

Maine Town & City

The magazine of the Maine Municipal Association

FEBRUARY 2018

Portland's Music Man

Meet James Kennerley:
Organist supreme,
thrilled to play Maine



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Good Day Sunshine



Municipalities are using the sun's power to generate revenue and offset electric costs. Former landfills are common sites for solar panels.

Responding to member suggestions, Maine Municipal Association's monthly magazine has a new name. [Page 5](#)

MMA internship awards. MMA will help three member communities pay for summer interns hired through the Margaret Chase Smith Policy Center. [Page 22](#)

Organist at Heart

Portland's municipal organist started playing piano at a young age. It wasn't long before James Kennerley found himself in love with the sounds of an organ. [Page 7](#)

Historic Relief

That sighing sound that you hear comes from local officials who are breathing a little easier, now that the Federal Historic Tax Credit was preserved. [Page 11](#)

2018 Municipal Technology Conference

Two urgent topics – preventing fraud and sexual harassment – make up part of the program for the 2018 Technology Conference, in Augusta. [Page 24](#)

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ABOUT THE COVER: Eliot-based photographer Jill Brady captured this impressive shot – and many more – during a recent rehearsal in Portland.

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A MESSAGE FROM MMA

BY ERIC CONRAD / EDITOR

Venerable MMA magazine gets a new name

Take another look at the cover of this month's magazine. There's something different – a new name. From this month forward, Maine Municipal Association's hallmark print publication will be called *Maine Town & City*, a name that incorporates both our smallest and largest members and does not include a gender-based reference.

It's a change that many members asked MMA Executive Director Stephen Gove and me to make, as did the officers of the Maine Local Government Human Resources Association, which is one of the affiliate groups that MMA serves.

We didn't rush in.

During my first few months as the editor here, we received a letter from a former town manager, who's now retired, saying it was time to consider a name change. That was in early 2010. There were sporadic comments and suggestions predating that and following it.

Member requests increased noticeably during the past two years. Most of the people who contacted us said the word "Townsmen" was the chief concern, as there are many women in positions of municipal leadership. Political aspiration at the local, state and federal levels among women is growing across Maine and the U.S.

At Steve's suggestion, I surveyed magazines like ours across the country. There are 49 municipal associations

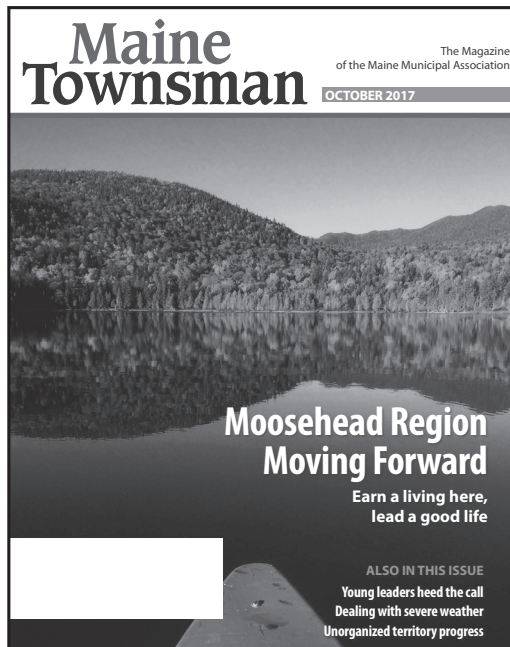
or leagues like MMA in the U.S., and most of them have a monthly publication. We found many references to "municipality" or just to "city" in their magazine titles, and a few to "cities and towns" or vice versa.

We thought *Maine Town & City* has a nice ring to it; it also incorporates the several dozen Maine "cities" that MMA is proud to serve, ranging in size from the City of Portland (pop. 66,658) to the City of Eastport (pop. 1,286).

Last September, the MMA Executive Committee took up the matter and voted to make the name change. It took several months to address copyright, trademark and U.S. Postal Service legalities – and here we are.

In case you are wondering, we don't anticipate making many more changes. Our magazine went through a typographical and layout "redesign" in 2015 that is holding up very well. Our content will remain timely and substantive, which is something that way predated my arrival at MMA and that sets our magazine apart from many peer publications in other states.

We hope that you find value in reading our magazine and that our advertisers see value in being here, supporting MMA and recognizing municipal government. In the words of Founding Father Benjamin Franklin: "When you are finished changing, you're finished." ■



OLD



NEW

– 2018 –

Elected Officials Training Opportunities

Elected Officials Workshops

Who Should Attend:

This workshop is a “must” for newly elected and veteran officials-councilors & select persons-as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state. (Qualifies as Maine FOAA Training.)

- What are our rights and duties as officials?
- Can we hold multiple offices?
- Which of our meetings are open to the public?
- Must we have an agenda and take minutes?
- What ordinances can we enact?
- What authority do we have over the schools?
- What are our liabilities and immunities?
- What is a disqualifying conflict of interest?

As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that this course will be offered in two formats: In classroom and remotely at the Northern Maine Development Commission in Caribou.

A perfect opportunity for elected officials to take advantage of the expertise that the Maine Municipal Association has to offer, attain a better understanding of their role as public officials, and stay abreast of local government responsibilities and issues. **Course meet state FOAA training requirements (Right to Know).**

How to Lead Effective Meetings

Who Should Attend:

Anyone who leads or participates in meetings that could be improved. This hands-on workshop will offer practical tips to increase collaboration and results in team, staff, and board meetings.

Democracy is a beautiful thing, but sometimes even the best-planned meetings get derailed. Join expert facilitator Nancy Ansheles as she tells you how to prepare for, run and conclude effective meetings. She will advise attendees on dealing with complicated subjects, troublesome interrupters – and more.

Parliamentary Procedures

Who Should Attend:

Elected and appointed officials, managers and department heads who run meetings – or aspire to do so.

Running effective meetings is crucial, but what are the rules? How can meeting chairs conduct meetings that are effective, time-efficient and yet allow people with both majority and minority points of view to offer observations and participate? This session will offer expert techniques; attendees will gain skills that can serve them for life.

Managing Freedom of Access Requests

Who Should Attend:

This timely workshop is aimed at helping municipal staffs, newly designated “Public Access Officers” and elected and appointed officials understand Maine’s Freedom of Access Act, why FOAA requests are filed and how to handle them properly. **(Qualifies as Maine-required FOAA Training).**

Elected Officials:

Dates & Locations:

Portland – 4/11/18
Fireside Inn & Suites

Ellsworth – 6/19/18
General Moore Community Center

East Millinocket – 7/19/18
East Millinocket Town Office

South Berwick – 8/29/18
Spring Hill

Orono – 10/30/18
Black Bear Inn & Conference Center

Bethel – 12/6/18
Bethel Inn

Augusta – 12/18/18
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Northern Maine Development Commission

How to Lead Effective Meetings

Date & Location:

Belfast – 5/30/18
Hutchinson Center

Parliamentary Procedures

Date & Location:

Augusta – 4/12/18
Maine Municipal Association

Managing Freedom of Access Requests

Dates & Locations:

Skowhegan – 5/16/18
Margaret Chase Smith Library

Portland – 12/11/18
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Portland municipal organist finds new role ‘absolutely thrilling’

James Kennerley publicly takes over with his Kotzschmar Memorial Organ debut on April 18. He’s already been practicing – and he loves what he hears.

By **Stephanie Bouchard**

Standing center stage in Portland’s Merrill Auditorium, in a slim-cut, blue suit with red tie and matching socks, James Kennerley is looking around the empty concert hall. Portland’s newly hired municipal organist – the city’s 11th – is not imagining all 1,900 seats filled with cheering organ music lovers.

He has a more immediate need demanding his attention.

He has just been asked to play the auditorium’s renowned pipe organ, but in order to do so he first has to plug in the organ’s console – the large cabinet at which an organist sits that is essentially the organ’s command center. Trouble is, he literally just got the keys to the hall, but not the full tour.

To the rescue comes Kevin Schneck, Merrill’s technical director. With the console plugged in and re-positioned on stage

“This moves easily!” Kennerley declares in surprise, while Schneck jokingly responds, “I’m incredibly strong!” as the two push the console across the stage.

Kennerley sits down on the bench and faces the console for the first time since he was in Portland for the fall announcement of his appointment to the position.

Looking over the console’s five keyboards for the hands (there is also a keyboard for the feet) and 239 stop knobs, he says, “This organ has so many bits to it. It is quite the instrument.”

King of instruments

At 2:23 a.m. on Jan. 24, 1908, a fire was discovered on the third floor

Stephanie Bouchard is a freelance writer from Bath and a regular contributor to Maine Town & City, stephanie@stephaniebouchard.net.



Look at all the pedals; part of the Kotzschmar organ in Portland.

(Photo by Jill Brady)

CHECK HIM OUT

James Kennerley’s first concert as Portland’s new municipal organist is at 7:30 p.m. on Wednesday, April 18 at the Merrill Auditorium in Portland. Go to porttix.com for tickets. You can also hear and see Kennerley performing online at his YouTube channel or visit www.jameskennerley.com.

of Portland’s City Hall. Despite aid from several communities, including some in New Hampshire, City Hall was destroyed; only the walls were left standing.

Plans for rebuilding immediately launched. Under discussion was the possibility of adding a pipe organ to the new building. Today, the idea of including a musical instrument as part of municipal building may seem odd, but times where different then.

While many think of organs as

church instruments, during the early 20th Century they were common in municipal buildings, movie theaters and even department stores.

The origins of the pipe organ can be traced to ancient Greece. It was a popular instrument with audiences, musicians and composers because of its musical versatility and breadth. Guillaume de Machaut, a 14th Century French poet and composer, declared it the “king of instruments,” a sobriquet that has stuck for more than 600 years. It can make all the sounds of the instruments in an orchestra and then some, sounding like a booming canon or the whisper of the gentlest breeze.

Hearing of the city’s plans to possibly include a pipe organ in the new City Hall, Cyrus H. K. Curtis, a Portland native and publisher of magazines such as the Ladies’ Home Journal and the Saturday Evening Post, offered to pay for the creation of a pipe organ in the new building in honor of

his friend, Hermann Kotschmar, who died three months after the fire.

Kotschmar had, over nearly 60 years, transformed the cultural life of Portland through his musicianship and compositions. Many people, then and now, heralded him as the city's musical jewel.

On Aug. 22, 1912, the newly completed city hall opened, and with it, the Kotschmar Memorial Organ debuted with a series of dedication concerts.

While many people believe the organ consists of the console played by the organist and the 191 pipes facing the audience in the hall, the organ in Merrill Auditorium is much, much larger. It has been enlarged twice since it was originally built. Today, its main chamber is 60 feet long, 16 feet wide and 40 feet tall. Parts of it are throughout the hall, including in the ceiling.

And those pipes you see along the stage? Most of them are just a façade – only the 12 in the center actually “speak.” In total, the organ has 7,101 pipes; 5,554 behind the façade.

A month prior to City Hall's grand opening, city administrators created a municipal music commission charged with hiring a municipal organist to care for the organ and perform concerts. The commission eventually was abolished, but the municipal organist position remained. It is one of only two such positions in the U.S. today. The other is in San Diego.

