, a two-day program, will be held on April 15-16 at the Verrillo's Convention Center in Portland. Governmental Accounting II is scheduled for April 28 at Verillo's. Both courses will be taught by Heather Hunter, Deputy Finance Director, City of Lewiston.

For more information on either workshop, contact MMA's Affiliate Services office, 1-800-452-8786.

GA BASICS

A workshop for those responsible for administering the town's general assistance program will be held April 16 at the Rockport Town Hall. The workshop runs from 9:00 a.m. to 3:30 p.m.

Among other things, the workshop will cover Maine statutes relating to general assistance, the MMA GA Model Ordinance, and the DHHS policy and review process.

For more information, contact MMA's Affiliate Services office, 1-800-452-8786.

NEW CLERKS WORKSHOP

Maine Town & City Clerks Associa-

tion will conduct its New Clerks Workshop on April 16 at the Waterville Elks Center.

This workshop covers some basic responsibilities for municipal clerks and is designed for the newly-elected or newly-appointed clerks.

The workshop will also be held on August 17.

For more information, contact MMA's Affiliate Services office, 1-800-452-8786.

FIRST RESPONDERS ANNUAL CONFERENCE

The 6th Annual Blaine House Conference for First Responders will be held April 16-17 at the Hollywood Slots Hotel & Raceway in Bangor.

This two-day conference includes exhibitors and will have sessions on incident scene safety, dispatching systems, Maine's L.A.S.T. program, workplace safety, and Maine Fire Training & Education.

For more information, contact MMA's Affiliate Services office, 1-800-452-8786.

ANIMAL CONTROL TRAINING


The 2009 Annual Business Meeting & Training Day of the Maine Animal

Control Association will be held April 17-18 at Hollywood Slots Hotel & Raceway in Bangor.

The annual training day will provide animal control officers with knowledge and skills to help them avoid biting incidents when dealing with dogs. The training will also look at bite behavior and injuries to help in the investigation of bite cases.

For more information, contact MMA's Affiliate Services office, 1-800-452-8786.

PROJECT CANOPY

Project Canopy Assistance Grants are available to state, county, and municipal governments, educational institutions, and non-profit organizations for developing and implementing community forestry projects and programs. Project Canopy, a cooperative partnership of the Department of Conservation's Maine Forest Service and the Pine Tree State Arboretum, anticipates that \$100,000 will be available in 2009 to support community forestry projects. Grants are due by 5 p.m., April 10. If you have questions about Project Canopy, contact Jan Ames Santerre at 207-287-4987 or email jan.santerre@maine.gov. 

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Legal

TAX-ACQUIRED PROPERTY: EVICTION NOT NECESSARY

Question: Are we legally required to evict the occupants of property after it has become tax-acquired or before we sell it?

Answer: No. In fact, we generally advise *against* initiating forcible entry and detainer (eviction) proceedings unless the occupants are committing “waste” (damage) or the property is to be retained and converted to municipal use. There is simply no reason, legal or otherwise, in most cases to forcibly vacate the premises. If the property is to be sold, it should be sold “as is,” with the burden of dealing with the occupants falling to the buyer.

There are in fact some good reasons *not* to forcibly vacate tax-acquired property. For one, a municipality can be held liable for a tax-acquired building vacated by its former occupants after 60 days (see “Municipal Liability for Tax-Acquired Property,” *Maine Townsman*, “Legal Notes,” August/September 2008). As long as the building remains occupied, however, the municipality cannot be held liable.

For another, occupants of tax-acquired property may (not surprisingly) have insufficient resources to relocate, so if evicted, they may be entitled to municipal general assistance (GA). Unless they apply and are GA-eligible, though, a municipality has no obligation to relocate or otherwise assist them.

