

# Delegated Authority Applications, comprehensive plans, and resources are just the beginning for municipalities.

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Q&A WITH JAY FEYLER EXECUTIVE COMMITTEE NOMINATIONS STORM SERIES: SOUTHWEST HARBOR





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STORM SERIES. The fourth article in this series focuses on the importance of community engagement. While state and federal grants are a vital part of the rebuilding process, as was shown in Southwest Harbor, so is community ingenuity. Page 7

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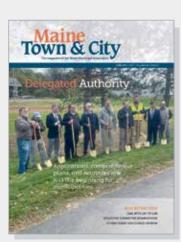
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A groundbreaking ceremony for the Lewiston Auburn Clean Water Authority project, October 2024.



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# The State of the State/Municipal Partnership

By Kate Dufour / Director / Advocacy & Communications

To get the 2025 legislative session off on the right foot, and with sincere interest in working collaboratively with state level decision makers, MMA reached out to the leaders in the Maine State Legislature, including Senate President Mattie Daughtry (Cumberland County), House Speaker Ryan Fecteau (Biddeford), Senate Minority Leader

Trey Stewart (Aroostook County), and House Minority Leader Billy Bob Faulkingham (Winter Harbor). In a jointly written letter, MMA President Melissa Doane and Executive Director, Cathy Conlow, invited each leader to share their thoughts on the state/municipal partnership and how the association, municipal leaders, and members of the Legislature can work collaboratively to achieve statewide goals.

Specifically, leaders were asked to share: (1) their vision of the state/municipal partnership and how state and municipal leaders can work collaboratively to build and foster that working relationship; and (2) how MMA and its members can help in the process of implementing mutually beneficial policies.

Recognizing that the request was made shortly after the members of the 132nd Maine State Legislature had been sworn-in, which involves electing constitutional officers, making committee assignments, and adopting the rules necessary to guide the operations of the legislature, MMA was pleased that Speaker Fecteau and Sen. Stewart found the time to respond to the request.

The State/Municipal Partnership. For Speaker Fecteau, collaboration finds its roots in conversations, the ability to discuss issues of interests, and to share differing perspectives on the challenges facing Maine's leaders and residents. Throughout his public service career, he found that efforts to connect with municipal officials in Biddeford helped to inform him on the best way to advance policy initiatives.

According to Speaker Fecteau, "Members of the Legislature do best when they are informed about the challenges and successes in their home communities. In my time in Augusta, I have worked hard to have open lines of communication with our municipal officials in Biddeford. The last time I was Speaker of the House, I similarly worked to ensure that municipalities had an opportunity to share their perspectives. We may not always agree, but having the conversation is important, and my door is open."

In his response, Sen. Stewart focused on the role munic-



ipal leaders play in the intergovernmental system. "Municipalities are one of the largest stakeholders in the legislative process. Frequently bearing the brunt of rushed and poorly thought-out policy, input from municipalities should be considered at every stage of the process."

He also highlighted the importance of the unique perspectives held by municipal leaders as communicated with members of the legislature through MMA's advocacy program. "Maine Municipal Association (MMA) staff members provide crucial testimony on hundreds of bills during the legislative session. It is through this advocacy that Maine's lawmakers can understand the impacts bills before them may have at the municipal level. MMA advocacy staff offer a different – and much more local – perspective highlighting aspects of legislation that could result in unintended consequences and burden municipalities, even in well-intentioned legislation. It is because of this perspective that MMA and its member municipalities are crucial participants in crafting and implementing good legislation."

Advancing State Policy Goals. When it comes to assisting state leaders in the implementation of state level policy goals, Sen. Stewart's focus is on the need to reduce the burdens placed on Maine's property taxpayers. "...it is no secret that Mainers are overtaxed. Many elderly seniors can no longer afford their property taxes. With the rising cost of living, Mainers need every break they can get. Even with revenue sharing distributing over \$260 million to Maine's municipalities in fiscal year 2023-24, Mainers are being taxed out of their homes."

With respect to what municipal leaders can do to support state level initiatives, Sen. Stewart called on municipal leaders to examine their budgets carefully. "As federal stimulus funding runs out, municipalities must make tough decisions on how their revenue is best spent. Continuing to raise property taxes and relying on the state to fund programs beyond the current level is not sustainable; and I urge local leaders to consider that when determining municipal budget needs."

For Speaker Fecteau, support from municipal officials comes in the form of continued dialogue. "I think it comes back again to communication. Having discussions with the folks who represent your area is a great starting point. Sharing information and offering feedback on bills is also

helpful, both at public hearing and from a stakeholder standpoint. And when you have ideas about ways policy can improve the day-to-day work of municipalities, reach out!"

In turn, MMA also encourages any member of the legislature to connect with municipal officials back at home and with MMA's advocacy staff, as well as to view the association as an available resource. While we might not always agree on a policy, it is important to the association's members that state leaders have access to the data necessary to make informed decisions.

On behalf of MMA and its member municipalities, I thank

Speaker Fecteau and Sen. Stewart for taking the time to share their thoughts on the state/municipal partnership. As noted by MMA President Doane, "running for office and serving the people, at any level of government, is a difficult task, but one that is ultimately rewarding," and to that end MMA's advocacy staff looks forward to working collaboratively with every Maine legislator to advance policies that support mutually beneficial outcomes.

Note: While the thoughts on the state/municipal partnership shared by Speaker Fecteau were included, verbatim, above, those from Sen. Stewart were extracted from a letter, which is published below.

# The State-Municipal partnership is more important than ever

By Sen. Trey Stewart

Municipalities are one of the largest stakeholders in the legislative process. Frequently bearing the brunt of rushed and poorly thought-out policy, input from municipalities should be considered at every stage of the process.

Maine Municipal Association (MMA) staff members provide crucial testimony on hundreds of bills during the legislative session. It is through this advocacy that Maine's lawmakers can understand the impacts bills before them may have at the municipal level.

MMA advocacy staff offer a different – and much more local – perspective highlighting aspects of legislation that could result in unintended consequences and burden municipalities, even in well-intentioned legislation. It is because of this perspective that MMA and its member municipalities are crucial participants in crafting and implementing good legislation.

With that being said, it is no secret that Mainers are overtaxed. Many elderly seniors can no longer afford their property taxes. With the rising cost of living, Mainers need every break they can get. Even with revenue sharing distributing over \$260 million to Maine's municipalities in fiscal year 2023-24, Mainers are being taxed out of their homes.

Additionally, the State has provided greater funding support than ever before to Maine's public schools, paying 55% of K-12 education costs. Unfortunately, despite recording breaking revenue sharing and the State providing greater funding support than ever before to Maine's public schools, property taxes continue to rise at an unsustainable level.

These unsustainable increases are why I supported raising the Homestead Exemption and introduced the Property Tax Stabilization Act in the 130th Legislature. Seniors

should not be forced out of their homes due to revaluations that increase their property taxes by thousands of dollars while municipal budgets increase drastically year over year.

The revaluation process must be looked at. It is not right for Mainers to be priced out of their own neighborhoods as developers build luxury second homes for wealthy out of state residents. Jacking up valuations for people who have lived in the same house for their whole life is not an acceptable way to raise municipal revenue.

With a projected state budget shortfall of \$450 million dollars, we must look at ways to cut back on spending. The Maine people should not be penalized for the poor fiscal management of the State, which is why legislative Republicans are opposed to any new taxes in the Governor's proposed FY 2026-27 Budget. Regrettably, programs like revenue sharing and the State's 55% funding of public K-12 education have had little effect mitigating property tax increases.

As federal stimulus funding runs out, municipalities must make tough decisions on how their revenue is best spent. Continuing to raise property taxes and relying on the state to fund programs beyond the current level is not sustainable; and I urge local leaders to consider that when determining municipal budget needs.

I look forward to working with my municipal colleagues as we try to lower the tax burden on Maine's most vulnerable citizens while delivering the needed services your residents have come to expect.

Senator Trey Stewart is the Senate Republican Leader and represents District 2, which includes communities in Aroostook and Penobscot counties. He is a member of the Legislative Council.

# Storm Recovery-A Collaborative Effort

In Southwest Harbor, local ingenuity and community engagement is accelerating 2023 and 2024 winter storm recovery efforts.

