

# Maine Town & City

The magazine of the Maine Municipal Association

JUNE 2018

## Hitting the Municipal Mark

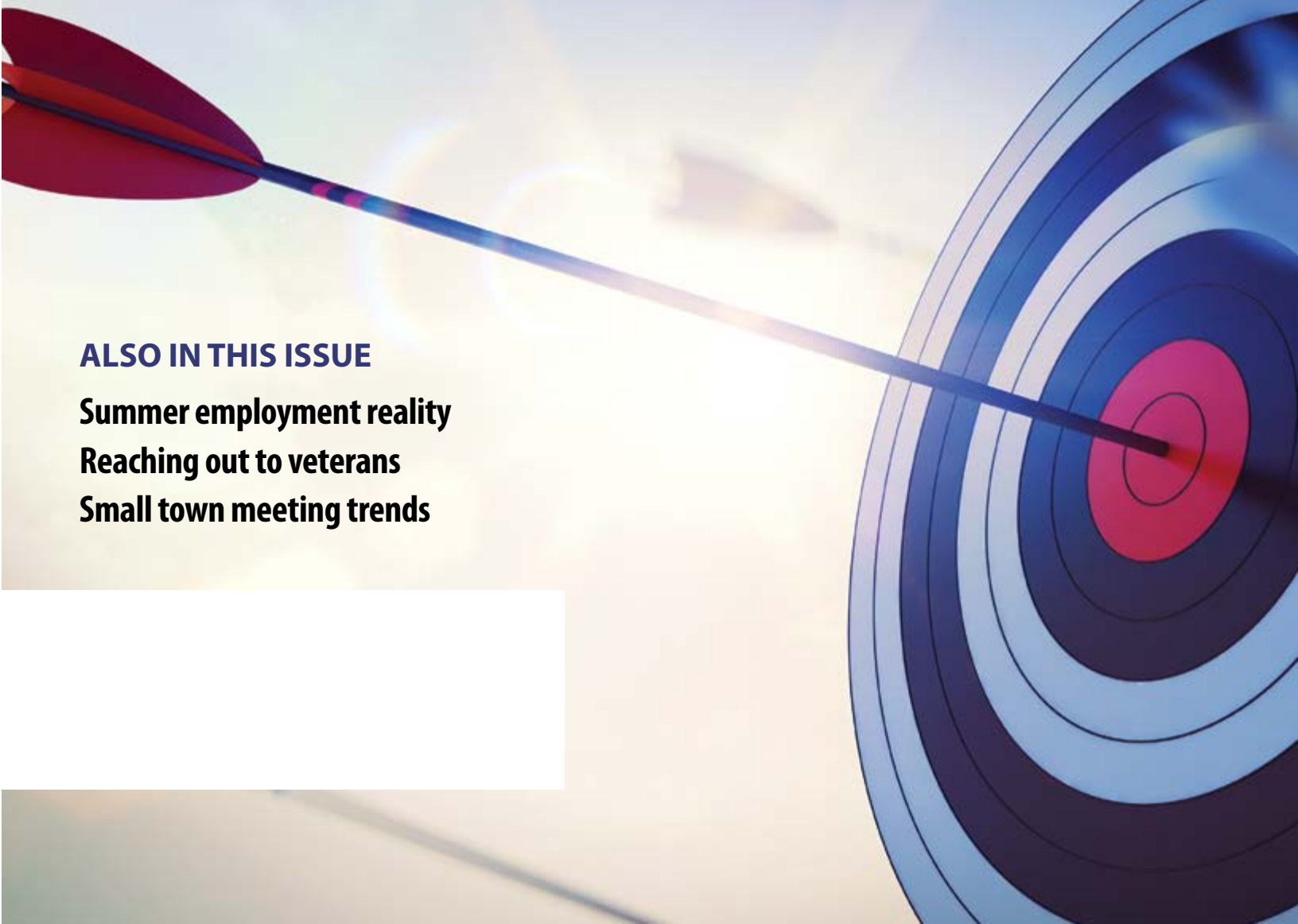
**Assessing the importance of  
sticking with strategic plans**