While we do not recommend eviction in most cases, we also do not recommend that a municipality try to collect rent or exercise custody or control over the premises. Such actions would likely be construed as establishing a landlord-tenant relationship, with all the attendant liabilities falling to the municipality. Instead, we advise that occupants of tax-acquired property be allowed to remain “at sufferance” (tolerated, but without express consent or agreement) unless, again, they are committing waste or the property is to be converted to municipal use.

For much more on tax-acquired property, see our “Information Packet” on the subject at www.memun.org. (By R.P.F.)

POTHoles AND FROST HEAVES AND ROAD POSTINGS! OH, MY!

Little Dorothy uttered a similar line (about lions and tigers and bears) in “The Wizard of Oz.” But unlike the yellow brick road, Maine’s roads are no fantasy, and keeping them repaired and liability-free each spring requires more than ruby-slipper magic. So, let’s pull back the curtain once again on some springtime road-related topics we’ve aired before.

Potholes and frost heaves. A municipality can be held liable for damage or injury caused by highway “defects” but only if (1) the road is a town way and (2) the municipality had at least 24 hours’ *advance* notice of the defect and failed to warn of or repair it (see 23 M.R.S.A. §§ 3651-3655, the “Pothole Law”). A defect can include a pothole

or frost heave (among other things) as well as an obstruction (such as fallen tree limbs or other debris), but it does *not* include snow or ice (for which municipalities have no liability, see 23 M.R.S.A. § 1005-A). Liability is limited to \$6,000 (\$25,000 for death).

Posting roads. The municipal officers (selectmen or councilors) must adopt regulations or an ordinance in order to post and enforce vehicle weight limits on local roads (*speed* limits are exclusively within the State’s jurisdiction, however). For details, including a sample ordinance, see our “Information Packet” on this subject, available on MMA’s website (www.memun.org).

Road construction, street cleaning and repairs. A municipality can be held liable for negligence during the performance of road construction, street

Municipal Calendar

BY APRIL 1 — Municipal officers shall issue warrants for collection of fees on unlicensed dogs (7 MRSA §3943).

DURING APRIL — Municipal officers of municipalities over 2,000 population, and of any other town so voting at town meeting, shall appoint an inspector of buildings (25 MRSA §2351).

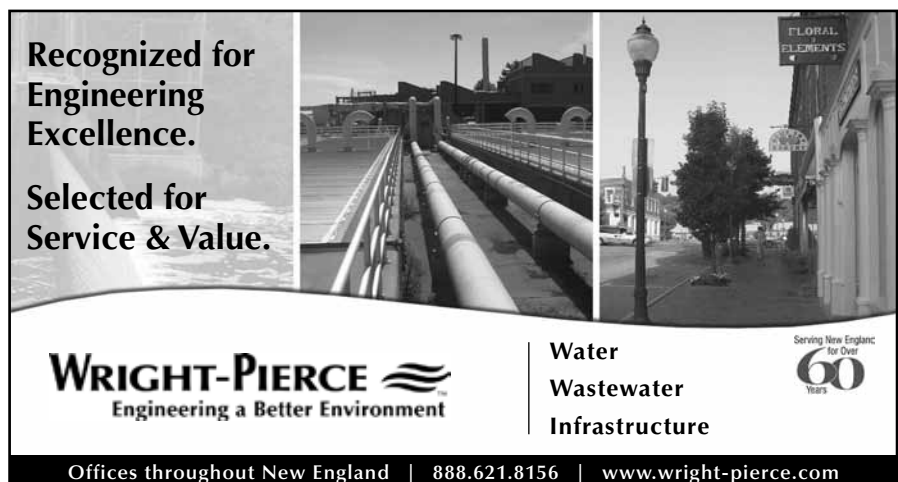
APRIL 1 — Municipal assessments are controlled by this date (36 MRSA §502).

— Monthly/Quarterly expenditure statement and claim for General Assistance

reimbursement to be sent to Department of Human Services, General Assistance Unit, DHS #11, Augusta, ME 04333 (22 MRSA §4311).


APRIL 20 — Patriot’s Day, third Monday in April, a court holiday (4 MRSA §1051).