By Janine Pineo

Work done by local contractors in late July to Seawall Road in Southwest Harbor meant the road could reopen to traffic.

If you pop onto Google Street View and drive down Route 102A in Southwest Harbor, you'll see lots of pretty houses, trees glistening in the sunshine and oodles of green grass under a blue sky.

Keep motoring along and suddenly, you've rolled right up to the roadblock standing a few feet beyond the motel on one side of the road, while on the other side are the toppled remains of the end of a stockade fence where some of the boards lie scattered like matchsticks in the grass along the shoulder. Looking past the barricades, a wash of rocks covers most of the seaside lane with the pond-side lane clear but damaged along the edge. That, too, is bordered by another wash of rocks flowing into the pond.

This was Seawall Road, recorded in June 2024, after being hit by the pair of severe January storms that pummeled the coast, only to be hit again March 10. The accumulated damage led to an ongoing closure that persisted into the summer, a critical time for the tourist-centric area which is the easiest access point to the part of Acadia National Park that holds not only the Seawall campground and picnic area, but also the iconic Bass Harbor Head Lighthouse. The road also connects to an area of Tremont that would only be accessible by a lengthy alternative route.

If you click on Street View's "See more dates," there are two other options, May 2023 and July 2011. That is where it becomes glaringly obvious how powerful the storms were in the winter of 2024: The massive area of rocks flowing into the pond was not there in 2011, nor 2023. The ocean moved all of them off the seawall in a matter of hours.

Seawall Road is "slammed regularly," said Carolyn Ball, chair of the town's selectboard. A churning ocean easily can toss rocks onto the road during a storm, requiring the town to bring out the front-end loader to move the stones back to the seawall, she said.

But the 2024 storms were something else, and the town has spent the year caught in the aftermath of having a road that is managed by the Maine Department of Transportation but involves the National Park Service.

Having three government entities involved in a project oftentimes can mean delays – and this is true for Seawall

Road – but something else complicated the negotiations. Among the questions asked was whether an option would be to abandon the road entirely rather than rebuild it in the face of a rising ocean and worsening coastal storms.

#### A new state climate plan

Late November 2024 brought the release of the Maine Climate Council's new four-year action plan titled "Maine Won't Wait," a comprehensive endeavor by the state to address all facets of climate change. The council, which started in 2020, outlines achievements made since setting goals four years ago and now points to areas of strategy that ring loudly after the state suffered more than \$90 million in damage to public infrastructure alone from the three storms in December 2023 and January 2024.

Among the seven strategies is Strategy F: Build Healthy and Resilient Communities, an intensive plan to provide resources and expertise as municipalities try to navigate not only what's available now but also look to the future needs and mitigations that may be required in each community.

"Some of the hardest hit areas of the state included rural communities with limited funding and capacity for guiding and implementing recovery projects," the report states. "These events further drive home the danger posed by climate change and the urgent need to plan for and invest in climate resilience at the state, regional, and local levels. Maine communities continue to need funding, tools, and support to tackle these climate impacts as they balance the interconnected local challenges of aging infrastructure, the need for more affordable housing, public health impacts, and more."

Among the resources established is the Community Resilience Partnership in 2021 to support climate and clean energy action by municipalities and tribal governments, with 225 communities now participating. Late 2024 saw the creation of the Maine Office of Community Affairs, which will offer one-stop shopping within state government for municipalities, tribal governments and regional entities on issues such as land use, housing, floodplain planning, building codes and coastal management.

The state created the Maine Infrastructure Adaptation Fund to provide funding to communities to adapt critical infrastructure to reduce vulnerability to climate change. It has awarded more than \$76 million in grants since 2022 to not only rebuild in the months after the three major storms in 2023 and 2024, but also millions in work on flooding reduction for ocean- and riverfronts, stormwater and wastewater systems, and multiple culvert projects.

Gov. Janet Mills issued an executive order creating the Infrastructure Rebuilding and Resilience Commission in May 2024 in response to the three devastating storms. Its interim report covered funding, community support, data sharing, vulnerable infrastructure, energy resilience, and regulations that support rebuilding with resilience. Its recommendations also noted the gaps in funding and financing resources and proposed improvements to disaster recovery and response across the state. The commission's long-term plan is slated for release in May 2025.

Another avenue the state has followed is adopting new laws, including sea-level rise projections. Two laws passed in 2021 focus on prioritizing financial assistance to communities that prepare climate vulnerability assessments while adopting climate action plans and add requirements "to consider the effect of at least 1.5 feet of relative sea-level rise by 2050 and four feet of relative sea-level rise by 2100 when evaluating a potential project under the Site Location of Development Act, within the service area of the Land Use Planning Commission, and the Maine Hazardous Waste, Septage and Solid Waste Management Act."

Steph Sun, a climate engagement specialist with the Gulf of Maine Research Institute (GMRI), said the Maine Climate

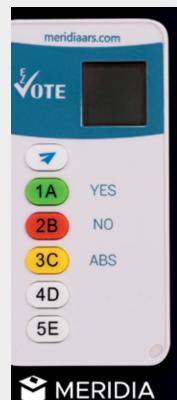
Council's Scientific and Technical Subcommittee released a report that provides further guidance on how to apply sea-level rise scenarios.

"Municipalities and individuals can use these numbers for their own planning purposes, including for the implementation of adaptation measures for roads, water, sewer, or other structures depending on the flooding risk and projected timeline where that asset might be flooded," Sun wrote in an email. "Note that sea level rise is not consistent across Maine, so the STS report has broken the state out into five regions that have slightly different sea-level rise projections."

Those five regions are roughly Kittery to Freeport, Harpswell to St. George, St. George to Camden, Lincolnville to Gouldsboro and Milbridge to Lubec, following the five one-degree latitude and one-degree longitude regions that cover the Maine coast.

GMRI has partnered with multiple Maine coastal communities through its Municipal Climate Action program, which conducts community-driven climate vulnerability assessments and explores community and infrastructure vulnerabilities, particularly sea-level rise and coastal flooding.

"We are currently working with the Town of Southwest Harbor to conduct such an assessment," Sun said. "Through our 'Science - Engagement - Solutions' framework, we use a community-engaged approach throughout the climate vulnerability assessment, incorporating broad community discussions and targeted conversations with key community



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Connor Degan (Hopkinton, MA)

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Local contractors take a break from repairing Seawall Road in Southwest Harbor in July.

stakeholders alongside scientific knowledge and site-specific data collection. By working with municipal staff such as emergency managers and harbormasters, connecting with dedicated community leaders and volunteers, and engaging youth, we center community priorities, needs, and concerns throughout the assessment."

#### The road ahead

Which brings us back to Seawall Road at the end of June, still damaged and still covered in rocks. It wouldn't be until mid-July that the MDOT announced it would fix the road but not until the spring of 2025, well beyond saving the 2024 tourist season.

News reports from frustrated business owners and residents began to grow as tourists avoided the area. Ball, the town's selectboard chair, said a detour sign placed at the Y where Route 102 and 102A diverge seemed to be cutting traffic down immensely.

And then something happened.

Days after the announcement that the road would not be fixed this year, another announcement was made: Five local contractors would make the repairs necessary to reopen the road to traffic.

"Our contractors volunteered and they rebuilt the road," Ball said "They were supported by many businesses that kept the workers fed during the five days of repair."

Meanwhile, the town, the park service and the MDOT are still working out a plan for the future of the road, the latest being a cost-sharing proposal that splits future responsibility into thirds. Ball said the town voted to agree to this provided that the MDOT redesignate Route 102A as state road 102 "so it would be eligible for future grant funding."

The town is also looking at other locations that have their own vulnerabilities, Ball said, pointing at work being done to obtain hazard mitigation grants or a regular FEMA grant



Five local contractors make repairs necessary to reopen Seawall Road to traffic.

for Shore Road, Cable Crossing Road, Harbor Avenue and the Manset Town Dock, the busiest of the town's public wharves.