### ALSO IN THIS ISSUE

**Summer employment reality**

**Reaching out to veterans**

**Small town meeting trends**





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# Maine Town & City

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The Magazine of the Maine Municipal Association

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## Summertime Blues



*It's not the "blues" exactly, but municipal officials report that finding and hiring seasonal and temporary workers is getting tougher.*

**Restoring the state-municipal partnership** will be a top priority for the Maine Municipal Association following the 2018 elections. **Page 5**

**What do "interim managers" do?** Would one fit in your community? Veteran manager Bert Kendall, currently serving the Town of Denmark, explains. **Page 21**

## Setting a Plan, Staying With It

*It can get lost in the daily pressure of running a town or city: Here's why thinking about long-term plans, developing them and staying with them is important. **Page 15***

## Town Meeting Trends

*There are often a few surprises during Maine's Town Meeting season. This year, voters backed some major public works and paving projects. **Page 23***

## 2018 Convention: Don't Miss It

*With a theme of "Into the Future," MMA's 2018 Convention speakers will detail the outlooks for transportation, planning, the Maine economy and elections. **Page 7***

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# A MESSAGE FROM MMA

BY STEPHEN W. GOVE / EXECUTIVE DIRECTOR

## Let's restore the state-municipal partnership

It's June in Maine. Black fly season, yes. But, it's also the kick off to the summer we've all been waiting for and to something we can't ignore – election season. For many, it's the most wonderful time of the year. For some, June's black flies are less annoying than election season.

For the Maine Municipal Association (MMA), it's time to remind candidates for governor and the Legislature that local government is the level of government closest to citizens and it needs to be an equal partner in our intergovernmental system. To help with the reminding, MMA's State & Federal Relations staff has produced a 2018 Municipal Issues Paper (MIP) that makes a clear case for why a collaborative state-municipal partnership is so critical.

MMA has published a Municipal Issues Paper in gubernatorial election years for over two decades. The purpose of the paper is three-fold: 1) to provide candidates for Governor and the Maine Legislature with information on MMA's historical policy positions and advocacy efforts; 2) to identify important municipal issues, and; 3) to provide local elected and appointed municipal officials with talking points you can use to engage all candidates for state offices in conversations about rebuilding a partnership that has eroded.

MMA hopes that through respectful, sincere communications between local officials and candidates we can build the post-election working relationships necessary to ensure quality, efficient services are provided to all Maine residents, businesses and visitors to our state.

To that end, the MIP presents some core elements:

- The history and evolution of the state-municipal partnership.
- The importance of the state's financial commitments to local governments – cities and towns, schools and counties – as a means of reducing the burden on property taxpayers.
- The impact of unfunded state mandates on municipal finances.
- The absolute need to rebuild and strengthen the state-local partnership in order to meet future challenges.

Each MMA member municipality will receive a printed copy of the MIP in July, along with tips on how to engage

candidates for legislative office in pre-election discussion on issues of municipal importance. A copy will also be posted on the Association's website. Please keep an eye out.

MMA encourages municipal officials to review the document. We urge you to initiate a conversation about the state-municipal partnership with candidates as you meet them in your community. We hope the MIP serves to facilitate those conversations. It may also be useful rolled up during mosquito season.

+++++

It is fitting that I end this column recognizing the retirement of a senior MMA staff member who has been instrumental in building one of MMA's successful programs – Risk Management Services (RMS). Pat Kablitz retired this month after most recently serving our members as MMA's Director of Risk Management Services. Pat worked at MMA for 20 years.



Pat Kablitz

She started in RMS as an Underwriting Manager in 1995, left to return to the commercial insurance world for three years and returned to MMA as Assistant Director of RMS in the spring of 2004.

In March 2006, Pat was selected to lead the RMS department as Director. She has overseen the growth in MMA's Property and Casualty Pool and Workers Compensation Fund membership and the expansion of services and addition of new lines of coverage including, most recently, cyber liability and drones. Pat launched a number of new safety and loss control services as well during her leadership of RMS.