ON OR BEFORE APRIL 21 — Every employer required to deduct and withhold tax shall, for each calendar quarter, file a withholding return and remit payment as prescribed by the State Tax Assessor (36 MRSA §5253).



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cleaning or repairs (see 14 M.R.S.A. § 8104-A(4)). This of course includes work performed by a contractor on a municipality's behalf, so contracts should require the contractor to provide proof of liability insurance in the amount of at least \$400,000 and naming the municipality as an additional insured.

Rural Road Initiative funds. State funds distributed to municipalities under the Rural Road Initiative Program may be used only for capital improvements that have a life expectancy of at least 10 years or that restore load-carrying capacity (see 23 M.R.S.A. § 1803-B(1)(A)(2)). Routine road maintenance and repair are ineligible for these funds.

Maine Local Roads Center. For expert advice and technical assistance on construction, maintenance and repair of local roads and bridges, contact MDOT's Maine Local Roads Center at 624-3270, or visit their website at <http://maine.gov/mdot/mlrc/mlrc-home.php>. (By R.P.F.)

WAIVER OF LIEN FORECLOSURE

(Reprinted from the July 2000 *Maine Townsman* "Legal Notes.")

Question: Can the municipal officers, by themselves, waive foreclosure of a tax lien on property they do not want the municipality to acquire?

Answer: Where they are the legislative body, yes, but not where town meeting is the legislative body. Here's why:

Automatic foreclosure can be waived only by vote of the municipal legislative body giving the treasurer authority to record a "waiver of foreclosure" in the registry of deeds (36 M.R.S.A. § 944). The waiver's wording is prescribed by statute. The waiver must be recorded *before* the right of redemption expires (18 months after recording of the lien). If a waiver is recorded, the lien remains in force but does not automatically foreclose. A suit would be required instead if the municipality ever wanted to foreclose on the property.

Waiver of foreclosure may be appropriate in a variety of situations, such as with dangerous buildings, hazardous waste sites and worthless mobile homes on someone else's lot. (We do not recommend it as a means of providing "tax relief," however.) A waiver of foreclosure form is included in the appendix to our *Guide to Municipal Liens* (Febru-

ary 2008), available on MMA's web site at www.memun.org. (By R.P.F.)

WHO MAY BE A REGISTRAR?

Although it got little attention at the time, in 2007 the Legislature enacted important new limitations on who may serve as registrar of voters (see PL 2007, c. 455, eff. Sep. 20, 2007).

Under the law as amended, the registrar may not hold or be a candidate for any state, county or local office (see 21-A M.R.S.A. § 101(1)). There is one major exception, though. According to § 101(2), the municipal clerk may be appointed as registrar. If the clerk is not appointed as registrar, the registrar must appoint the clerk as deputy registrar, with the same authority as the registrar.


Also under the new law, the registrar may not be an officer of any party committee or an employee of any party or candidate.

In addition, the law now prohibits the registrar from serving when a member of the registrar's immediate fam-

ily becomes a candidate for any state, county or local office (see § 101(10)). The registrar must instead appoint a deputy registrar to serve from the time of filing or nomination to the time of election, with the costs of the registrar paid to the deputy during this time.

The law has long required the registrar to be a U.S. citizen, a resident of Maine and at least 18 years of age (but not necessarily a resident of the municipality).

The registrar is of course appointed by the municipal officers except where a manager has the power of appointment. The appointment must be made by January 1st of each odd-numbered year and is for a two-year term.

For more on registrars, including compensation, office hours and expenses, and training, see 21-A M.R.S.A. § 101. For the laws governing voter eligibility, registration, and enrollment, see 21-A M.R.S.A. §§ 111-222. There's a link to the Maine statutes under "Resources" on our website at www.memun.org. (By R.P.F.) 

MMA Personnel Services and On-site Consulting Services

MMA Personnel Services offers a wide range of specialized on-site consulting services for our 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 or department head.

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.

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