When asked if there was a word of advice for municipalities as they face the planning and response work ahead, GMRI's Sun had this to say: "The residents that municipalities serve are a significant resource, as they hold historical knowledge and local expertise. Climate action is driven by volunteer committees of engaged and active residents, bringing additional perspectives, knowledge, and capacity to municipal governments. Engaging and empowering local residents, especially youth, to be active in municipal processes can contribute to larger resilience building efforts. As a municipality, there is a lot to be gained and learned through enabling and being responsive to community efforts to build resilience."

Southwest Harbor saw community happen in real time in July, which worked to reopen the road. Free of charge.

#### ABOUT THIS SERIES

Wind. Rain. Ice. Blizzard. Bomb cyclone. Nor'easter. Sou'easter. Flooding. Washouts. Blackouts.

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For many, the ice storm of 1998 is writ large upon the memory, the storm to end all storms with its days of accumulating ice and the resulting aftermath of hundreds of thousands without electricity for weeks. But more recent weather events have been hitting Maine repeatedly with a power and frequency that have left in their wake damage in amounts that can be difficult to grasp as a whole because of the enormity of the destruction in town after town, city after city.

Our fourth story talks about the continuing negotiations over an iconic piece of the Maine coast and some of the goals set in the recently released state climate report.

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# Jay Feyler: Information is essential to combat social media negativity

By Liz Mockler

Social media can cause problems for municipal officials, even killing projects with misinformation and negativity, Jay Feyler said as he looked back on his 16year career as Union town manager.

Feyler, Maine's 2024 manager of the year, said he thinks there are more drawbacks than advantages to social media for cities and towns, though the town webpage he created has helped in emergencies such as with snowstorms and during the Covid pandemic.

"In today's world, social media is so fast," he said. "The rumors have always been around, but now you have to get

the facts out as quickly as possible because once negative and false information is out there, it's nearly impossible to turn that around."

Feyler said a sidewalk project the town was considering in partnership with the state Department of Transportation was rejected by voters on the basis of bad information.

"We had a big sidewalk project that got all blown up in social media and it was all over before we even had a chance to talk about it," he recalled.

"It literally tanked the whole project. Voters rejected it after so much negativity," he said. Feyler said the only way to compete with social media is to put out as much information as possible, as soon as possible.

"It was a valuable lesson learned," he said. "You get information out very, very early." In hindsight, a public hearing on the sidewalk project would have helped get the right information to residents, he said.

"It was a failure on our part not to get it out before all that happened" on social media, he said.

Feyler began his municipal career as a volunteer Union Budget Committee member in the 1980s, when he ran a fundraising business from his home in town. He went on to win election to both the school board and the selectboard before being approached by a fellow selectboard member to apply for the still-new town manager position.



Jay Feyler

"Sixteen years later I was still there," ne said.

Feyler received the Linc Stackpole Award as top manager from the Maine Town, City and County Management Association. It was presented during the group's annual meeting last fall.

Feyler, who retired last November, recently talked about his management style and philosophy, how he resolved personnel problems and offered some timely advice to people just starting their municipal careers.

# er Q. When you look back on your long career, what comes to mind first?

**A.** When I started in municipal government back in the early 80s as a volunteer on various local committees and eventually elected to the selectboard, I never dreamed I would eventually become the town manager and serve in that role for 16 years.

Looking back, governance was done without social media and cellphones, and citizens received their information directly from the source by coming to meetings and reading minutes. In today's world so much information is gathered through social media, many times written with a slant and political opinion.

# Q. Were you surprised to receive the Linc Stackpole Award?

**A.** I think the word surprise is an understatement as there are so many talented and deserving managers in Maine. By chance I was sitting at the front of the conference with some colleagues and turned to look back to see the reaction of the winner. Well, it was my reaction that probably was priceless. I believe the Linc Stackpole award is the best of the best and I am still totally in awe that I was the recipient, and I am so totally grateful for those who nominated and chose me.

This award, like many others, would not have been possible if it wasn't for the fantastic team of employees in the Town of Union who excel in their positions and make us all look good. Also, my colleagues in the Maine Town City and

County Management Association supported me and were always ready to answer many questions.

### Q. What did you like best about municipal government?

A. There are many areas that I cherished, such as the everyday challenges that you find in municipal government. You get to be the leader in some exciting and challenging projects within your municipality and every day something new could pop up that needed attention.

Helping citizens get through difficult situations is extremely rewarding, whether it was helping with federal and state issues or simply helping a family with financial difficulties not lose their homes or aid in feeding their fam-

Helping 30 plus students at our school get outfitted with winter clothing from undergarments to boots and jackets thanks to a great endowment fund the selectboard and I oversaw.

Working with student interns was something I looked forward to promoting each year and guiding those great young minds to careers in municipal government.

During my tenure as manager, I met some of the greatest people in Maine and across the country and the world, many who will be lifelong friends.

### Q. Other than taxes, what was the most challenging issue you faced on a regular basis?

A. Probably dealing with difficult people and trying to stem the social media misinformation. We have become a society of reading and believing what is on social media and never fact checking that information. During some challenging projects our team spent a great deal of time correcting misinformation.

As I mentioned earlier, citizens used to come to meetings or drop in the office and ask questions, but with social media fueling the distrust of government that attitude has trickled down to the local community.

Managing in a small town it was my job to handle this, and it seemed it was something we needed to do on an almost daily basis. It is extremely stressful, both physically and mentally, and eventually takes a toll on you.

#### Q. What was your management philosophy?

A. Honesty and ethics! I have great faith in our employees, and I let our department heads manage their departments expecting the same. I will admit early in my tenure I was much more involved in each department, but over the years that intervention was not necessary as we built a culture of doing things right.

I always tell employees they will be supported even if they make mistakes, but never treat the board or myself as a mushroom (keeping us in the dark and feeding us manure).

#### Q. How did you approach budgeting? Any helpful hints?

**A.** Budget season was one of my favorite times of the year and a task that I enjoyed. After consulting with my selectboard, the department heads and I worked on our individual budgets within the parameters set by the selectboard, if any. It was important every couple of years to reevaluate each department and not simply add a cost of living adjustment to each line.

One thing we did not do is adjust our budget because the school or county gave us a large increase in assessment. If we developed a good budget before the assessments, it should be a good budget after any large increase in

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assessments, and we should not neglect the municipal side because of the schools or county.

We developed a philosophy of protecting a department's budget because they were frugal and delayed purchases. Many times elected officials want to cut department budgets because they want to be frugal. I believe this only encourages people to develop the attitude of use it or lose it. It took a bit of convincing to our budget committee and elected officials, but after a few years they saw the advantage of this philosophy.

We worked hard over the years to have a real vibrant capital improvement plan; we have been able to maintain our plan without giant fluctuations in the mil rates. The town has been in position to pay mostly cash for capital purchases such as public works trucks, fire trucks and ambulances.

#### Q. How did you resolve personnel problems?

**A.** Personnel issues are always some of the most difficult issues to deal with and quite honestly the hardest thing I had to do.

Most of the employee issues I had to deal with I already knew what needed to be done. I usually exhausted more effort than I should have and 99% of the time the original thought was what eventually happened. A lesson to myself and others, just do it as hard as it may be.

# Q. You were also the communications director for the town. Was the effort worthwhile?

**A.** In small towns such as Union, it is necessary for the manager to take on many roles, public information officer or communications director is one of those necessities.

I found that role to be extremely valuable as we put projects forward with factual and truthful information. But it was also very straining and a constant battle to get factual information out before the social media experts put their version out.

We offered a list-serve so citizens could get newsletters, emergency notifications and other town business sent to their e-mails or phones. I developed a Union Maine USA Facebook page under my personal account and at the end of my tenure we had more followers than citizens in town.

This public information officer role was very important during the COVID crisis. I was able to update the citizens and elected officials almost daily and was given the authority to make the necessary decisions to keep our citizens safe.

#### Q. Do you have any advice for young managers?

**A.** Don't try to change the world immediately. Take your time, observe and wait at least six months before you make any changes. Your first couple of months you will be

visited by citizens and others with special interests.

As the quote under my signature always said, "Always do the right thing." There will be times when you may be tempted to skirt the rules, do a favor to someone or take the easy way out. Simply don't do it.

I had a local business that was being quite vocal because I would not give them a road traveling permit during posted road season. They were adamant until my select-board chairman at the time said that I would not give him one, either. Treat everyone the same, no exceptions!