Nonprofit support

Since 1981, the municipal organist's salary and the maintenance of the organ are supported by the nonprofit organization, the Friends of the Kotschmar Organ (FOKO). The city allocates a small stipend in its budget each year and provides assistance through its technical and public building staff.

“It was an important instrument when it was built in 1912,” said Ray Cornils, who retired at the end of 2017 after 27 years as the city's 10th municipal organist.

At the time, it was one of the largest instruments in the country, and while that is not the case today, it is an instrument that has stood the test of time and is renowned around the world.

“There was something that the builders had brought (to) this organ that was really special,” Cornils said,



James Kennerley tries out “his” new instrument. (Photo by Jill Brady)

and everyone – musicians and audiences – talked about it, and they still do. Organists come from around the world to play it and audiences to hear it.

On stage at Merrill Auditorium, Kennerley, 33, is improvising a demonstration of the Kotschmar Memorial Organ, getting acquainted with the instrument he fantasized about as a child in his native England.

“This organ is super, super famous,” he said. “You play lots of instru-

ments which are wonderful, but you play an instrument like this and you think, ‘Oh, now that's special.’ ”

‘Absolutely thrilling’

“The sound of this is absolutely thrilling,” he added. “The tonal range is absolutely huge. It's a massive range of sounds. As an organist, that's kind of what we live for – exploring those various colors and combining and contrasting them. It's really, really cool.”

Unlike most trained professional

musicians, Kennerley didn't begin formal music lessons until he was a bit older – around age 9 or 10 – and didn't start on the organ until age 13 or 14.

While he began his formal lessons on the piano, it was always the organ that captured his imagination.

When he finally reached the level of proficiency on the piano that his music teacher thought he needed to have before moving to the organ, he felt like he'd been set free. "I would practice for hours and hours and hours," he said. "I thought it was the coolest thing – and still do."

His obvious enthusiasm for the instrument was one of the things that got him the job as Portland's municipal organist, said Brooke Hubner, FOKO's executive director.

"We knew we couldn't replace Ray (Cornils). He's a one-of-a-kind musician and is such a wonderful person, but we wanted someone who had that same sort of enthusiasm and this ability to draw people in," she said. "James has that same sort of excitement about the instrument and you know, you feel like you can go have a cup of coffee (with him) and just talk about organs for an hour."

Kennerley is no slouch in the musicianship department. His musical curriculum vitae is impressive. He is renowned as a singer, composer, keyboardist, conductor and improviser. In addition to his role as Portland's municipal organist, he is the organist and choirmaster at Saint Ignatius of Antioch Episcopal Church in New York City and the music director of Ars Musica Chorale, a New Jersey-based, 80-voice choral society, and the New Jersey State Children's Chorus.

In these months leading up to his first concert as the new municipal organist, he has a lot to accomplish. He will make two or three trips a month to

Portland from his home in New York City to practice and familiarize himself with the organ and to begin to craft music and education programs for the rest of this year's season and beyond.

But probably the most important thing he has to do before that debut concert in April is come up with a way to top Ray Cornils' famous red sequined jacket.

"I must say, everybody has said to me 'Are you going to do the sequin jacket?'" he said. "I've been doing some searching on eBay and other places."

Rest assured, music lovers, you're in good hands. ■

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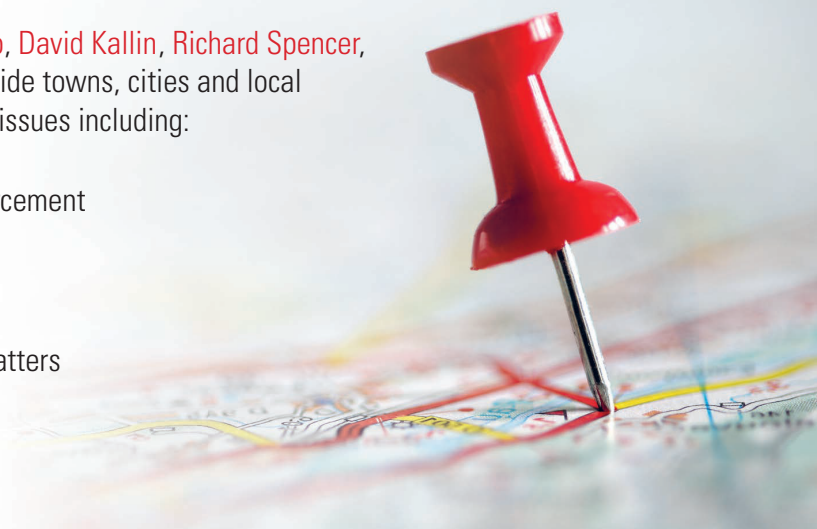
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Information will be available soon on our website: www.memun.org

'Relief' as Historic Preservation Tax Credit gets – preserved

The credit, enacted decades ago, has been crucial in redevelopment efforts across Maine, from Biddeford and Portland to Eastport and Dover-Foxcroft.

By Glenn Adams

Municipal officials are relieved now that a widely used economic development tool that has long enjoyed their strong support – the federal Historic Preservation Tax Credit – has dodged the Congressional wrecking ball.

The tax reform legislation that was ultimately approved by the U.S. Congress in December and signed into law by President Donald Trump preserved the credit, albeit with minor changes. The original House bill would have eliminated the credit altogether, while the Senate's version would have scaled it back.

In the end, the bill retains the credit but the benefits for renovating historic properties must be spread over five years, instead of being taken up front in the project's first year of development. While less than a complete salvage of the law, there's a lot of relief in town and city halls in Maine and elsewhere.

"A huge amount of relief," said Mathew Eddy, economic development director in the City of Biddeford, where several projects have been made possible thanks to the credit program.

Before the tax bill was modified, municipal officials worried that loss of the credit would not only halt preservation of historic sites, but also thwart redevelopment and the spinoff economic benefit those projects bring. A provision in the final bill allows the previous credit rules to apply for properties purchased before the end of 2017 and rehabilitated by the end of 2019.

Projects that used the tax credits successfully are located all over Maine.

Glenn Adams is a freelance writer from Augusta and regular contributor to Maine Town & City, adamsgjr1@gmail.com.

In Biddeford, a portion of a former mill complex has been rehabbed to provide 183 market-rate housing units, said Eddy. A former post office has been turned into Class A office space. A former Reny's department store will be reused as a gallery and public gathering space.

In Lewiston, redevelopments have included the Kora Temple, Lyceum Hall (now a restaurant), the Lofts at Bates Mill No. 2, and the Agora Grand Event Center.

In Augusta, the former Cony High School – the distinctive Flatiron building – is a housing complex for the elderly and those who meet income requirements. Just down the street in the capital, the former city hall has been transformed into affordable housing units.

Gardiner's Johnson Hall performing arts center, Fairfield's Gerald Hotel, which provides affordable housing and commercial space, and the Unity Village School, where public events are held, have benefitted from the credit. The Granite Works Office in Hallowell, the Milliken Block in Waterville and the Music Hall Block in Farmington are other examples.

How it works

The three decade-old Federal Historic Preservation Tax Incentives program allows a 20 percent income tax credit for the rehabilitation of historic, income-producing buildings that are determined, through the National Park Service, to be "certified historic structures," according to the NPS.

Since its start in 1976, the program has leveraged more than \$131 billion in private investments to preserve 42,293 historic properties across the country, the National Trust for Historic

Preservation says. Besides creating more than 2 million jobs, it is one of the most successful and cost-effective community revitalization programs, according to the Park Service.

While the credits are not allowed for a private residence in which the applicant lives, they may be used to rehabilitate commercial, industrial, agricultural, rental or apartment use. To qualify, properties should be listed with the National Register of Historic Places. But buildings that have been determined by the State Historic Preservation Office to be eligible for individual listing in the national register, or certified to be contributing to the significance of a "registered historic district," may also qualify.

In Maine, 95 projects have used the historic rehabilitation credit since 2008, amounting to \$530 million in total investment, said Greg Paxton, executive director of Maine Preservation. Paxton runs a nonprofit that promotes preservation of historic buildings, downtowns and neighborhoods and produces the annual "Most Endangered Historic Places" list. Projects using the credit have supported more than 5,000 construction jobs and produced 1,200 rental units.

All but 10 projects used a combination of both the 20 percent federal and 25 percent state historic credits (or 32 percent for affordable housing). These projects have occurred in places where you might expect to see economic development, but also in some locations where you might not expect it.

The latter include Dover-Foxcroft, where the former Mayo Mill downtown has been rehabilitated for \$12 million with mixed-use tenants including a café and restaurant, office space, a small inn and meeting space, said

Paxton.

Like 33 other states, Maine has a tax credit modeled to some degree on the federal law. Maine's Historic Preservation Tax Credit allows a 25 percent credit for any rehabilitation project that also qualifies for the federal credit.

Filling the gap

The tax credits effectively fill a gap between what banks are willing to lend and total development costs, in order to attract private investments.

The credits have been crucial to several major developments in Bangor, Mayor Ben Sprague said.

"The truth of the matter is that many of these old buildings require a significant amount of investment to rehab them and the numbers don't always work without the tax credit," Sprague said, in an email written before the final bill was passed. "I am sure that it has contributed to making some key development projects in Downtown Bangor viable. Without that tax credit, some of these historic buildings might still be vacant and rotting away because even developers with deep pockets often can't make some projects work from a cash flow perspective without the tax credit."

In Portland, 117 major projects have happened thanks to the federal credit program, said Deb Andrews, Historic Preservation program manager for Maine's largest city.

"It's had an enormous impact on the revitalization of Portland's historic neighborhoods," said Andrews, noting that the high standards in place to qualify for credits set a high bar for quality rehabilitation.

Projects that receive funding tend to have a ripple effect in the neighborhoods where they are located, attracting further investments in other buildings in those areas. "It draws more investment because it's an area that's on the up-and-up," said Andrews.

Examples of successful rehabs using historic preservation credits include several warehouses on the harbor side of Commercial Street, which have been adapted to new uses such as offices and retail establishments.

Tax credits have also been useful in converting several long-used school buildings in Portland into affordable housing. Among the more recent conversions is the former Nathan Clifford



This building, which first opened in 1983, now is now the Healey Terrace Apartments in Lewiston. (Photo courtesy of Maine Preservation)

School, which first opened its doors to students in 1909 and closed in 2011. The historic preservation credit was used in the transformation of the former Portland Press Herald building on Congress Street into a boutique hotel and restaurant.

"If the (tax credit) program were to be eliminated, it would thwart efforts to stimulate further investments in Maine downtowns," said Andrews.

'Powerful and effective'

The threat of elimination prompted Portland City Manager Jon Jennings to ask members of the state's congressional delegation to consider the importance of the credits in their votes. Jennings's draft letter called the credits "a powerful and effective tool in drawing economic development to the city's downtown commercial districts, including the Old Port, Commercial Street and Congress Street. Today, these areas are important economic engines for the city, attracting retail, restaurant, office and residential tenants, and drawing an ever-increasing number of visitors each year."

Lewiston's director of economic and community development, Lincoln Jeffers, told the Sun Journal newspaper that the referenced preservation projects in Maine's second-largest city probably would not have gone forward without the tax credits. And losing the credits would also cool off redevelopment there. Those could include the Bates Mill No. 5, a former textile mill, and the Scruton Block Building, the long-time site of furniture retail busi-

nesses.