Pat always reminded us that association pooling of risk is the only way to insure municipal risk and provide tailored member services. We thank Pat Kablitz for her dedicated service to our members.

We will miss her "even keel" approach, member-first attitude and warm smile. We wish Pat the best as she heads to the great American Southwest to enjoy retirement. ■

# MARK YOUR CALENDARS!

## MMA 82nd Annual Convention

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# Mind blown: Transportation future highlights MMA Convention

*Former Google executive and tech journalist Daniel Sieberg will keynote the event, which also features experts on city planning, the Maine economy and ranked-choice voting.*

**By Eric Conrad, Editor**

It's a rainy afternoon in Maine. You are standing at a cross walk, waiting to cross the street. A car approaches – not going super fast – as you consider stepping off the curb.

What are you likely to do next? Make eye contact with the driver, right? Or at least, pause and peer a little longer to see that the driver is paying attention, acknowledges your presence and slows down a little more.

Now, fast-forward to, say, 2030, which is not very far away. The scenario is exactly the same, but the car approaching your crosswalk is – *driverless*. Now what do you do? Do you let it pass, only to get wetter and wetter as you encounter two, three or four more driverless cars after that one? Or, do you step off the curb with confidence?

Daniel Sieberg, a former Google executive and journalist who for years covered emerging technologies such as driverless cars for some of the world's best-known media outlets, calls this kind of human vs. technology dilemma “societal integration.”

**Sieberg will keynote the Maine Municipal Association's 82<sup>nd</sup> Annual**

*Eric Conrad, the editor of Maine Town & City and Director of Communication and Educational Services at MMA, can be reached at [conrad@memun.org](mailto:conrad@memun.org).*



**Daniel Sieberg**



**Amanda Rector**



**Jeff Speck**



**Matthew Dunlap**

**Convention, which will be held on Oct. 3-4, 2018, at the Augusta Civic Center. Sieberg's keynote will be held on Thursday morning, Oct. 4.**

“I've always been at the intersection of technology and journalism,” said Sieberg, who has worked for CNN, ABC, PBS and was a reporter for the CBS Evening News, when Katie Couric anchored the program.

You may be thinking: What does something like this have to do with a rural state like Maine where travel, to many of us, means paved, two-lane roads, bridges over streams and, maybe, driving on the Maine Turnpike or interstate from time to time?

The answer, in a word, is: everything.

Think about a time, not too long ago, when new technology dreamed of an era when people would fly in the skies, like birds, in things called “airplanes.” Or when many of the papers sent via U.S. mail trucks and human postal carriers would be delivered electronically – via “faxes” for a while, and now via instant emails, text messages and on something that we all call the “internet.”

When things come along that people will find easier to use – like driverless cars, “There is an air of inevitability about them,” Sieberg said. “That's what's fascinating.”

“How does all this work?” Sieberg asked. “What is the future, near-term and five or 10 years out, based on what we know now?”

Another example that he cites, one that will also affect local road use, is the growing acceptance of aerial drones and drone package deliveries to homes and businesses. We will all get deliveries this way one day. How will that work? Will you reach up to the drone? Will it just drop the package in front of your house? Will you worry that the drone will crash and hit you?

All of this can seem hard to believe, Sieberg agrees. Do you need more convincing that these changes are coming?

Who thought a company called Uber would come up with a way to use cell phones and computer applications so we can be picked up and delivered by people other than taxi cab drivers and the companies that support them?

Another example that has become a big municipal issue in Maine is the emergence of online vacation rental sites such as VRBO and AirBnB, which has transformed the traditional hotel industry – and entire municipal neighborhoods.

Sieberg, a native of Canada who lives in New York, wants to assure local Maine leaders that he's no urban egghead. He spent his early career as a journalist in many small towns, eventually working his way to the Vancouver Sun before hitting the TV and Google big time.

He has traveled to 46 U.S. states and 30 countries, witnessing and reporting on the impact of technology in both sprawling Chinese cities

– where “bicycle graveyards” have tens of thousands of bikes in them – to small towns, where people ask common-sense questions, such as how driverless cars will be insured.