Young managers should join MTCMA and ICMA as soon as they can. This gives them access to thousands of experienced professional managers and associates across the state and country.

Seek out advice from fellow members and use the MTCMA Ambassadors to assist you in difficult situations or if you just need an ear to bend. Even though you may think your situation is unique, there is a 99% chance that someone within the network has faced a similar situation.

You don't need to be perfect, nobody is. I remember my first year as a manager and I messed something up, I don't even remember what it was today. I sat at that select-board meeting not wanting to say a thing, nobody would have ever known, but I spoke up and never thought of going down that road ever again.

Finally set boundaries for yourself, your elected officials are not going to encourage you to work less. Spend more time with your family and protect your mental health.





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Work underway for a new pumping station that's part of the new CSO project at the Lewiston Auburn Clean Water Authority site on Lincoln Street, Lewiston. (Photo submitted by Angelynne Amores)

When the Lewiston Auburn Clean Water Authority (LACWA) proposed construction of a 2.1 million gallon above-ground tank at its headquarters in Lewiston to handle combined sewer overflows, the application and the permitting were handled by staff in that city.

That expedited the approval process because it did not need a separate review by the state Department of Environmental Protection (DEP) because Lewiston is one of six municipalities to hold the status of "delegated authority" and "stormwater capacity" under the respective state laws.

Lewiston has had delegated site review capacity since 1989 and initially obtained stormwater capacity in 1999.

An additional 10 municipalities have "site capacity" authority to review and grant permits for construction of certain sizes of subdivisions and structures.

However, applications for development projects involving wetlands, shorelands and larger subdivisions in the remaining 470 municipalities in the state—and all that impact multiple municipalities—must go to the state for approval, a process that has slowed in recent years.

Rob Wood, director of the DEP's Land Resources Bureau, explained that the backlog has been caused by several different factors:

- An increasing volume of applications, particularly for coastal shoreline stabilization and infrastructure rebuilding projects following the January 2024 winter storms;
- An uptick in application volume over the past five to six years, with a significant surge around 2020 due to the proliferation of community-scale solar projects; and
- A number of senior staff retirements, with new staff being trained.

"We've got right now about 650 applications in the queue," Wood said in mid-January. "That is about 200 more than we had in the queue at this time last year." The number of applications peaked at 700 several months ago, he added, largely because of the damaging storms.

The department is implementing various strategies to

address the backlog in application volume, including a proposal to make more activities, such as shoreline stabilization projects, eligible for permit by rule, which should reduce the application volume for individual permits. Another strategy is to use pre-qualified third-party vendors to augment the 20 state licensing staff currently reviewing applications. The vendors would issue draft decisions to be reviewed by state staff. Wood noted that an initial set of 20 permit applications was sent to those vendors-essentially environmental consulting and engineering firms-in early January.

Some of those changes must be approved by the Board of Environmental Protection, which is likely to take them up in March, Wood said.

In the meantime, Wood shared that municipalities interested in obtaining delegated authority or exemptions can approach DEP if they meet the qualifications laid out in the Site Location of Development Law, the Stormwater Management Law and the Natural Resources Protection Act.

"It's helpful for us to have fewer applications that we need to review at the state, and it's helpful for developers who just have to go to the town for permitting for certain projects," he said. "It's helpful for the town as well. It's a good option if the town meets the criteria."

Processing time for delegation of authority to a municipality under the Site Location of Development Act is 195 days from the time the completed application is submitted. The department's goal, however, is to do it within 120 days.

In Lewiston, work on the CSO development project review involved a joint effort by several departments, including public works, planning, and engineering.

"For the LACWA project, we did an initial sit down with the Site Plan Review Committee with the engineers, Travis Peaslee, manager of LACWA, and the contractor, Sargent, to go over the plans," said John Kuchinski, an engineer who works as Lewiston's environmental services superintendent. "We talked about what's needed for the submission and whether it meets all the stormwater requirements plus all the planning requirements, everything in the zoning



John Kuchinski

ordinances and all the policies they had to address."

Then the application was filed with the city by Woodard & Curran, a Portland-based engineering firm. "They provided a very complete and comprehensive application with all the necessary calculations and descriptions in there and so forth," Kuchinski said. "Then we reviewed that. It was a team effort."

Even though the city has delegated authority and stormwater capacity to approve projects, the state DEP is still involved.

Shelley Norton, deputy director of planning & special projects in Lewiston's Planning & Code Enforcement Department, illustrated that by describing another project that came under the city's delegated authority purview.

"In September we had a series of apartments going in, so we had to send an acknowledgement to DEP that we've received the project, that it falls under their threshold, and we were asking to do delegated review," she said. Then the city received an acknowledgment from the state and later sent documentation, including Planning Board minutes and a copy of the legal advertisement, etc., to the state.

"We're basically saying, 'Hey, are you OK for us to do delegated review for this?' and then they're responding and saying, 'Yes,' so we get confirmation on record that they've approved that we do it," Norton said. "For each project, we go through that process."

Kevin Gagne, Lewiston's director of public works, credited Jon Connor, director of the Planning and Code Enforcement Department, and others in that department for their work. "Without the right ordinances, policies, and reviews of projects he oversees from his department, this wouldn't be possible," Gagne said.

He added, "I think over the decades that we've been delegated and more recently for this team doing this project, it's definitely saved time. You can see the recent backlog DEP

has; we've experienced permit issues with backlogs on our own projects. So, it's definitely saved time to permit locally and not go to Augusta."

Gagne pointed out that the state is delegated by the federal Environmental Protection Agency to uphold standards, and the state in turn delegates municipalities: "We're holding federal/state standards for all the different applicable laws for environmental sites as well as for traffic."

Lewiston officials and others pointed out that municipalities can apply to receive delegated authority from the Maine Department of Transportation to issue traffic movement permits if the municipal ordinances are consistent with certain state rules. However, municipalities cannot grant those permits for their own municipal projects.

The Lewiston CSO project also required a construction general permit which is issued by the state for projects that disturb more than one acre of land. However, Kuchinski said there is a quick turnaround at the state level for those permits.

The Town of Windham is seeking to regain status to review and approve certain development and stormwater projects, an authority it lost in 2008 after its Comprehensive Plan and local ordinances were not updated and fell out of compliance with state law. (Those issues have since been resolved.)

"Right now, a developer comes in with a project, and it could be nine months to get a decision," Windham Town Manager Barry Tibbetts said in January. "That's a long time for a developer to wait and sometimes that gets pushed back because they don't have all the information on changes in that time period. It's hard for developers to come in and do projects."

Tibbetts said that town officials believe that with the updated comprehensive plan and the current staff, who have stormwater and environmental, planning and engineering expertise, it's the right time to reapply to regain the ability to do development project reviews. "We think we can do it ourselves and save everybody some time," Tibbetts said. "This is our way of helping DEP, and it helps us too. We're all on the same team here, and if we can do it in a way that it benefits them and it benefits us, that's a great thing."

Windham officials hoped to have the application submitted to DEP by the end of January, and Tibbets added, "There are some developers who would love to see this too."

The Town of Brunswick is one of the 10 municipalities with the ability to review and grant permits for certain subdivision and structure projects. This too speeds up the process for applicants.

"We don't have stormwater capacity so if someone's projects trigger a (site location of development) review, they would need to have the stormwater review by DEP, and then the site plan would be reviewed by the town," said Julie Erd-

man, Brunswick's director of planning and development. "It's all part of our development review standards. It just saves the applicant that extra step of having two entities review it rather than one."

For one recent project there involving an expansion and improvements by Goodwin Chevrolet, the town issued a permit because it has municipal capacity to approve subdivision and structure work. The project also went to DEP to obtain approval for related stormwater work. Sebago Technics, Inc., an engineering and land development consulting firm based in South Portland, presented that project to Brunswick officials.

Owens McCullough, an engineer and senior vice president with Sebago Technics who has worked on a number of projects throughout the state, said, "I think more and more communities are looking at delegated review or getting capacity."

He added, "For communities to take on that role, those communities have to apply for it, they have to have a comprehensive plan consistent with the state's requirements and they have to be willing to take on that process. They have to have staff and resources to take that on."