The City of Biddeford considers the federal program so important that its council unanimously passed a resolution last November in support of it. The resolution lauds the program for a 99 percent success rate, saying it has created 2.4 million jobs nationwide and drawn nearly \$132 billion in private investments. It also returns \$1.20-\$1.25 in tax revenue for every dollar invested, more than paying for itself, says the resolution.

More than \$40 million has been invested in rehabilitating and restoring historic properties and buildings in Biddeford in the last decade, the resolution said.

"Other projects currently underway in Downtown Biddeford would not be possible without the (Historic Tax Credit) and represent an additional investment of approximately \$50 million," says the resolution, which urges Congress and the president to continue "this vital program."

Way Down East, in Eastport, the tax credit has been an enormous help in revitalizing the historic downtown, said City Manager Elaine Abbott. All of the city's downtown – 30 buildings in all – has been entered in the National Register of Historic Places, underscoring the potential impact of the credits.

"Whenever someone doubts the efficacy of these programs, they should look at downtown Eastport," said Abbott.

While Maine Preservation's Paxton said it is a relief that the 20 percent federal historic credit was preserved,



This is the former Mayo Mill, now the Mill at Dover-Foxcroft. (Photo courtesy of Maine Preservation)

the increase of the payback from one year to five years will have a small negative impact.

Under the old credit rules, an investor would pay about 90 cents on the dollar to receive the federal tax credit, which offsets certain rehabilitation expenses. With the revised law, the five-year payback has the effect of diminishing the value of the federal credit from 90 cents to 75 to 80 cents. However, not all of the project costs qualify for the credit, including paving, fixtures, landscaping, acquisition of the property and new additions.

“The overall loss of the subsidy is 1 to 2 percent of the total project costs,” Paxton said.

“So while it will have an impact, it is in the range that will support relatively minor adjustments that should allow projects to remain feasible,” said Paxton, who noted that the Maine historic credit had a four-year payback anyway.

Relieved, grateful

“We feel relieved and grateful about what happened (to preserve historic rehabilitation tax credits) and grateful to our Congressional delegation, which was all behind it,” said Paxton.

Even before the tax credit’s proposed repeal turned up in the House tax bill, similar efforts in a number of states where it was proposed or passed encountered opposition from builders, mayors, commercial developers and preservation advocates. Those states include Wisconsin, Missouri and Nebraska, *Governing* magazine reported.

Opponents fended off a rash of

bills intended to kill the credits in Nebraska, but the fight is not expected to end there. A battle over whether to get rid of the credits was brewing in Missouri. In Wisconsin, where Republican Gov. Scott Walker pushed for years to kill it, the credit was capped in 2017 to \$500,000 per project. As a result, developers are rushing to start a flood of projects before the cap takes effect in July. Now, lawmakers are looking at increasing the cap, the magazine said.

Meanwhile, states like West Virginia and Alabama have increased the credit. Buildings that once housed schools are popular sites for rehabilitation and reuse for housing, civic organizations, arts, college satellite campuses, recreation centers and many other purposes. In Maine alone, more than a dozen historic schools have been transformed and rehabilitated since 2008 for housing.

The National Trust for Historic Preservation led the chorus of those expressing relief over the tax credit’s survival, calling it a “hard-won legislative achievement” won through years of “consistent advocacy.”

“Congress has confirmed once again that incentivizing the rehabilitation of our historic buildings makes good economic sense,” said the privately funded nonprofit.

Efforts to eliminate rehabilitation incentives date to 2014 and surfaced in the House bill, said the trust.

U.S. Sen. Susan Collins of Maine was among the several lawmakers who co-sponsored an amendment to retain the credit. Spreading the payback over

five years instead of all at once was seen as a way to reduce the cost of the program by about \$2 billion over 10 years, said the trust.

The interest in historical preservation dates back to before the tax credit became available.

During the post-World War II boom years, great swaths of downtowns and neighborhoods in cities across the nation were bulldozed in the name of urban renewal. A historic buildings survey ordered in 1965 by President Lyndon Johnson documented that 12,000 sites in the country that had either been demolished or damaged beyond repair.

Congress quickly passed the National Historical Preservation Act, which set forth a clear process for saving historically significant structures. Notably, Maine Sen. Edmund Muskie played a major role in getting the law on the books. Among other things, the law requires states to compile inventories of sites worthy of protection. ■

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Here comes the sun: Cities, towns explore solar energy options

Sanford uses its airport and other sites. Some communities see capped landfills as good spots for solar panels, which can save money on electricity and generate tax revenue.

By Susan Cover

Municipalities across the state are looking for innovative ways to tap in to solar energy, with some using former landfill sites as platforms for panels that harness the power of the sun.

More than 50 cities and towns have installed solar panels on water treatment plants, libraries, office buildings, fire stations and in other locations. Large-scale projects have recently gone online or are in the works in Sanford, South Portland and Belfast, with others in various stages of development.

Each city or town has approached the opportunity in a slightly different way, with some looking to use power generated on municipally owned land to reduce energy costs, while others are leasing out former landfills to bring in money on vacant land that could be used for little else.

“Certainly, landfills have limited uses going forward,” said Waterville City Manager Michael Roy. “I don’t know if you could find a better adaptive reuse for a landfill than this. Now it has a chance to produce revenue and provide cleaner energy.”

At the Sanford Seacoast Regional Airport, the city has spent 2 ½ years working to put together a massive solar project to be built on multiple parcels, including at the airport, property owned by the sewer district, a local industrial park and privately owned land, said Airport Manager M. Allison Rogers.

The city is working with NextEra, which is developing the project and would own it. If the plans come together – construction is set to begin in

the summer with power being generated in early 2019 – the city believes it can reduce its property tax rate by 3-5 percent, Rogers said. That’s because in addition to the money it will bring in by leasing municipal property, it will also be able to tax the solar projects.

As it is now, the airport needs municipal funds each year to balance its budget.

“That lease will put us in the black,” Rogers said. “We’ll be self-sufficient.”

Public and private partners

When it comes to other large-scale projects, Belfast and South Portland have turned former landfills into solar farms, with at least a handful of other cities and towns considering their options.

To make the projects work, some municipalities have partnered with for-profit companies that are eligible for federal tax credits. The companies build the systems, sell power back to the municipality and over time give the city or town the option to buy the solar farms.

In South Portland, a solar array at the former 34-acre landfill on Highland Avenue went online in October. It’s expected to pay for about 12 percent of the electricity used in the city’s municipal and school buildings. Over the 40-year lifespan of the panels, the city estimates it will save more than \$3 million.

ReVision Energy, which has Maine offices in Portland and Liberty, installed 2,944 photovoltaic panels. The City of Portland is expected to follow suit, with a similarly sized project, at a capped landfill, already in the works.

South Portland Sustainability Coordinator Julie Rosenbach said her city started the process by putting out

a “wide open” request for proposals, but initially rejected both that were submitted. One wasn’t cost effective and the other included a contract provision that the city wasn’t interested in pursuing.

But through talks with area cities and ReVision, South Portland and Portland worked together to get a cost-effective bid by agreeing to have the largest solar farms allowed by state law built on each of their respective former landfills. The system in South Portland is now live, helping the city to fulfill a goal of reducing greenhouse gas emissions and its reliance on fossil fuels.

“What we’re trying to do is replace money that’s going out of state,” Rosenbach said.

For the next six years, South Portland will buy energy generated by the solar panels. The six-year time frame is important because the for-profit companies that build the systems have to own the infrastructure for that period of time to take advantage of federal tax credits.

Seven-year buy

In year seven, South Portland estimates it will have to pay \$1.5 million to buy the system. After that, the energy is essentially free. The city is installing heat pumps as supplemental heating sources in many municipal buildings as it looks to shift more of its use toward electricity, she said.

For other municipalities that may be considering large-scale solar, Rosenbach said South Portland has proven that it’s possible to do a project that’s financially and environmentally responsible.

“Starting to look at it now makes sense,” she said.

And while South Portland is the

Susan Cover is a freelance writer from Augusta and new contributor to the Maine Town & City, mainefreelancer@yahoo.com.

largest municipal solar project currently up and running, in 2016 Belfast was the first municipality in the state to partner with a company to build a solar array on a capped landfill.

"It's gone very well," said Belfast Planner Sadie Lloyd. "It's benefitting the city in that we offset some of our electricity load."

The city worked with ReVision to build the system that, when combined with another smaller array, offsets about 20 percent of the city's electricity costs. In year seven of the contract, Belfast also will have the option to buy the system. It's estimated the cost will be about \$200,000, and at that point, the city will generate its own electricity on city owned land.

Lloyd said other cities or towns interested in a similar project should ask for proposals from companies that specialize in solar arrays because they have the expertise to answer the many questions that often come up with complicated ventures. She said to be sure to ask about upfront costs, buy-out costs and any Department of Environmental Protection regulations.

"Solar is a pretty technical thing," she said. "Some of the questions that a lot of citizens have are questions installers can answer easily."

Belfast is now in the process of considering whether to add another solar array and is converting heating systems to electricity in anticipation of eventually being able to cover up to 90 percent of its electric costs with

solar. Lloyd said one of the driving factors for Belfast is to help combat the unpredictability of heating fuel costs.

Waterville lease option

In Waterville, the city took a different approach. City officials agreed to allow a developer to lease a former landfill to build a solar array, said City Manager Michael Roy. While the project is still in the preliminary stages, Roy said Gizos Energy of Falmouth is analyzing the landfill, which was capped about 25 years ago, to make sure it's an appropriate site and is

looking for an entity to buy the power produced at the landfill.

Roy said Waterville's electricity needs are too small for the city to buy the power from the project, but the city will eventually benefit from lease payments the company will make to use the land and from tax revenues that will be generated by the solar farm. In addition, the company will now have to mow and maintain the landfill, not the city.

In nearby Fairfield, the town also is working with Gizos to explore ways to use a landfill that closed in the



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mid-1990s. Town Manager Michelle Flewelling said Fairfield has entered into a one-year lease that allows the company to do all the planning and environmental testing necessary to see if a small project there is viable.

Flewelling hopes that the town will be able to purchase power from the solar panels, but unlike South Portland and Belfast, Fairfield would not want to purchase the solar farm outright. She said cities and towns interested in exploring their options for capped landfills need to be able to track down the documents from when the landfill was closed because it's important to know how it was capped and whether the landfill would be able to support a solar installation.

Regardless of whether Fairfield is able to purchase power from the project, Flewelling said the town will benefit from lease payments and property taxes that can be assessed on the solar equipment. She noted that unlike some other types of development, solar farms don't put much additional stress on municipal services.

months make it hard to imagine, Flewelling said there is plenty of sunshine in Maine to make these types of projects worthwhile.

"The sun shines in Maine a lot more than people think when it comes to generating power," she said.

In fact, the National Renewable Energy Lab estimates that Maine gets 20 percent more annual sunshine

than Germany, the world leader in solar energy. And while other states and countries have provided incentives to encourage solar development, some city and town officials say Maine has fallen behind.

In the Town of Falmouth, there's interest in putting a solar farm on the town landfill that was capped in the 1990s, but state policy needs to be



Landfill-sited array of solar panels in the City of Belfast. (Photo courtesy of City of Belfast)

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updated to allow large projects to be financially viable, said Kimberly Darling, the town's energy and sustainability coordinator.