McCullough said that when Sebago Technics gets a project, it usually begins by approaching community officials first with a sketch plan and then working on a design plan to be presented to the DEP. Then the project is reviewed simultaneously at the state and local levels.

"It's interesting that some communities will not grant final approval without having the DEP permit in hand," McCullough said. "Some communities will condition their approval on having DEP permit. Others want you to have it first. Sometimes you're waiting on DEP before you can go back to the town. It can be challenging."

Bridget Perry, director of planning and sustainability for the Town of Cumberland, noted that some project engineers, knowing that DEP review has been going slowly, submit an application to DEP first and then come to the town for Planning Board review. "The backlog holds up progress," she said.

Land Resources Bureau Director Wood also pointed out municipalities can review a project before the DEP review is complete.

"A developer is not required to have to have a state permit before they get a local one," he said.

Wood also noted that municipalities can take on delegated authority to do a review under the National Resources Protection Act. That capability is held by only two municipalities in the state, Orono and Topsham, and governs reviews for projects involving vernal pool impact. "We would welcome more municipalities to take on vernal pool reviews and other NERPA reviews, but generally speaking, municipalities haven't felt they had ability," he said.

# **Delegated Communities**

Municipalities approved by the state to review and issue permits for certain subdivision, structure and stormwater projects:

Auburn
Bangor
Lewiston
Portland
Saco
Topsham

Municipalities approved by the state to review and issue permits for certain subdivision and structure projects:

Biddeford
Brunswick
Caribou
Holden
Kennebunk
Poland
Sanford
Scarborough
Skowhegan
Wells

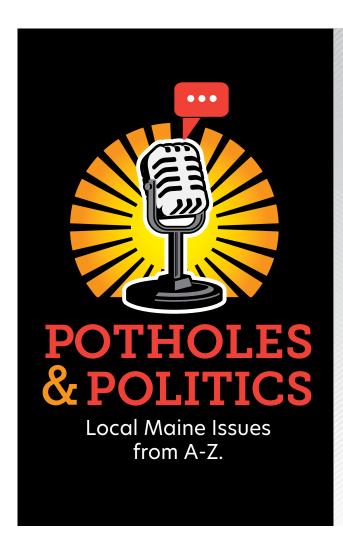
Municipality approved by the state to review and issue permits for certain stormwater projects:

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# Profiles of Service...Jeff Campbell, Millinocket Airport Manager

"I thought it was normal to come home from school and get in the back of the airplane and fly to some small pond and fish."

By Stephanie Bouchard

Growing up in Millinocket in the 1960s, '70s and early '80s, Jeff Campbell, 59, thought it was ordinary to have seven seaplanes parked on the water outside his family home. "I thought it was normal to come home from school and get in the back of the airplane and fly to some small pond and fish," he said. "It was an exceptional way to grow up."

Campbell, Millinocket's airport manager, loved airplanes practically from birth. "Some of my earliest baby pictures, I'm holding a model airplane of some sort," he said. Model airplanes and actual

airplanes were part of his everyday world. His grandfather, two of his uncles, and his father all flew and owned their own airplanes. "As soon as I could get flying, I did," he said.

Given his passion for flying, you'd think he'd gravitate to a career as a pilot, but he deliberately chose not to go that route. "I could have done a career in flying as an airline pilot or some sort of commercial pilot, an ag pilot, a firefighting pilot," he said. "But as soon as you take your passion and make it your job, you ruin it."

Instead of working as a pilot, he studied auto mechanics at Central Maine Community College (then called Central Maine Vocational Technical Institute), and worked for a time as an automobile mechanic, a parts sales manager, an EMT, a firefighter, and a security guard at the mill in town – often doing several of those roles at the same time.

It wasn't until 2001 that he began working at Millinocket Municipal Airport when a friend got the contract to manage the airport and he asked Campbell to help him out there. Six years later, the town brought the management of the airport in-house, keeping Campbell on by hiring him as the town's first airport supervisor, a position he has held for 18 years.

"A very important part of this for me is that I was able to get a job in aviation that did not ruin my flying," he said. "I can deal with airplanes – hangars full of airplanes



Jeff Campbell

- maintenance on airplanes, fueling of airplanes, airport operations, the whole nine yards. I can mess with airplanes all day long, all week long, all month long, yet, get in an airplane and go for a ride and relax."

"This," he said, "is the perfect place for me to be."

That Campbell loves his job is apparent to all who interact with him. "I've never met a human being more dedicated to their profession than Jeff," said Peter Jamieson, Millinocket's town manager. "He eats, sleeps and breathes that airport."

Whether it's making coffee, cleaning bathrooms, vacuuming rugs, moving airplanes in the hangar, working on airplanes, plowing snow, maintaining equipment, fixing runway lights, helping to design plans for the reconstruction of the airport's taxiway, runway and new terminal building, organizing the annual fly-in/cruise-in or facilitating a romantic marriage proposal, Campbell is up for it.

A marriage proposal? "Nowhere in Jeff's job description does it say to accommodate these things," Jamieson said. However, "He's a big softie."

Last summer, Campbell got a call from Chelsea Getchell, who grew up in Millinocket but now lives in Orrington. Getchell's side hustle is portrait photography, and for many years she'd been photographing a boyfriend and girlfriend who also grew up in Millinocket.

In June, he asked Getchell about putting together a surprise marriage proposal for his girlfriend. He wanted to propose in two weeks in Millinocket at a unique setting. Getchell immediately thought of the airport and creating a romantic backdrop with a plane there.

"With Millinocket, I feel like there's this unspoken code where if you're from the town you can kind of just call up anyone from the town and ask for a favor. It's kind of that small town comradery," said Getchell.

So, that's what she did. She called Millinocket Floral, who agreed to provide a drapery of baby's breath and she called the airport and got Campbell. He knew who she was, who her parents were, and knew both of the people getting engaged.

"I was like, 'I need a plane and I need a runway and I need it on a Sunday in summer,'" Getchell said. "He just was like, 'Yep, I can do that.'"

The day of the proposal, Getchell met Campbell at the airport early to get things ready for the couple. He'd taken it upon himself to ask someone who stores a vintage propeller plane at the airport if they could use it for the proposal. They pulled the plane into position outside the open bay doors of a hangar and draped the baby's breath over it. In the rain.

Unbelievably, just as the man doing the proposing got down on one knee, the rain stopped. It was perfect, and the couple, who plans on marrying next year, has fabulous photos to remember the moment by.

Campbell went "above and beyond" to make that moment amazing, said Getchell, when he didn't have to. "There's just something to say about people who grow up in the town that they also continue to live and work in and just constantly giving back in that way," she said.

Giving back is something Campbell learned almost by osmosis because many members of his family worked in public service. His father was a police officer who moved to the fire service, ending a 40-year career as fire chief. One of his uncles was also in the fire service, and another retired as a police captain.

"It was kind of just a thing," he said. "Some of my ear-

liest memories are of my father leaving to go work night shift in the police department, and my uncle actually picking him up in the police cruiser to go to work."

As a teenager, Campbell joined the junior firefighter program and eventually got his EMT license. While he's no longer active in the fire service or emergency medicine, because of his role at the airport, he's still an important part of providing lifesaving care, said Josh Dickson, LifeFlight's director of aviation.

When LifeFlight is transporting an injured hiker off Katahdin or a sick child from northern Maine needing specialist care in Portland or Boston, people like Campbell who plow the runways, make sure snowbanks along the runway won't clip off wings, repair the lighting, and maintain the equipment are essential in the chain of survival, Dickson said.

"We're playing for keeps," he said. "What makes people like Jeff exceptional is that they understand what they're doing matters, and it makes a big difference in the lives of people."

"He's a 24-hour-a-day guy," said his boss, Peter Jamieson. "LifeFlight's coming off the mountain at 1 a.m. and he's at the airport in a heartbeat and he's fueling their jets and their helicopters, making sure that everything's running smooth."

That level of dedication and his expertise in his field



have earned him a national reputation, said Jamieson. "He is known at a national level for how well he operates this facility and his ability to think forward and work towards a vision of the future rather than be complacent," he said. "He's a huge asset to our entire community."

"I am so fortunate that the people that I work for appreciate the value of this place and understand and trust what I tell them when it comes to this place," Campbell said.