"We've done a ton of preliminary work," she said. "Our state policy is really lacking on large-scale solar."

As it is now, state policy limits the size of projects to 660 kilowatts, which is not large enough to be financially sound, at least when it comes to the

project in Falmouth, she said. The Sanford project is not subject to the same limitation because it's considered a utility-scale project.

Falmouth officials have done a lot of preliminary work on the concept to make sure the landfill is an appropriate place for a large solar project. Darling estimates the project could offset 20 percent of the town's electricity needs, which includes all town build-

ings, the wastewater treatment plant and the school department.

For Rogers, who is heading up the large project in Sanford, the best advice she can give is to be flexible.

"The biggest thing is you need to have an open mind," she said. "You need to be prepared. It takes a long time and a lot of investment." ■



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Technology primer: How some small communities keep up

Approaches vary, but there is consensus among leaders in many small towns that technology is an integral tool in municipal government – and its importance is growing.

By Susan Cover

Kittery Town Manager Kendra Amaral says keeping office technology up-to-date is as necessary as making sure the town's dump trucks are in good working order.

And while it may pose a challenge for smaller cities and towns to keep up with the latest computers and other technology, those systems can't be ignored for years in hopes of getting more time out of the current hardware or phone systems.

"Technology is no longer to be considered an add-on or a bonus," Amaral said. "Technology is as necessary as a dump truck is for Public Works. If you're not preparing to maintain it, you are putting yourself behind."

Municipal officials from across the state say whether the work is done in-house or by an outside firm, it's more important than ever to keep up with hardware, software, phones, email, security systems and social media. In addition to making basic office duties easier to complete – at least when the technology works the way it's supposed to – it helps to keep the public informed about what's going on in town, and it's a more transparent way of doing business.

Like with home technology, municipal officials and a firm that provides services to many Maine cities and towns say doing frequent updates is a must. Having a separate technology account to pay for upgrades is helpful and clearly communicating with elected officials about the importance of keeping up with technology is key.

Also, finding a way to inventory all equipment helps with planning for future costs for replacements and

TECHNOLOGY CONFERENCE

Maine Municipal Association's Annual Technology Conference will be held on April 27 at the Augusta Civic Center. One of the many workshops will focus on helping towns set up and maintain office technology – with municipal budgets firmly in mind. See P. 24 for details.

avoiding getting caught off-guard if a piece of vital equipment suddenly stops working.

"It's a struggle for smaller towns," said Vassalboro Town Manager Mary Sabins. "We can't afford to keep an (information technology) person on staff."

Vassalboro's approach

As a result, Sabins said her town uses a patchwork approach to cover all the bases, including using a reasonably priced resident for website updates and reaching out to experts when necessary. About a year ago, Sabins said a "major server crashed" so Vassalboro hired someone recommended by a staffer in a neighboring town.

And while the town has an expense line within the administrative budget for annual fees for property tax updates and the web master, the emergency server repair was beyond what could be covered by the fund.

The town ended up drawing money from the town's contingency fund to cover the costs. For Sabins, it wasn't a hard sell to get selectmen on board to act quickly to address the issue.

"They absolutely get it," she said. "They are very proactive and forward thinking."

Sabins said she recommends that

every town include an emergency line item on the town meeting warrant to cover unexpected costs, whether it helps cover an engine that fails at Public Works or an unexpected technology need.

While Vassalboro buys services and updates when needed, Kittery and other towns rely on outside vendors for a broad array of IT help.

Amaral said Kittery uses New Hampshire based 2-Way Communications Service Inc. for hardware, software, security, and even the radios used by public works. It's a way to outsource the help desk, she said, with 24-hour support when needed.

"It's significantly less expensive than it would be to have on-staff expertise," she said.

Amaral, who's been with the town about 18 months, said Kittery has more than 100 desktops, laptops, servers and other pieces of technology that need constant monitoring and upgrades. Each year, the town budgets \$35,000 in a reserve fund for anticipated costs related to software and hardware, she said.

CMC Technology Group in Farmingdale serves a large number of cities and towns in central Maine, including Augusta, Gardiner, Pittston and Lewiston. The firm will tailor a contract for each town's needs, from phone updates, voicemail, email, hardware, software and security systems that include surveillance cameras and door locks.

Consider track record

Bruce Kane, an account executive with CMC, said he would advise town decision makers to consider a company's track record before deciding whether to outsource technology needs.

Susan Cover is a freelance writer from Augusta and new contributor to the Maine Town & City, mainefreelancer@yahoo.com.

“I think the biggest thing is to find an organization that’s been around for a while and has a long list of reputable customers they can talk to,” he said.

With rapid changes in technology, Kane said his company can help tie together multiple devices to help municipal leaders manage their offices and security.

“Data and voice have converged so they all work together now,” he said. “You’ve got phone systems that can tie into mobile and video surveillance and alarm systems all driven by data.”

That kind of 24/7 support may be a reality for larger cities and towns, but in Lamoine, all of the IT duties fall to the town’s administrative assistant to the select board, Stu Marckoon. He keeps the five desktops in the office, fax machine, phone lines and answering machine up and running.

He also created a database in the 1990s for motor vehicle registrations, property taxes, dog licenses and other town office needs.

“Most of the stuff I do right here in

TIPS FOR SMALL TOWNS

Update software regularly to keep up with the current operating systems.

- Inventory your technology so you know when it might need to be replaced.
- Set aside funds earmarked for regular technology upgrades and unexpected expenses.
- If you want to consider hiring an outside firm, check with other cities and towns about the performance of the company.
- Be sure to back up information on servers.
- Take a class if you need to feel more comfortable with routine hardware and software issues.
- Make use of social media to spread information about town meetings and budgets.

house,” he said.

When he needs a new computer, he drives to Ellsworth where a vendor will customize it to fit the town’s needs. He advises other small towns to stay on top of Windows updates and make sure the anti-virus software – he uses Kaspersky – is up-to-date as well.

The town used to have an in-house email server, but when it got hacked, he switched to a Time Warner Cable (now Spectrum) system.

For those who may be less than tech-savvy, Marckoon suggested taking a “a good basic course” to understand the ins and outs of software and hardware.

“Don’t be intimidated,” said Marckoon, who started with the town about

25 years ago. “Back up everything.”

And while some cities and towns have a need for more complicated phone systems, Marckoon said he buys phones off the shelf and sticks with an answering machine rather than pay for voicemail.

Keep it simple

“If we don’t answer within three rings it picks up,” he said. “I like to keep it as simple as I can.”

Although it seems like outdated technology to some, the fax machine is still used daily, especially when it comes to asking insurance companies to fax over proof of coverage when someone comes to town hall to renew their vehicle registration, he said.

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The next thing on Marckoon's to-do list? Updating the accounting system "sometime soon."

For a Maine island more than an hour from shore via ferry, the challenges of technology require help from an outside vendor.

Vinalhaven is one of the towns in Maine to use Workgroup Technology Partners in Westbrook, which provides technical support through a monthly service contract, said Andrew Dorr, town manager. Before that, the island paid someone part-time to help with problems, but when that contract ended, he needed to find another solution.

"We share this issue with folks in the far north of the state," he said. "They can still drive there (for help) and coming out here is by plane or by boat."

Vinalhaven pays for 25 hours of service from Workgroup Technology, regardless of whether it takes a month or three years to use up that time, he said. Most problems can be solved with a phone call or email. Another wrinkle for Vinalhaven is that it has computers in four buildings – town office, public safety, public works and the library – that at various times have different needs.

Dorr, who has been town manager for about three years, said he's trying to establish when each device was purchased and determine the expected life span so the town can better plan for replacement needs. As an example, Dorr said the town knew the ambulance laptop was eight to 10 years old, so it ordered a replacement.

One day after they installed the new computer, the old one refused to boot up. With computerized police and fire reports, property tax software and payment systems, technology is playing an integral role in how small towns do business.

"They are absolutely critical tools for what's expected to be done today," he said.

Going all Web

Like Kittery, South Berwick also uses 2-Way Communications for tech support, but Town Manager Perry Ellsworth said the reach of technology in his town goes far beyond hardware and software. The town is doing more business than ever over the internet, staffers now have the ability to work

from home while connected to the town's server, and all council members have laptops to save time and money on printing council packets.

In addition, 1,800 people follow the town on a Facebook page, where Ellsworth shares information about upcoming meetings, budgets and other news important to town residents.

"One of the things I depend on is transparency in everything the town does," he said. "It allows everybody an opportunity to know exactly what's going on and what is coming up."

To that end, the town does podcasts of meetings so people who cannot attend can still be informed. And, as it looks to ensure that town money is used most wisely, Ellsworth said he meets regularly with local school dis-

trict officials to see if there might be shared savings in hiring a common technology company to maintain systems. He said there could be savings in joining with Regional School Units 35 and 60 to pay for technology support.

Ellsworth, who is vice-president of the Maine Town, City and County Management Association, said at age 67, he's interested in making sure the next generation of town residents and town staffers will be well-served by technology. With children growing up with cell phones in the home and computers at home and school, the town workers of tomorrow are already well-versed in technology and what it can do.

"Technology in the future is going to be the basis for everything we do," he said. ■

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MMA, Margaret Chase Smith Center pair up for internships

The center's internship program recently expanded to include municipal internship opportunities. In 2018, Maine Municipal Association steps forward to help.

By Eric Conrad, Editor

The Summer Internship Program run by the University of Maine's Margaret Chase Smith Policy Center expanded its offerings a few years ago to include municipal government. Since then, several municipalities have participated in the center's program, teaching Maine college students about the workings of local government and helping to build a municipal work force of tomorrow.

This year, Maine Municipal Association will play a role as well.

Executive Director Stephen Gove announced last month that MMA will offer three \$1,500 awards – two to members with fewer than 7,500 residents and one to a member with more than 7,500 residents – as a way to encourage municipalities to consider hiring interns, through the Margaret Chase Smith Center's time-honored program.

Like many of us, Gove, a University of Maine alumnus, recalls his days as an intern more than a few years ago, when he was attending graduate school at Boston University. That internship experience opened Gove's eyes to public policy and government, and set him on a career path leading to his current position at MMA.

He described municipal internship opportunities available through the Margaret Chase Smith center as win-win.

"The (MMA) Executive Committee has identified the importance of municipal government internships as a way to introduce students to city and town careers, make professional connections and engage in meaningful work experiences," Gove said. "Municipalities gain from the opportunity to hire students with fresh perspectives who can contribute to the community."

The deadline to apply to both the

Margaret Chase Smith Center internship program and to MMA for a chance at winning a \$1,500 award is coming right up – March 1. Details are available at both organization's websites (www.MCSpolicycenter.umaine.edu and www.memun.org). MMA will literally draw names from a bowl to select its award recipients.

There is no secret that towns and cities need new blood.

Like virtually every other employment sector in the state, municipal government is seeing employees approach retirement and – actually retire. Our state, one of the oldest in the nation, is graying. Employers are competing for the young adults who live in Maine and those who will consider moving here.

Internship workshop

On Jan. 25, MMA hosted a workshop on the Margaret Chase Smith Center's internship program and MMA's new financial incentive. Peggy McKee, who oversees the center's program, outlined its goals, outcomes and value.

The internship program dates to 1967, she said, and was primarily aimed at helping state agencies. The Margaret Chase Smith Center took it over in 1990. In recent years, municipal internship opportunities were added.

Upon learning that municipal in-

ternships may be available, McKee said, many students say they had "no idea this many careers in city and town management existed." The feedback from students has been very positive, she said.

"And I have to say, hiring interns is a really inexpensive way to get a certain job done" for a municipality, she said.

"The students who apply to this program are passionate about staying in Maine," said McKee. "They care about their communities and they take ownership of their projects."

Union Town Manager Jay Feyler, who serves on the center's internship selection committee and who has guided several interns in his community, said the key to hiring a municipal intern is making the opportunity mutually valuable. Feyler offered a list of things for towns and cities not to do when an intern is brought on board:

- Don't run out of work (internships run from May 29 to Aug. 17).
- Don't have them do all "menial" work.
- Don't put them in a job all summer that mismatches their skill set.
- Don't ignore them. (No desk with a laptop stuck in the way back utility room.)
- Don't smother them.

Laurie Smith, town manager in Kennebunkport and immediate past

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president of MMA, said a key trait for interns to possess is flexibility.

“The No. 1 thing you need in an intern is someone who’s flexible and adaptable,” she said. “Their roles might change after they start.”

Augusta City Manager William Bridgeo, who also serves on the MMA Executive Committee, and who teaches classes at Thomas College and the University of Maine at Augusta, said: “Interns aren’t cheap labor. And they shouldn’t be cheap labor.”

The experience must be valuable to the student, he said. “I think that’s really the key.”

Bridgeo noted that the municipal government work force is aging pretty much across the board. “We have a demographic tsunami that’s going to hit us as municipal people,” he said. “It’s already started. It’s only going to get worse.”

Stephen Gove, MMA’s executive director, said that’s why MMA’s support for the Margaret Chase Smith Center’s internship program represents just one part of a multi-pronged effort to make Mainers of all ages more aware of municipal careers.


MMA in late January launched an extensive video and social media campaign called “HoMEtown Careers,” which aims to educate citizens that many opportunities, offering solid

employment prospects, exist here in Maine, working for towns and cities.


Maine Town & City magazine will report more fully on that effort next month, in its March issue. ■

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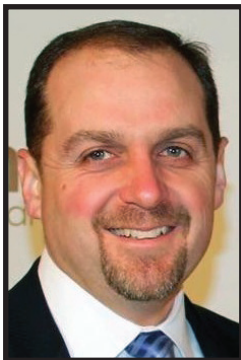
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9:00-9:45 a.m. – Keynote Address

Protect Thyself: Assessing Cyber Threats and Preventing Fraud

There's no need to list the names. Besides, there are too many of them. We've all read how some of the nation's largest businesses and government agencies were hit with online data breaches and potential fraud on a massive scale. **Andrew Grover, Chief Risk Officer and Senior Vice President for Bangor Savings Bank, is our keynote speaker.** An expert on this topic, Mr. Grover, a trained accountant who has been with Bangor Savings for eight years, is president of the Maine Chapter of the Association of Certified Fraud Examiners. He previously worked as an audit manager for Macdonald, Page & Co., one of the state's largest public accounting firms. Come hear this valuable address as Mr. Grover updates 2018 attendees on the many threats that exist and what cities and towns can do about them.

MTCMA Certification – .75 points Leadership, Ethics and Legal categories

9:45-10:00 a.m. – Morning Break/Visit with Partners

10:00-11:00 a.m. – Concurrent Sessions

Workplace Technology: Keeping it Appropriate

Employees these days don't just use employer-supplied computers and telephones at work – they bring their own as well. Use of personal technology can hurt productivity and sometimes it's inappropriate, carrying serious legal consequences for both employees and employers. This timely session examines the legalities of restricting technology use in the office, at a worksite and among co-workers.

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

MTCMA Certification – 1 point Legal and Human Resources categories

How to Save Money and Conserve Energy with LED Street Lights

Municipalities now have options for how they manage, maintain and pay for street lights. Learn more about these options and how some decisions can lead to saving money, reducing energy consumption, technologically advanced control systems, and using street lights as a platform for other technology and communications.

Presenter: Nathan Poore, Town Manager, Town of Falmouth

MTCMA Certification – 1 point Leadership and Finance/Budget categories

MEGUG Session TBD

11:00-11:15 a.m. – Morning Break/Visit with Partners

11:15 a.m.-12:15 p.m. – Concurrent Sessions

Back to Basics: Setting Up Your Municipal Office Suite

Is it time to upgrade your office systems? Let CMC Technology Group introduce you to new advances in technology for your municipal office, including telecommunication tools, IT support, hardware and software. This session will also provide an overview and the benefits of the NJPA Procurement Process.

Presenters: Carl Best and Bruce Kane, Account Managers, CMC Technology Group

MTCMA Certification – 1 point Finance/Budget category

Energy Competence: Your Municipality's Most Important Skill

It is impossible to overestimate the impact that the energy choices for powering your town or city will have on the future of our economy, our society, and our planet. In this panel session, we will talk about the key questions you need to ask and answer to navigate the

energy world and make your community economically competitive, agile, and sustainable. Presenters: Barry Tibbetts, MBA, Vice President of Hydrogen Cities, Joi Scientific, Retired Town Manager; Nathan Poore, Town Manager, Town of Falmouth; Others TBD
MTCMA Certification – 1 point Leadership and Finance/Budget categories

MEGUG Session TBD

12:15-1:30 p.m. – Buffet Luncheon

12:45-1:30 p.m. – Luncheon Address

1:30-1:45 p.m. – Afternoon Break/Visit with Partners

1:45-2:45 p.m. – Concurrent Sessions

Unmanned Aircraft Programs and Potential Municipal Uses

Representatives from UMA's Unmanned Aircraft Systems Program will introduce you to the UAS program in the U.S. and specifically at the University of Maine at Augusta, the process for pilot certification and the types of drone operations you can expect in your municipality. The session will close with an aerial drone demonstration.

Presenters: Dr. Thomas Abbott, Unmanned Aircraft Systems Project Manager, Greg Jolda, Aviation Program Coordinator and Dan Leclair, Director UAS Education and Research, University of Maine at Augusta

MTCMA Certification – 1 point Leadership category

FirstNetME: Broadband Support for First Responders

Come learn about and offer your thoughts on FirstNet, the nation's first dedicated, high-speed wireless broadband network devoted to emergency responders. Implementation is underway and outreach continues in Maine. The FirstNetME project team is anxious to acquaint municipal officials with the planned coverage and service for the state.

Presenter: David Maxwell, Program Director, FirstNetME

MTCMA Certification – 1 point Leadership category

MEGUG Session TBD

2:45-3:00 p.m. – Afternoon Break/Visit with Partners

3:00-4:00 p.m. – Concurrent Sessions

Legal Considerations Regarding the Regulation of Aerial Drones

This workshop considers the legal regulation of aerial drones. Drones – small and remotely piloted aircrafts – provide challenges and opportunities for local governments. As commercial and residential drones increasingly fill the skies, the occurrence of municipal regulation is on the rise. This session will provide insight into the federal rules relating to drone operation. It will also consider the areas in which the Federal Aviation Administration considers local regulation of drones appropriate, including public safety, privacy, nuisance, trespass and land use. As drone technology evolves, municipal officials in communities small and large must begin to think about developing regulations for drone use.

Presenter: Amanda Meader, Ellis & Meader, Attorneys at Law

MTCMA Certification – 1 point Legal category

UPDATE: The State of Municipal Broadband

Come hear "new" ConnectME Authority Director Heather Johnson update attendees on the current condition of municipal and community broadband in Maine – where it was, where it is and where she thinks local broadband is heading. Attendees will have an opportunity to ask questions, learn about broadband resources and seek advice.

Presenter: Heather Johnson, Director, ConnectME Authority

MEGUG Session TBD

4:00-5:00 p.m. – Maine GIS User Group Board Meeting

Pay by credit card when you register online here: <https://www.memun.org/2018-Technology-Conference/Registration>

2018 Municipal Technology Conference

Friday, April 27, 2018 – Augusta Civic Center, Augusta, ME

(Sponsored by: Maine Municipal Association & Maine GIS User Group)

ATTENDEE REGISTRATION FORM

Registration Type *(please check ONE):*

MMA Member Municipality/Patron/Non-Profit/State Agency-\$70.00 Non Member Municipality-\$140.00 MEGUG Member-\$70.00 Business Representative-\$100.00

Billing Information:

Full Name: _____

Employer: _____

Billing Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

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

First Name: _____

Last Name: _____

Primary Title: _____

Employer: _____

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

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

→ Credit card payments accepted with online registration only. ←

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

Overnight Rooms: An overnight room block has been set up at the Best Western Plus Augusta Civic Center Inn for \$72.00/night plus tax on Thursday, April 26, 2018. Room block is available until April 12, 2018 (release date). Reference "Municipal Technology Conference" and call (207) 622-4751 for reservations.

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

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

In order to ensure your complete participation, we would appreciate being informed of any special requirements you may have due to a disability.

2018 MMA & Affiliate Training Calendar

KEY TO GROUPS/WORKSHOP SPONSOR

| | | | |
|--------|--|--------|---|
| MMA | Maine Municipal Association | MFCA | Maine Fire Chiefs' Association |
| MACA | Maine Animal Control Association | MLGHRA | Maine Local Government Human Resources Association |
| MAAO | Maine Association of Assessing Officers | MMTCTA | Maine Municipal Tax Collectors' and Treasurers' Association |
| MBOIA | Maine Building Officials & Inspectors Association | MSFFF | Maine State Federation of Firefighters, Inc. |
| MCAPWA | Maine Chapter of American Public Works Association | MTCCA | Maine Town & City Clerks' Association |
| MCDA | Maine Community Development Association | MTCMA | Maine Town, City and County Management Association |
| MεWEA | Maine Water Environment Association | MWDA | Maine Welfare Directors Association |

*Please note that the listings in "cyan" with a 🔍 symbol are new courses!