Built by the Civilian Conservation Corps in 1938, the airport is an essential component of life in the region, serving locals, the business community, the military, the forest service, LifeFlight, and people who go to the area for recreational opportunities year-round.

In the 24 years Campbell has worked at the airport, he's overseen a lot of growth, but he still has big plans on tap for the future. In the works are more hangars because the ones they have are full, a taxiway extension, a rebuild and an extension of the runway, and a new terminal building.

"I want to leave this place better than I got it," he said. "We've had some dramatic improvements here. I've got a couple more pieces in the puzzle, then it won't be long – I'll be ready to retire."



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# Nominations for MMA Executive Committee Now Open

Are you a municipal official with ideas on how MMA can better assist town and city leaders? Are you interested in joining colleagues from across Maine to oversee MMA operations and establish the association's goals and priorities? Do you simply want all municipal voices to be heard?

Sound interesting? Then, read on!

Overview. The association is currently accepting applications for four seats opening on MMA's Executive Committee. The 12-member committee is responsible for overseeing all MMA and Risk Management Services operations, adopting the association's annual budget, setting member dues rates, and guiding the management of MMA resources and investments. Each member is eligible to serve two three-year consecutive terms, which begin on January 1.

Commitment. The committee meets 10 times each year at MMA in Augusta for full day meetings and convenes in the MMA president's municipality for a two-day goal setting and planning retreat each September. Members are also encouraged to play the role of ambassadors by participating in MMA member events, such as the annual convention held in October, as well as the HR and Tech conferences, as time allows.

The responsibilities of executive committee members are guided by the association's bylaws, which include attendance requirements. At a minimum members must be available to attend nine meetings annually. While in-person participation in meetings is the expectation, participation via Zoom is available to accommodate special circumstances.

Additionally, expenses associated with serving on the committee are covered by MMA.

Qualifications. Eligible candidates must: (1) serve in a member municipality as either an elected municipal officer (e.g., selectperson, councilor or mayor, etc.) or as a town or city manager or chief appointed administrative official; (2) commit to serving a three-year term and attending 12 meetings per year; and (3) possess a basic understanding and knowledge of MMA operations.

Nomination & Election Process. In May, all interested applicants will be interviewed by MMA's six-member nominating committee after which ballots will be prepared for casting by the selectboards and councils in each member municipality. This year, the election will be held on August 29, 2025.

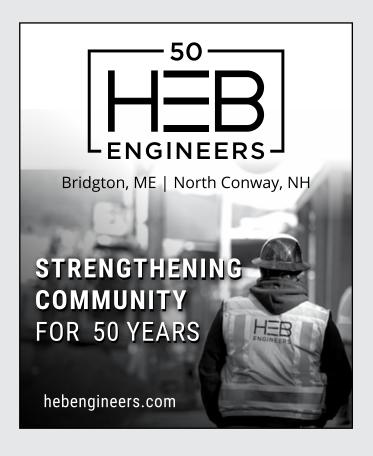
Fine Print. A "statement of interest" must be submitted by noon on Thursday, April 17, 2025. While it may seem that there is plenty of time to apply, before we know it spring will be upon us. Application materials are found online at: <a href="https://www.memun.org/About/Governance/Nomination-Petition-Election-Process">https://www.memun.org/About/Governance/Nomination-Petition-Election-Process</a>

For more information about this exciting opportunity, please contact Kelly Maines, Executive Office Administrative Coordinator, at 1-207-623-8428 or kmaines@memun.org.

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**Thomas Bennett** has resigned as Cumberland librarian after 26 years to accept a job with the Federal Emergency Management Administration to focus on archaeology and historic preservation. Bennett joined the Prince Memorial Library in April 1998. Previously, he worked for the Portland Public Library for five years as a special collections assistant after serving on a contractual basis.

A regional transportation official has been named Ellsworth deputy city manager, effective February 10. **Sara Devlin** has worked for the Bangor Area Comprehensive Transportation System for five years. She holds a master's degree in community planning and development and worked previously for the Maine Turnpike Authority and the Greater Portland Council of Governments. It's the first time since 2020 that the city council has filled the deputy's position.

Hallowell City Manager **Gary Lamb** will resign in June after four years in the position. Lamb is a former Waterboro town administrator and town manager of Greenville, who began his municipal career in planning and community development, previously served on Sanford's planning board and council. He served five terms on MMA's Legislative Policy Committee and represented MMA on the Maine Climate Council. Lamb, 70, said he wants to focus on his family and favorite pastimes once he leaves the city staff.



Ellis Ledoux

Ellis Ledoux has been named Westbrook city clerk and registrar of voters, replacing Angela Holmes, who was promoted to assistant city administrator. Ledoux previously served Westbrook as administrative assistant for public safety, assistant city clerk and deputy city clerk for elections.



Geoffrey Low

Geoffrey Low has been named Bangor fire chief following stints in Orono and Ellsworth. Low has 30 years of experience in firefighting, including serving as Auburn deputy fire chief from 2010 to 2016 before being promoted to chief. He worked as Auburn chief for two years before joining Ellsworth as deputy fire chief. He replaces **Thomas Higgins**, who retired last September.

Owls Head Code Officer **Rodney Mason** has been named the town's first administrator after voters rejected the idea of a town manager. Mason will continue his code work in addition to administrative duties.



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Old Town Deputy Police Chief Lee Miller has been hired to lead the Lincoln Police Department. Miller has served the Old Town department for 18 years. He replaces Mark Leonard, who resigned in early January.

The Gardiner City Council has named Robert Peabody as its new city manager, effective in early February. Peabody served as Rockport town manager for nearly 10 years before taking over in Bridgton, where he worked from 2014 to 2024.



Todd Souza

Todd Souza, director of community services for the Town of Scarborough, has been named Union town manager effective in early December. Souza replaces Jay Feyler, who retired in November. Souza worked for Scarborough since 2017 and previously was director of parks and recreation for the Town of Wiscasset from 2002 until 2017.



Tony Theriault

Fort Kent Public Works Director Tony Theriault retired December 31 after 17 years in the top job. Theriault was hired in October 2007 and shepherded the town's response to severe storms over his career, including averting downtown flooding in 2008. Chad Pelletier, who has worked for the de-

partment for 17 years, was promoted to director.



Douglas Webster

Gray Planning Director Douglas Webster will retire in June after serving the town for 17 years. Webster started his career working for the Greater Portland Council of Governments for five years and then as planner for the communities of Standish and Raymond. He served as the code enforcement officer in Harpswell and Long

Island, as well as an interim planner for the town of Windham. He is certified in planning and land use and hopes to do consulting work part-time after he leaves his town position.

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Photos are encouraged.



# NEWS FROM AROUND THE STATE

#### **STATEWIDE**

The 2019-2023 American Community Survey, a product of the U.S. Census Bureau, showed the median household income in Maine increased 5% to nearly \$74,000 over the course of four years. However, the bottom 20% of households saw a 1% drop to \$17,000. The poverty rate remained steady at 10.4%, although the child poverty rate declined to a record low at 12.6%.

#### STATEWIDE

U.S. Sen. Susan Collins announced in January that Maine will receive \$22.6 million for homeless services statewide. The state itself will receive nearly \$13.9 million, while Portland will get \$2.2 million, Bangor will receive \$1.5 million, and the Maine State Housing Authority will receive \$1.3 million. Local nonprofit entities that serve the homeless will split the remaining funds.

#### **CARIBOU**

The Caribou Utilities District received the Outstanding Wastewater Operations award from the Maine Rural Water Association during its annual conference in December. The award recognizes a district that has attained both efficiency and sustainability in its operations. Among the attributes singled out by the association was the district's annual sewer main cleaning program, which helps to minimize blockages and will extend the life of its infrastructure. District officials said they continue to make sustainability and system improvements their top priority. They also noted that the district demonstrates a strong commitment to safety, training, and collaboration.

#### **DENMARK**

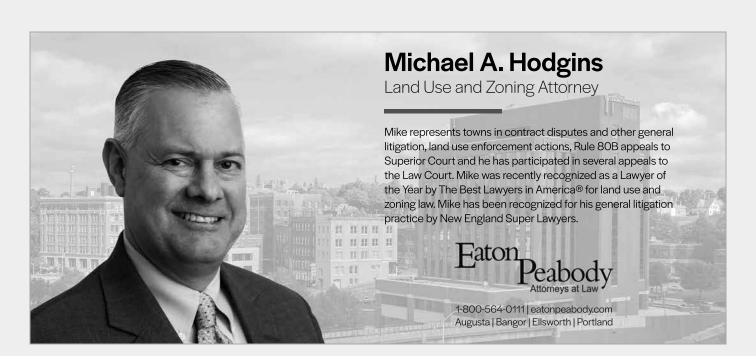
Special town meeting voters in December approved strengthening the town's water extraction ordinance to give officials greater power to reduce or even halt Poland Spring operations when aquifer levels hit certain ranges. It also requires large-scale extractors to apply for new permits for extraction when corporate ownership changes. In 2021, the selectboard created a town committee to study the existing ordinance and make recommendations for change. The ordinance had not been updated in more than a decade. That year, Poland Spring asked for a permit to extract 105 million gallons of water a year, a move that concerned the board and residents of the western Maine town of 1,200. The ordinance at the time allowed for the withdrawal. The ordinance change recognizes the effects of climate change and the ongoing drought that has affected water levels across Maine, officials said.

#### FORT KENT

The town council in January directed the planning board to consider creating a vacant building tax for property abandoned for a certain amount of time. Town staff sought guidance from the City of Bangor, whose tax increases annually. The issue was first discussed six months ago, officials said. As in Bangor, the council referred the matter to planners, who would develop a new rule.

#### KENNEBUNKPORT

Town officials are embarking on an \$8 million climate change project to raise the commercial pier by two feet after already lifting a nearby causeway by four feet in 2023. About 50 commercial entities, most lobster harvesting



operations, are based on the pier, which was swallowed by water in the historic December 2023 and January 2024 storms that ravaged much of Maine's coastline. The town is also considering a \$3 million project near Walker's Point, the Bush family compound, to build up the point where storms last winter took out part of the main roadway.

#### MADAWASKA

Roads and Bridges magazine has named the new international bridge in Madawaska the best span in North America. The magazine noted the cooperation among federal, state, and Canadian entities in accomplishing the project in 10 years, when similar projects can take up to 20 years from planning to completion. The new bridge was built by Reed & Reed of Woolwich and cost \$97.5 million. It opened to traffic last June and connects Madawaska to Edmundston, New Brunswick.

#### OLD ORCHARD BEACH

The town's efforts to encourage wintertime tourism are starting to pay off as businesses decide this is the year to expand their operations and try courting visitors and locals during the cold months. In 2023, the town council agreed to offer free metered downtown parking after Labor Day. Last fall, councilors approved free 30-minute parking in the downtown district. Some businesses remained open in January for the first time, and more are expected to join them. Off-season tourism offers lower costs for hotels and restaurants, officials said, and the warmer winters in recent years will help lure visitors to town. Old Orchard Beach is among the top tourist destinations in Maine in the summer, drawing five million visitors annually to its sandy shores and bustling downtown.

#### PRESQUE ISLE

Site work is set to begin this spring on a \$38.5 million terminal at Presque Isle International Airport. The new terminal will triple the space now available. The terminal price estimate is up from \$30 million because of security requirements. Groundwork, utilities, and a new apron will further increase the cost to \$52 million. The lion's share of the cost, \$38.6 million, was secured through Federal Aviation Administration funding. The city council has agreed to borrow, on behalf of the airport, roughly \$12 million needed to complete the project. The loan will be repaid with rental income from airport tenants and could be offset by new grant sources. Property tax revenues will not be used to pay for the project. 🗥



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# SAVE THE DATE!

### **MAXIMUM INTEREST RATE FOR 2025 DELINQUENT TAXES**

The State Treasurer has established 7.5% as the maximum interest rate that municipalities may charge for delinquent property taxes committed during calendar year 2025.

Note that interest does not actually accrue on unpaid taxes unless a municipality's legislative body (town meeting or town/city council) establishes the rate of interest and the date or dates after which interest will accrue. This must be done annually at a meeting at which the municipal legislative body votes to raise a tax or at any subsequent meeting prior to commitment of taxes. Neither the interest rate nor tax due dates can be altered after taxes have been committed for the year. See 36 M.R.S. § 505.

Also, neither the law nor the State Treasurer establishes a minimum interest rate for delinquent property taxes. Municipalities may set a lower rate than the maximum if they wish (including a rate of 0%), though most municipalities set a rate at or near the maximum allowed. If a municipality fails to set any interest rate for delinquent taxes, no interest will accrue on late payments. This, however, would provide little incentive for taxpayers to make timely tax payments and a serious cash flow problem for the municipality could result.

For more information concerning property taxes, please contact MMA Legal Services at 800-452-8786 or legal@memun.org. (By S.F.P.)

#### ANNUAL AUDIT REMINDERS

Below are some important facts about municipal audits:

- · Maine law requires every municipality to have an annual audit ("post audit") of its accounts for the last completed fiscal year. The annual audit is not optional. See 30-A M.R.S. § 5823.
- · The audit must be performed by a certified public accountant using government auditing standards issued by the U.S. Government Accountability Office. (The State Auditor's Office no longer performs routine annual audits.)
- Only the municipal officers (select board/council) may engage the municipal auditor, and they must notify the State Auditor of the name and address of the municipality's auditor within 30 days after the auditor is engaged. The auditor's selection must be made or confirmed annually. See "Engaging an Auditor," Maine Town & City, Legal Notes, December 2010 for more in-
- · All relevant officials are required to make necessary records available to the auditor.

- · After the audit is completed, the auditor must send the municipal officers an audit report containing: a management letter (if applicable), a letter of transmittal, the auditor's report on the financial statements, and all financial statements and other information required by governmental accounting and financial reporting standards.
- · Within 30 days after the audit is completed, the mu-nicipal auditor must send the State Auditor certified copies of the audit (excluding the management letter) and an audit procedural form required by the State Auditor's Office.
- · The complete audit report must be kept permanently on file in the municipal office and available to the public.
- The municipal officers may obtain a second audit by a different CPA if they are dissatisfied with the initial audit. In addition, if the municipal officers determine that unusual circumstances necessitate an audit by the State Auditor's Office, the law allows voters to petition the State Auditor's Office to reperform the audit at municipal expense.
- · To help ensure compliance with municipal accounting and audit requirements, the State Auditor has broad investigative and subpoena powers. See 30-A M.R.S. §§ 5822, 5824.
- Any public official that neglects or refuses to perform any duty imposed by these laws is subject to a \$100 fine and forfeiture of office. See 30-A M.R.S. § 5826.
- · A list of firms that provide municipal auditing services and required audit transmittal forms are available on the State Auditor's website (www.maine.gov/audit/ municipal/index.html). (By S.F.P.)

#### SOCIAL SERVICE & CHARITY FUNDING REQUESTS

Question: Every year our select board receives funding requests from local charities and social service agencies. Is the board legally obligated to forward these to the town meeting voters?

Answer: No, not unless the request is filed as part of a legally binding petition that contains a warrant article proposing the appropriation and which meets all other requirements in 30-A M.R.S. § 2522 or § 2528 (or in charter municipalities, only if the petition complies with the charter).

In some municipalities, the select board voluntarily includes some or all these requests on the warrant even without a petition, as is their prerogative. In other municipalities, the board requires an explanation of a group's activities and their finances before the board consents to include the

group's funding request on the warrant. In still other municipalities, no charitable funding requests are allowed on the warrant absent a legally binding petition. Policies and practices vary widely, depending on custom and circumstances.

The bottom line is, absent a legally binding petition, these organizations are not legally entitled to a place in a proposed budget or on a town meeting warrant. The municipal officers have broad discretion over the articles and budget proposals included on the warrant. Assuming that the requested appropriation would be a legal expenditure of municipal funds, the board is essentially free to include or exclude charitable and social service funding requests as it deems in the municipality's best interest.