Date: Day: Course Name: Location: Sponsored By:

FEBRUARY

| | | | | |
|-------|------------|---|---|-------|
| 2/1 | Thurs. | MFCA Legislative Breakfast | Augusta - Senator Inn | MFCA |
| 2/6 | Tues. | MTCCA Title 30A - Town Meeting and Local Election Law | Caribou - Caribou Inn & Convention Center | MTCCA |
| 2/6 | Tues. | MWDA GA Basics | Topsham - Topsham Library | MWDA |
| 2/6-7 | Tues.-Wed. | MεWEA/MWUA Joint Conference | Portland - Holiday Inn by the Bay | MεWEA |
| 2/13 | Tues. | Elected Officials Workshop | Augusta - Maine Municipal Association | MMA |
| 2/22 | Thurs. | Moderating Town Meetings | Lewiston - Ramada Inn | MMA |
| 2/28 | Wed. | MTCCA Title 30A - Town Meeting and Local Election Law | Augusta - Maine Municipal Association | MTCCA |

MARCH

| | | | | |
|---------|-----------|--|--|--------|
| 3/1 | Thurs. | MεWEA Legislative Breakfast | Augusta - Senator Inn | MεWEA |
| 3/2 | Fri. | MεWEA Ski Day with NHPWPCA | Rumford - Black Mountain Resort | MεWEA |
| 3/7 | Wed. | Basic Municipal Budgeting | Lewiston - Ramada Inn | MMA |
| 3/8 | Thurs. | MTCCA Records Management | Waterville - Waterville Elks Banquet & Conference Center | MTCCA |
| 3/13 | Tues. | MMTCTA Tax Liens Workshop | Orono - Black Bear Inn | MMTCTA |
| 3/15 | Thurs. | MWDA Advanced GA | Augusta - Maine Municipal Association | MWDA |
| 3/16 | Fri. | MTCMA 39th Annual Statewide Manager Interchange | Bangor - Hilton Garden Inn | MTCMA |
| 3/19 | Mon. | Verbal Judo - Tactical Communication for the Public Employee | Freeport - Hilton Garden Inn | MMA |
| 3/20 | Tues. | Planning Board/Boards of Appeal | Augusta - Maine Municipal Association | MMA |
| 3/28 | Wed. | MTCCA New Clerks | Augusta - Maine Municipal Association | MTCCA |
| 3/28-30 | Wed.-Fri. | MFCA Joint Conference | Newry - Sunday River | MFCA |
| 3/29 | Thurs. | MMTCTA Tax Liens Workshop | Portland - Keeley's Banquet Center | MMTCTA |

APRIL

| | | | | |
|--------|------------|--|--|------------|
| 4/4 | Wed. | 🔍 Regulating Vacation Rentals (NEW!) | Augusta - Maine Municipal Association | MMA |
| 4/5 | Thurs. | MCAPWA Annual Spring Meeting | Waterville - T&B's Celebration Center | MCAPWA |
| 4/6-7 | Fri.-Sat. | MACA Annual Business Meeting & Training | Bangor - Hollywood Casino Hotel | MACA |
| 4/9-10 | Mon.-Tues. | MCAPWA Supervisory Leadership in Public Works Program - Part I | Augusta - Buker Community Center | MCAPWA |
| 4/10 | Tues. | MTCCA Vital Records | Portland - Fireside Inn & Suites | MTCCA |
| 4/11 | Wed. | Elected Officials Workshop | Portland - Fireside Inn & Suites | MMA |
| 4/12 | Thurs. | 🔍 Parliamentary Procedures (NEW!) | Augusta - Maine Municipal Association | MMA |
| 4/13 | Fri. | MεWEA Spring Conference | Bangor - Sheraton Four Points | MεWEA |
| 4/13 | Fri. | MLGHRA Spring Training | Augusta - Maine Municipal Association | MLGHRA |

| Date: | Day: | Course Name: | Location: | Sponsored By: |
|--------------|-------------|--|---|----------------------|
| 4/20 | Fri. | MAAO Northern Maine Spring Workshop | Caribou - Northern Maine Development Commission | MAAO |
| 4/23-24 | Mon.-Tues. | MWDA Spring Training Seminar | Bangor - Hollywood Casino Hotel | MWDA |
| 4/27 | Fri. | Municipal Technology Conference | Augusta - Augusta Civic Center | MMA |

MAY

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|-------------|-------------|--|--|------------|
| 5/1 | Tues. | MAAO Board of Assessment Review MAAO Board of Assessment Review - Video Conference | Augusta - Maine Municipal Association Caribou - Northern Maine Development Commission | MAAO |
| 5/2 | Wed. | Personnel Practices | Portland - Fireside Inn & Suites | MMA |
| 5/8 | Tues. | Planning Board/Boards of Appeal | Ashland - Community Center | MMA |
| 5/14-16 | Mon.-Wed. | MCAPWA Supervisory Leadership in Public Works Program - Part II | Augusta - Buker Community Center | MCAPWA |
| 5/15 | Tues. | MTCCA Licensing | Augusta - Maine Municipal Association | MTCCA |
| 5/16 | Wed. | Managing Freedom of Access Requests | Skowhegan - Margaret Chase Smith Library | MMA |
| 5/18 | Fri. | MMTCTA Annual Conference | Waterville - Waterville Elks Banquet & Conference Center | MMTCTA |
| 5/21-22 | Mon.-Tues. | MBOIA 9th Annual Maine Code Conference | Northport - Point Lookout Resort and Conference Center | MBOIA |
| 5/30 | Wed. | How to Lead Effective Meetings (NEW!) | Belfast - Hutchinson Center | MMA |

JUNE

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|-------------|---------------|--|--|------------|
| 6/5 | Tues. | Meet the Grant Funders (NEW!) | Rumford - Town Office | MMA |
| 6/7 | Thurs. | MCAPWA Highway Congress | Skowhegan - Skowhegan Fairgrounds | MCAPWA |
| 6/14 | Thurs. | Municipal Human Resources & Management Conference | Waterville - Thomas College | MMA |
| 6/14 | Thurs. | MMTCTA Cash Management | Augusta - Maine Municipal Association | MMTCTA |
| 6/19 | Tues. | Elected Officials Workshop | Ellsworth - General Moore Community Center | MMA |
| 6/26 | Tues. | New Managers Workshop | Augusta - Maine Municipal Association | MMA |
| 6/27 | Wed. | MTCCA Municipal Law for Clerks MTCCA Municipal Law for Clerks - Video Conference | Augusta - Maine Municipal Association Caribou - Northern Maine Development Commission | MTCCA |

JULY


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|-------------|--------------|--|--|------------|
| 7/10 | Tues. | Legal Update on Recreational Marijuana (NEW!) | Bangor - Cross Insurance Center | MMA |
| 7/12 | Thurs. | MFCA Membership Meeting & Networking | Hope - Hope Fire Station | MFCA |
| 7/12 | Thurs. | MMTCTA Basic Excise Workshop | Augusta - Maine Municipal Association | MMTCTA |
| 7/19 | Thurs. | Elected Officials Workshop | East Millinocket - Town Office | MMA |
| 7/19 | Thurs. | MBOIA Membership Meeting & Training | Augusta - Maine Municipal Association | MBOIA |
| 7/25 | Wed. | MTCCA New Clerks | Bangor - Spectacular Event Center | MTCCA |
| 7/26 | Thurs. | Planning Board/Boards of Appeal | Portland - Clarion Hotel | MMA |
| 7/26-27 | Thurs.-Fri. | MMTCTA Basic Accounting I | Waterville - Waterville Elks Banquet & Conference Center | MMTCTA |
| 7/30 | Mon. | Verbal Judo - Tactical Communication for the Public Employee | Augusta - Maine Municipal Association | MMA |

AUGUST

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|----------|-----------|---|--|--------|
| 8/8-8/10 | Wed.-Fri. | MTCMA 73rd New England Management Institute | Newry - Sunday River | MTCMA |
| 8/14 | Tues. | MMTCTA I've Got The Job - What Now? Workshop | Augusta - Maine Municipal Association | MMTCTA |
| 8/23 | Thurs. | MTCCA Vital Records MTCCA Vital Records - Video Conference | Augusta - Maine Municipal Association Machias - Machias Career Center | MTCCA |
| 8/29 | Wed. | Elected Officials Workshop | South Berwick - Spring Hill | MMA |

SEPTEMBER

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|-------|-----------|--------------------------------------|----------------------------------|-------|
| 9/5 | Wed | MTCCA Voter Registration | Portland - Fireside Inn & Suites | MTCCA |
| 9/5-7 | Wed.-Fri. | MAAO Fall Conference | Sebasco - Sebasco Harbor Resort | MAAO |
| 9/6 | Thurs. | MTCCA Title 21A - State Election Law | Portland - Fireside Inn & Suites | MTCCA |

| Date: | Day: | Course Name: | Location: | Sponsored By: |
|---------|-----------|---|--|---------------|
| 9/6 | Thurs. |  Municipal Leadership: How to Achieve Results When Your Teammates Can Tackle You (NEW!) | Gray - Spring Meadows Golf | MMA |
| 9/11 | Tues. | MTCCA 23rd Networking Day & Annual Business Meeting | Waterville - Waterville Elks Banquet & Conference Center | MTCCA |
| 9/13 | Thurs. | Planning Board/Boards of Appeal | Farmington - Franklin Memorial Hospital | MMA |
| 9/19-21 | Wed.-Fri. | MeWEA Fall Convention | Newry - Sunday River | MeWEA |
| 9/20 | Thurs. | Labor & Employment Law | Bangor - Spectacular Event Center | MMA |
| 9/21-23 | Fri.-Sun. | MSFFF Annual Convention/Meeting | Portland | MSFFF |
| 9/27 | Thurs. | MBOIA Membership Meeting & Training | Gray - Spring Meadows Golf Club | MBOIA |
| Sept | TBD | MCAPWA Golf Tournament | Cumberland - Val Halla Golf Course | MCAPWA |
| Sept | TBD | MWDA GA Basics/Advanced GA | Bangor - TBD | MWDA |

OCTOBER

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|------------------|--------------------|--|---------------------------------------|------------|
| 10/3-10/4 | Wed.-Thurs. | 82nd Annual MMA Convention | Augusta - Augusta Civic Center | MMA |
| 10/3 | Wed. | MFCA Annual Membership Meeting | Augusta - Maine Municipal Association | MFCA |
| 10/6 | Sat. | MSFFF Firefighters Memorial Service | Augusta | MSFFF |
| 10/16 | Tues. | MTCCA Voter Registration | Bangor - Spectacular Event Center | MTCCA |
| 10/17 | Wed. | MTCCA Title 21A - State Election Law | Bangor - Spectacular Event Center | MTCCA |
| 10/25 | Thurs. | MMTCTA Municipal Law for Tax Collectors & Treasurers | Orono - Black Bear Inn | MMTCTA |
| 10/30 | Tues. | Elected Officials Workshop | Orono - Black Bear Inn | MMA |
| 10/30 | Tues. | MBOIA DECD & Fire Marshal's Office Training | Portland - Fireside Inn & Suites | MBOIA |
| 10/31 | Wed. | MBOIA DECD & Fire Marshal's Office Training | Orono - Black Bear Inn | MBOIA |

NOVEMBER

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|-------------|---------------|--|--|------------|
| 11/1 | Thurs. | Basic Municipal Budgeting | Orono - Black Bear Inn | MMA |
| 11/1 | Thurs. | MBOIA DECD & Fire Marshal's Office Training | Waterville - Waterville Elks Banquet & Conference Center | MBOIA |
| 11/8 | Thurs. |  Supervisors' Boot Camp (NEW!) | Portland - Fireside Inn & Suites | MMA |
| 11/14 | Wed. | MMTCTA Municipal Law for Tax Collectors & Treasurers | Augusta - Maine Municipal Association | MMTCTA |
| 11/29 | Thurs. | Planning Board/Boards of Appeal | Northport - Point Lookout Resort and Conference Center | MMA |
| Nov | TBD | MLGHRA Fall Training | TBD | MLGHRA |

DECEMBER

| | | | | |
|-------|--------|--|--|-------|
| 12/6 | Thurs. | Elected Officials Workshop | Bethel - Bethel Inn | MMA |
| 12/7 | Fri. | MWDA Winter Issues Training | Augusta - Maine Municipal Association | MWDA |
| 12/11 | Tues. | Managing Freedom of Access Requests | Portland - Embassy Suites | MMA |
| 12/13 | Thurs. | MBOIA Annual Membership Meeting & Training | Lewiston - Green Ladle | MBOIA |
| 12/18 | Tues. | Elected Officials Workshop Elected Officials Workshop - Video Conference | Augusta - Maine Municipal Association Caribou - Northern Maine Development Commission | MMA |
| Dec | TBD | MTCMA Joint Workshop with MMANH | New Hampshire | MTCMA |

Online registration is easy!

<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

PEOPLE



Marcel Blouin

Sanford Parks and Recreation Director **Marcel Blouin** retired after 33 years with the city. Blouin began his career as an assistant parks and recreation director in Kennebunkport before heading north to work for the town

of Millinocket for three years. He also worked as recreation director in Scarborough before joining Sanford's department. One of his proudest accomplishments was to expand Goodall Park, where Babe Ruth played in a 1919 exhibition game, for wider use, including concerts by the Portland Symphony Orchestra. Following the death of the town's July Fourth parade organizer died, Blouin took over the job and has supervised 15 parades.



Kathy Bragdon

Kathy Bragdon was recently honored for 33 years of service and awarded the Supervisor of the Year award by the Atlantic Chapter of the Association of Public Safety Communications Officials. Bragdon, among many duties,

supervises the Lincoln County Communications Center and serves as training coordinator. The association includes all of New England, New Jersey and New York. The supervisor's award recognizes outstanding work and job performance at the highest standards for personal and professional conduct.

Biddeford Public Works Director **Guy Casavant** is using up vacation time until his retirement in February after 37 years with the department, the past 22 as director. The city council and other city officials honored Casavant in January with a surprise retirement party. In addition to strong and stable leadership and dedication to the city, Casavant was recognized for his many significant efforts over the years to start and improve the city's recycling operations.

Deer Isle selectmen have hired the town's first manager, **James "Jim" Fisher**, luring him from his longtime



James "Jim" Fisher

work for the Hancock County Planning Commission, where he specialized in economic development and planning. His experience with the commission also includes environmental and land use, market research, transportation and health. He served for one year in the Peace Corps, specializing in economic and community development in South America. Meanwhile, Selectman **Lewis Ellis** announced he was resigning after 16 years for personal reasons. Ellis will help Fisher during the transition. Ellis' seat will be filled at the annual town meeting in March.

Lucile Griffin has retired after serving as Casco deputy clerk for 31 years. Known for her kindness and competence, she was first hired as a part-time clerk. Griffin, feted with a retirement party, worked in three town offices over the decades



Peter Owen

Bath interim Town Manager **Peter Owen** has been given the job permanently, effective last month. Owen served as the city's public works director from 1999 until the retirement of City Manager **Bill Giroux** last July, when he stepped in as interim manager. Owen had planned to retire once a new manager was hired, but after voters changed the city charter to allow managers to live outside of Bath, Owen changed his mind. Owen lives in abutting Brunswick. He credited interaction with residents and business owners, and a good rapport with the city council, for his decision to apply for the permanent job.

Westport Island Fire Chief **Robert Mooney** retired on Jan. 31 after 25 years with the volunteer department – the past 11 as chief. Mooney told selectmen he thought it was time for new perspectives, leadership and management. According to a published report, Mooney told the board he wanted to "leave something better than I found it." Mooney is credited

with keeping the department operational when it was on the brink of closing.

Former longtime Rockland Police Chief **Alfred Ockenfels** died Jan. 13 of a stroke at the age of 72. A U.S. Army veteran and aviator, Ockenfels immediately wanted to be in Maine after stopping to refuel at the Owls Head airport. Always interested in law enforcement, Ockenfels was hired in 1979 as a reserve Rockland police officer and in just 10 years climbed the department ladder to the chief's job. After serving 16 years as chief, he retired and traveled to Iraq to train police departments in the desert.

Kathleen Raftice was named Cape Elizabeth director of community services and Fort Williams Park, a newly consolidated position. Raftice has been working as acting director since last July. She began her municipal career in July 2011 after working for 25 years in the insurance sector.



Christopher Saunders

Tremont selectmen in January named **Christopher Saunders** as town manager, replacing **Dana Reed**, who managed the Mount Desert Island towns of Tremont for three years, and Bar Harbor for 28 years. Saun-

ders, who moved to MDI last fall with his wife, a doctor, was chosen from a field of 28 candidates. Most recently he worked as a management assistant for the town manager of Marana, Ariz., with a focus on communications, finance and animal services. Saunders holds a master's degree in public administration and a bachelor's degree in public policy. Selectmen and residents honored Reed in late November with a retirement party.

The Maine Supreme Judicial Court in mid-January ruled that incumbent Winslow Selectman **Jerry Quirion** had been re-elected to the council by one vote, 173-172. The high court decided the voter's intent based on markings on one ballot questioned by Quirion could not be determined. Following the decision, Quirion's challenger, **Lee Trahan**, called to congratulate him. It was the first time Maine's highest court was asked to decide a municipal election. ■

STATEWIDE

Maine Congresswoman Chellie Pingree has introduced legislation to ensure U.S. municipalities are not prohibited from building their own high-speed internet networks – a goal of many Maine communities and a done deal in a few. Pingree was concerned over a bill introduced – and rejected -- last year in the Maine Legislature that would eliminate local control over internet access. Pingree's proposal would also overturn laws in 17 states that currently prohibit cities and towns from building networks. In a 2014 study, Maine ranked only above Montana for internet access.

BELFAST

A Norwegian aquaculture firm announced on Jan. 30 that it plans to invest \$150 million to build one of the world's largest salmon farms after a world-wide search for the best location. Belfast competed with sites in Japan, China, Ireland, Spain and New England. The company, Nordic Aquafarms, Inc., chose Belfast for its environment, cold water and the city's storied history of producing seafood. Sales agreements already have been secured for the company to buy 26 acres of city land now used by the water district and an abutting 14-acre site. Company officials said they intend to invest a total of \$450 million and \$500 million after several phases of development of the Belfast facility. Construction will begin next year and, initially, the farm will employ 60 people and begin operations in 2020.

CAMDEN

In early January, Camden officials booted up the town's first solar array of 351 panels to begin generating power for the electrical grid. Under an agreement with ReVision Energy, the town pays no up-front costs. It pays a monthly bill for electricity, which is expected to begin reducing Camden electrical costs by 1.5 cents a kWh this year, or \$2,000. The project affords to the town to pay a rate comparable to Central Maine Power, but with a more savings as the years pass. The solar array is located on municipal property. Solar projects went online in large and small municipalities in 2017. In January, Brunswick and Woolwich joined Camden as the latest.

NEW ON THE WEB www.memun.org

Highlights of what's been added at www.memun.org since the last edition of the Maine Townsman.

MMA Internship Help. Maine Municipal Association will award three \$1,500 awards to municipalities that agree to hire summer interns through the University of Maine's Margaret Chase Smith internship program. The deadline for a chance at an MMA award is March 1.

Streetlight Conversion. The Town of Falmouth compiled a comprehensive guide for municipalities that are considering converting streetlights from traditional lighting to LED. The resource area includes vendor-selection advice and example documents.

2018 MMA Training Calendar. MMA will hold or help organize more than 90 training events throughout the state this year. Courses include first-time and updated offerings on short-term vacation rentals, legal marijuana, an advanced personnel "boot camp" and parliamentary procedures.

CARY PLANTATION

After being rejected by the Legislature in 2016 and 2017, residents of the Aroostook County hamlet of 189 people expect "three's the charm" to winning legislative approval to deorganize this spring. Even after state approval, residents must vote one final time on the proposal, which passed by a vote of 85-6 last October. Plantations typically deorganize when their citizens feel that the cost of running a rural community outweighs the loss of local control that goes along with deorganization. Under state law, deorganized communities are governed by the state and county. Presently, the plantation has \$100,000 in delinquent taxes and a mill rate of 28.5.

MOUNT DESERT

The town will spend nearly \$240,000 to extend broadband internet service to 325 potential customers, with a state grant covering \$100,000 of the cost. The project was approved at the annual town meeting last year. Under an approved plan between selectmen and Time Warner, now Spectrum, the company will string another 25.7 miles to provide internet service to residents on 31 roads in six areas of the island town.

OXFORD

The town has collected about \$116,000 in additional Oxford Casino profits over 2016, for a total of \$1.7 million from slot machines and table games in 2017. The casino must give the town 2 percent of its

net profits.

PORTLAND

A young homeless couple who hid their faces with scarves while panhandling are crediting a Portland pilot project for gaining full-time work and moving into an apartment in Biddeford. The program, known as Portland Opportunity Crew, has ended, but city officials expect to start a new expanded program this year. Fashioned after a similar program in Albuquerque, N.M., the trial effort has garnered national attention and helped both the city and more than 20 participants. The program began in May 2017, offering participants \$10.68 an hour for working two or three days a week, as well as breakfast, lunch and connections to help them find jobs and housing. The program cost \$20,530, mostly from a Community Development Block Grant. During the 36-week program, participants picked up 310 bags of trash from across the city and collected 214 hypodermic needles at 114 sites.

RANGELEY

Residents voted in early January to authorize a 1,100-foot extension to the town's airport runway. The vote was 265-88. The present runway measures 3,201 feet – too short to accommodate a Life-Flight of Maine airplane used to evacuate patients to a hospital. The project is estimated to cost \$10 million, with 90 percent financed by the Federal Aviation Administration. The state and town will each pay \$500,000 toward the project. ■

MUNICIPAL BULLETIN BOARD

MARCH 7

Basic Municipal Budgeting: Lewiston

Biddeford City Manager James Bennett and Brunswick Town Manager John Eldridge will co-present MMA's valuable and long-running workshop on Basic Municipal Budgeting on March 7 at the Ramada Inn in Lewiston.

The interactive session looks at understanding, preparing and presenting town and city budgets. Attendees won't just listen to how the budget process is done – they will be asked to do it themselves. Cost for the workshop is \$75 for MMA members and \$150 for non-members. Registration begins at 8:30 a.m.

MARCH 13

Tax Lien Procedures: Orono

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a workshop on the important, and timely, issue of procedures in the tax lien process on March 13 at the Black Bear Inn in Orono. Stu Marckoon, treasurer in the Town of Lamoine, is the instructor.

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

MARCH 15

Advanced GA Workshop: Augusta

The Maine Welfare Directors Association, with support from the state Department of Health and Human Services, will hold an Advanced GA Workshop on March 15 at Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta.

The training is designed for people who have completed the General Assistance Basics course and who seek accreditation. The workshop begins with registration at 8:15 a.m. and is scheduled to conclude at 3 p.m. Cost is \$45 for MWDA members and \$65 for non-members.

MARCH 16

39TH Annual Managers Interchange: Bangor

Building and creating a positive

workplace culture will be the theme for much of the day as the Maine Town, City and County Management Association holds its Annual Interchange on March 16 at the Hilton Garden Inn in Bangor. This presentation is a natural follow-up to previous MTCMA events that have focused on succession planning and hiring and retaining staff.

The day also will include a look at the City of Bangor's success with social media, and a legislative update from the Maine Municipal Association. Cost for registration is \$75 for MTCMA members who register by March 2 and \$130 for non-members. The program begins with registration at 8 a.m.