Chief among a board's considerations when it evaluates a funding request should be whether the appropriation would be supported by a legitimate "public purpose." Funding requests should not be accepted unless the municipal officers are satisfied that the recipient's services and activities provide a benefit to the general public and/or to residents of the municipality. To this end, it may be necessary to ask requesters to provide verifiable information about their past activities and to explain how the requested appropriation will be used. For more information on "public purpose" considerations see "Municipal Expenditures and 'Public Purpose," Maine Town & City, Legal Notes, June 2023.

For further discussion of town meetings, petitions and warrant articles, see our *Town Meeting & Elections Manual* in the "Legal" section of MMA's website (www.memun.org) (By S.F.P.)

# USE OF MUNICIPAL TAX ID BY NON-PROFIT GROUPS

(Replacing the November 2010 Legal Notes)

Question: We've been asked by a local non-profit group if it may use our municipality's federal Taxpayer Identification Number/Employer Identification Number (TIN/EIN). The group also wants to use our Maine sales tax exemption certificate. Is this okay?

Answer: No! The municipality's TIN/EIN, its exemption certificates and other identification numbers are solely for the use of the municipality and its programs. Even if a group receives municipal funding or supports municipal programs, it should not be allowed to use the municipality's identification numbers or exempt statuses unless the group is actually part of municipal government (i.e., a municipal department or program).

Often, non-profit organizations receive funding from the municipality, raise funds to support municipal programs, or provide important services to municipal residents. These may include separate or incorporated library associations, historical societies, recreation programs, auxiliary, "friends

# Municipal Calendar

BY MARCH 15 — Monthly/quarterly/semi-annual expenditure statement/claim for General Assistance reimbursement to be filed via online portal, faxed to (207) 287-3455, emailed to GeneralAssistance.DHHS@maine.gov, or sent to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311).

**APRIL 1** – Status and value of property for property tax assessment purposes is fixed on this date (36 M.R.S. § 502).

BY APRIL 15 – Monthly/quarterly/semi-annual expenditure statement/claim for General Assistance reimbursement to be filed via online portal, faxed to (207) 287-3455, emailed to GeneralAssistance.DHHS@maine.gov, or sent to DHHS, General Assistance Unit, #11 SHS, Augusta, ME 04333-0011 (22 M.R.S. § 4311)

**APRIL 21 – Patriot's Day**, the third Monday in April, is a legal holiday (4 M.R.S. § 1051).

**ON OR BEFORE APRIL 30** – Deadline for employers required to submit quarterly withholding taxes to file return and remit payment to the State Tax Assessor (36 M.R.S. § 5253).

of" or "booster" groups, as well as local charities such as food pantries, heating assistance programs and homeless shelters. Often such groups ask to use the municipality's TIN/EIN or exempt status when setting up bank accounts, making purchases, or processing payroll.

Although such groups perform important work and may be eligible for municipal financial support, if these groups are not in fact municipal departments, agencies or programs, they may not use the municipality's tax ID number to open a bank account, for example, or the municipality's sales tax exemption to avoid sales or use taxes. Non-profit or charitable organizations may apply for (and would generally be eligible to receive) their own tax ID number or exempt status from the IRS or Maine Revenue Services.

Note that there is one exception to the rule that third parties may not use the municipality's sales tax exemption. Maine law does allow a municipal contractor to use the municipality's sales tax exemption to purchase items that will be physically incorporated in, and become a permanent part of, real property owned by the municipality (e.g., lumber, hardware, insulation, asphalt, etc.). See 36 M.R.S. § 1760(61).

For more information and for sample forms, see our *Tax Collectors & Treasurers Manual* and Maine Revenue Services Sales Fuel & Special Tax Instructional Bulletin No. 4, available on the MRS website (<a href="www.maine.gov/revenue/">www.maine.gov/revenue/</a>). (By S.F.P.)















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# TRAINING CALENDAR

| FEBRUARY  |              |  |  |        |
|-----------|--------------|--|--|--------|
| 2/4       | Tues.        | MMA Leading a Culture of Belonging a<br>Psychological Safety | Zoom Meeting   | MMA    |
| 2/5 & 6   | Wed. & Thur. | Title 30A - Town Meeting and Local Election Law              | Zoom Webinar   | MTCCA  |
| 2/11      | Tues.        | Planning Board/Boards of Appeal                              | Zoom Webinar   | MMA    |
| 2/11      | Tues.        | MWDA GA Basics Webinar                                       | Zoom Webinar   | MWDA   |
| 2/13      | Thurs.       | MFCA Legislative Breakfast                                   | Augusta - Senator Inn  | MFCA   |
| 2/19      | Wed.         | MBOIA Northern Chapter Training:<br>NFPA/Fire Blocking       | Brewer - Brewer Auditorium   | MBOIA  |
| 2/25      | Tues.        | MeWEA Legislative Breakfast                                  | Augusta - Augusta Civic Center   | MEWEA  |
| 2/25      | Tues.        | MMA Lunch & Learn  | Zoom Meeting   | MMA    |
| 2/26      | Wed.         | Moderating Town Meetings                                     | Zoom Meeting   | MMA    |
| 2/27      | Thurs.       | MEGFOA Winter Training Webinar                               | Zoom Webinar   | MEGFOA |
| MARCH     |              |  |  |        |
| 3/4       | Tues.        | Understanding the Freedom of Access Act                      | Zoom Webinar   | MMA    |
| 3/5 & 6   | Wed. & Thur. | MTCCA Athenian Dialogue                                      | Zoom Meeting   | MTCCA  |
| 3/6       | Thurs.       | MBOIA March Membership Meeting & Training                    | Portland - Portland Elks Lodge #188                                      | MBOIA  |
| 3/11      | Tues.        | MWDA Advanced GA Webinar                                     | Zoom Webinar   | MWDA   |
| 3/13      | Thurs.       | Preparing for an Audit                                       | Augusta - Maine Municipal Association                                    | MMTCTA |
| 3/13      | Thurs.       | MeWEA Ski Day  | Attitash Mountain  | MEWEA  |
| 3/19 & 20 | Wed. & Thur. | MTCCA Vital Records  | Augusta - MMA & Zoom Webinar   | MTCCA  |
| 3/21      | Fri.         | MTCMA Interchange  | Bangor - Hollywood Casino Hotel &<br>Conference Center                   | MTCMA  |
| 3/24      | Mon.         | Basic Municipal Budgeting                                    | Augusta - MMA & Zoom Webinar Hybrid                                      | MMA    |
| 3/26 - 28 | Wed - Fri.   | MFCA Professional Development Conference                     | Newry - Grand Summit Hotel -<br>Sunday River Resort                      | MFCA   |
| APRIL     |              |  |  |        |
| 4/1       | Tues.        | Elected Officials Workshop                                   | Augusta - MMA & Zoom Webinar Hybrid                                      | MMA    |
| 4/3       | Thurs.       | MCAPWA Annual Spring Meeting                                 | Augusta - Augusta Civic Center   | MCAPWA |
| 4/8       | Tues.        | MLGHRA Spring Training                                       | Augusta - MMA & Zoom Webinar Hybrid                                      | MLGHRA |
| 4/11      | Fri.         | MACA Professional Development Training                       | Augusta - MMA & Zoom Webinar Hybrid                                      | MACA   |
| 4/16      | Wed.         | MMTCTA Accounting 101 for Governments                        | Augusta - Augusta Civic Center   | MMTCTA |
| 4/18      | Fri.         | MAAO Northern Maine Spring Workshop                          | Caribou - Northern Maine Development<br>Commission & Zoom Webinar Hybrid | MAAO   |
| 4/22      | Tues.        | MMA Lunch & Learn  | Zoom Meeting   | MMA    |
| 4/23 & 24 | Wed. & Thur. | MTCCA New Clerks   | Augusta - MMA & Zoom Webinar   | MTCCA  |
| 4/24      | Thur.        | MMTCTA Basic Excise Workshop                                 | Augusta - MMA  | MMTCTA |
| 4/28 & 29 | Mon. & Tues. | MWDA Spring Training Seminar                                 | Bangor - Hilton Garden Inn   | MWDA   |
| 4/29      | Tues.        | Women Leading Government Symposium                           | Augusta - MMA & Zoom Webinar   | MMA    |
|           |              |  |  |        |

Registration for trainings is typically open 8 weeks prior to the event date, please check the website for availability – <a href="www.memun.org/Training">www.memun.org/Training</a>



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