MARCH 19

Verbal Judo: Freeport

One of MMA's most popular programs – Verbal Judo: Tactical Communications for the Contact Professional – returns on March 19. The all-day workshop will be led by Joel Francis, National Director/Trainer for the Verbal Judo Institute. It begins with registration at 8 a.m. and will be held at the Hilton Garden Inn in Freeport. It is scheduled to conclude at 4:30 p.m.

Boiled down, Verbal Judo teaches employees who have contact with the public how to calm difficult people who may be acting out of emotional stress or other influences. Cost is \$110 for MMA members and \$205 for non-members.

MARCH 20

Planning Board/BOA: Augusta

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal

members from 4 p.m. to 8:30 p.m. on March 20 at the MMA Conference Center in Augusta. This workshop was rescheduled from Jan. 23, due to inclement weather.

The workshop is designed as an introduction for new or less experienced members, but veterans may find an update useful as well. Among the topics to be covered: jurisdictional issues; conflicts of interest and bias; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members.

SPECIAL SESSION!

APRIL 4

Regulating Vacation Rentals: Augusta

This new "ripped from the headlines" workshop – Regulating Vacation Rentals – comes just in time for the summer tourism season. We all know that websites such as Airbnb and VRBO are revolutionizing the vacation lodging industry and triggering challenges and changes in many Maine communities.

This half-day workshop will provide municipal officials with legal updates on permitted regulations as well as "municipal best practices" in this emerging field. Speakers will include: Kristin Collins, Attorney with Preti Flaherty in Augusta (formerly of MMA); Werner Gilliam, Director of Planning and Development for the Town of Kennebunkport; and, John Root, Code Enforcement Officer for the City of Rockland. Cost is \$45 for MMA members and \$90 for non-members. Registration begins at 1 p.m. The class is scheduled to conclude at 4:30 p.m. ■

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LEGAL NOTES

Statewide Marijuana Moratorium Expires

The statewide moratorium on retail recreational marijuana establishments enacted by the Legislature a year ago (see PL 2017, c. 1, eff. Jan. 27, 2017) expired on Feb. 1, 2018. For various political reasons, the Legislature failed to extend it.

This does not mean, however, that the required state licenses for these establishments will be available anytime soon – state application forms and state agency rules will not be ready for at least several months or more.

Nor does it mean that would-be operators can now get their required local approval for the state license. (The law establishes a two-step state licensing process, with state and then local approval required.) Applicants are required to obtain their state license *first*, before obtaining local approval (see 7 M.R.S.A. § 2447).

In the meantime, though, municipalities may begin getting applications for related local land use approvals. This is because the law, while explicitly requiring a state license and local approval of that license in order to operate, does not clearly bar operators from trying to get a head start on related local land use approvals. This uncertainty makes municipalities susceptible to legal challenges – by applicants if these approvals are denied and by those who oppose retail recreational marijuana if they are granted.

This legal exposure – and the expiration of the statewide moratorium – are why we urge municipalities that may be concerned about retail recreational marijuana to enact a moratorium or a prohibition on these establishments until the air clears (so to speak) with respect to state law. A moratorium or prohibition will provide a sound legal basis for refusing a land use application or approval relating to retail recreational marijuana.

For a sample moratorium ordinance and a sample ordinance prohibiting retail marijuana establishments, see our “Information Packet” on recreational marijuana resources, available free to members at www.memun.org. The packet also has information on how to enact and extend a moratorium. (By R.P.F.)

Cancelling Town Meeting Due to Inclement Weather

(Reprinted from the February 2009

MUNICIPAL CALENDAR

ON OR BEFORE FEBRUARY 15 — Written statements, as prescribed by State Tax Assessor, of wages withheld in the previous calendar year are to be furnished each employee (36 MRSA § 5251).

■ 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 04333-0011 [22 MRSA §4311].

FEBRUARY 19 — Presidents’ Day, the third Monday in February, is a legal holiday (4 MRSA § 1051); and shall be observed as a school holiday in the absence of any vote of the superintending school committee designating how the day shall be observed (20-A MRSA § 4802).

BEFORE TOWN MEETING — Selectmen must have a warrant posted at least 7 days before town meeting and have a constable or named resident make return (30-A MRSA §2523). If adoption of an ordinance is proposed, make sure of compliance with 30-A MRSA §3002. Send copy of town report to the following: MAINE MUNICIPAL ASSOCIATION, State Tax Assessor, Fogler Library, UMO and State Librarian.

■ Town Meeting voter registration and voting list requirements. The registrar shall accept the registration and enrollment of voters prior to the municipal election according to the time schedule prescribed by 21-A MRSA § 122 unless changed by municipal officers.

■ Copies of annual report are to be deposited in the municipal office or a convenient place of business for distribution to voters at least 3 days prior to the annual meeting (30-A MRSA § 2801)

■ Check 30-A MRSA § 5823 for audits, and § 2801 for town reports.

BY MARCH 1 — Solid Waste Municipal Reporting forms are due back to the State Planning Office, 38 State House Station, Augusta Me 04333 [38 MRSA §2125(1)].

Maine Townsman Legal Notes.)

We know town meetings can sometimes be “stormy” affairs, but what if last-minute bad weather makes it impossible (or unsafe) for people to attend?

There is no procedure under Maine law for cancelling or postponing a town meeting once it has been “called” (that is, once a warrant has been posted for at least seven days). The meeting must proceed at the time and place specified in the posted warrant. But if the municipal officers (selectmen or councilors) decide that weather conditions make it imprudent to conduct any business, they can proceed with as few as two voters and the clerk to open the meeting, elect and swear in a moderator and then adjourn without acting on any other articles. This effectively “cancels” or “postpones” the meeting.

The municipal officers may even advertise the meeting as being cancelled or postponed provided they arrange for a trusted few to actually be present and

open and close the meeting. It would be foolish to neglect this last part since other voters could still show up and make political mischief if they were so inclined.

If a town meeting is opened and then immediately adjourned due to the weather, we recommend that a new warrant be posted even if the meeting was adjourned to a date certain (where, technically, a new warrant is not required). This is because most voters will expect to see a new warrant, and a new warrant will likely be the most effective way of notifying them of a rescheduled meeting.

The ability to truncate a town meeting by opening and closing it without acting on any business applies only to traditional “open” town meetings. Secret ballot elections cannot be opened and then adjourned without holding the election. A secret ballot election must proceed as scheduled, with the polls open for the full time specified in the posted warrant. If the turnout is exceptionally low, the mu-

LEGAL NOTES

municipal officers can schedule another election in most cases (except for the election of officials, which is final).

For more on town meetings, see our *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

Double Taxation = Illegal Assessment

The Maine Supreme Court has held that where property was assessed to two different taxpayers, only one of whom actually owned it, this amounted to double taxation, and the non-owner was entitled to an abatement on the basis of an illegal assessment.

In *Town of Eddington v. Emera Maine*, 2017 ME 225, the towns of Eddington and Bradley assessed Emera for high voltage transmission lines (Line 390 and Line 396) based on Emera's own report of what it owned. Even after each town's assessor questioned the report (because there was a significant increase in valuation over prior years), Emera confirmed its reported valuation. Only much later, almost three years after taxes were committed, did Emera discover and correct its error (it did not own Line 396) and apply for an abatement.

The towns argued that Emera's mistake constituted an error in valuation, an abatement for which an application must be filed within 185 days of commitment (see 36 M.R.S.A. § 841(1)). Emera's application, the towns argued, was therefore too late. The Law Court noted, however, that Line 396 had also been taxed to Maine Electric Power Company (its true owner) and that assessing the same line to Emera was double taxation, which is illegal. The error was thus an illegal assessment, which can be abated at any time within three years of commitment (again, see 36 M.R.S.A. § 841(1)). Emera's application was therefore timely.

At the towns' request, MMA Staff Attorney Breana N. Gersen filed an *amicus curiae* or "friend of the court" brief in this case. Although we are disappointed in the Court's decision, we believe it is distinguishable from the more traditional holding that assessing a taxpayer for more property than he owns is an overvaluation error (see, e.g., *City of Rockland v. Rockland Water Co.*, 82 Me. 188, 19 A. 163 (1889)). The critical difference in this

case (at least it seems to us) is that the Court found the very same property to have been assessed to two different taxpayers.

Filing friend of the court briefs is one of the services that MMA Legal Services provides free of charge to our members. If your municipality is involved in appellate litigation that is of statewide significance to municipalities, we invite you to contact us to discuss this special form of assistance. (By R.P.F./B.N.G.)

Tie Votes

If there's a tie vote between candidates at a traditional "open" town meeting, the way to resolve it is obvious – keep voting until there's a winner. (Note that in towns of 4,000 or less, a majority vote is required; in towns of more than 4,000, a plurality suffices, see 30-A M.R.S.A. § 2526.) If continued voting fails to produce a winner, a vacancy for failure to elect is the result. The vacancy must then be filled either by special election or by appointment, depending on the office.

But what about a tie vote in a secret ballot election? Here, Maine law requires a separate run-off election to determine the winner, unless all but one tied candidate withdraws. (Note that in a secret ballot election, a plurality is sufficient to win regardless of the town's population.)

According to 30-A M.R.S.A. § 2528(10), in case of a tie in a secret ballot election, the meeting must be adjourned to a date certain, or if the meeting is finally adjourned before the tie is discovered, a new meeting must be called for a run-off election. In either case a new warrant must be signed and posted in the same manner as for regular town meeting warrants.

The law does not prescribe a date for the run-off election, but we recommend at least 40 days after the original vote because (1) tied candidates can withdraw within seven days after the tie is declared, and (2) absentee ballots must be available for at least 30 days before the run-off election.

In order to withdraw, a candidate must submit a signed, notarized notice of withdrawal within the seven-day period. If all but one tied candidate withdraws, the remaining candidate is declared the winner and sworn into office. But if two or more tied candidates remain, a run-off elec-

tion must be held. The run-off election is limited, of course, to the tied candidates, and no new nominees are permitted (although write-in votes are allowed).

For more on tie votes, see MMA's *Town Meeting & Elections Manual*, available free to members at www.memun.org. (By R.P.F.)

Jury Duty Revisited

In last December's column we wrote that as the result of recent statutory changes, only the Governor and active duty military are now exempt from jury duty (see "Jury Duty," *Maine Townsman*, Legal Notes, December 2017). But a sharp-eyed reader has informed us that this is not completely accurate.

While only the Governor and active duty military are fully exempt from jury duty, the law also excuses municipal election workers on the day of election, and state election officials and municipal clerks and registrars and their employees for 31 days prior to an election (see 14 M.R.S.A. § 1213(2)(B)). The reason for this should be obvious – preparing for and conducting elections is highly specialized work that cannot simply be outsourced to temporary workers in the event election officials are called for jury duty.

Thanks to Kathy Montejo, Lewiston's city clerk, for advising us of this oversight. We always appreciate questions, comments and corrections from our readers. (By R.P.F.)

Maximum Interest Rate for 2018 Delinquent Taxes: 8%

The State Treasurer has established 8% as the maximum interest rate that municipalities may set for delinquent property taxes committed during calendar year 2018. (By R.P.F.) ■

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