“I’m looking forward to connecting the dots for your audience,” he said, of his upcoming presentation. “I won’t just be some guy flying in from New York to say, ‘Hey, I’m happy to be here.’”

And wait, at the 2018 Convention, there’s more.

**Municipal planner extraordinaire Jeff Speck, who literally wrote the book on designing a “Walkable City,” will speak after lunch on Thursday, Oct. 4.**

Speck, using real-world examples from Maine, will outline his ideas about how communities should have core areas with stores, libraries and schools that are walkable. This preserves downtowns, he says, helps to keep a community vibrant and acknowledges that as people age, it’s generally good for them to walk more and drive a little less.

Speck’s extensive research has found that rural and suburban sprawl and siting schools in fairly isolated locations has hurt the very communities that hoped to benefit from the new development. It’s no coincidence, he has found, that cities such as Portland and, in recent years, Bangor, were

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## Meet our Attorneys Dan S. Pittman



Dan Pittman is a member of our municipal finance team. He has acted as bond counsel for towns, cities, counties, sanitary districts and other governmental entities to help them find creative and effective ways to build and maintain public infrastructure, including roads, schools, water and sewer systems, municipal buildings and capital equipment. He has also advised tax-exempt educational and charitable institutions about how to partner with their local communities to issue tax-exempt bonds. He also advises tax-exempt bond issuers regarding their ongoing compliance responsibilities, and helps them navigate the complex tax rules surrounding arbitrage and rebate.

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rejuvenated by a good mix of urban developments in close proximity to one another.

**Keeping the forward-looking focus going, Maine State Economist Amanda Rector will kick off the 2018 Convention, speaking at 9 a.m. on Wednesday, Oct. 3.** Ms. Rector will talk about the state of Maine's economy currently, and also will do a bit of forecasting, both in economic and demographic terms.

A Maine native, who holds a Bachelor's degree in economics from Wellesley College and a Master's degree in Public Policy from the Muskie School of Public Service in Portland, Rector also serves as Maine's liaison to the U.S. Census Bureau.

And last but by no means least during this major election year, Maine Secretary of State Matthew Dunlap will speak about ranked-choice voting and the challenges that his staff, and all municipal election staffs, face during a time when the election process and results are under more scrutiny than ever before. **Secretary of State Dunlap will follow Rector's presentation, speaking at 10:30 a.m. on Wednesday, Oct. 3.**

On top of that, MMA's program and our municipal Affiliate Group sessions will offer dozens of individual workshops. More than 100 exhibitors and sponsors are expected to participate once again, offering their services and products to the municipal audience.

Keeping up to date on an ever-changing world grows more important to municipal leaders all the time. We hope to see you in Augusta, this fall. ■

## CONVENTION PROGRAM

Details about MMA's 82nd Annual Convention will be posted on our website ([www.memun.org](http://www.memun.org)) shortly after July 1. The entire program will be printed in the July and August-September print editions of *Maine Town & City*.

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That effort drives people to our interactive website, [www.mainehometowncareers.org](http://www.mainehometowncareers.org). Upon arrival, readers learn what local government does, they see and hear real Mainers talk about the rewards of municipal employment. And, they have searchable access to MMA's municipal Job Bank, the most extensive listing of local government job openings in Maine.

For MMA members, even more tools are available. The Members Area of the MMA website provides handouts that municipal employers can use, logos and instructions about how to promote Hometown Careers on municipal websites and Facebook pages.

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# Coming this summer: Fewer job applicants, higher user fees

*From Baileyville to Saco, and many places in between, municipal department heads find fewer young people interested in seasonal work. Budgets are being affected.*

By Susan Cover

Five years ago, Baileyville Parks and Recreation Director Michael Boies got 40 to 50 applicants for the eight summer seasonal jobs he fills. This year, 12 people applied.

“Good kids are not interested,” he said. “Obviously for me, they have to be pretty good role models.”

That’s because the town provides all manner of summer activities for young children, including arts and crafts, sports, lessons on nutrition and other life skills. Boies hires seven high school-age students to run his summer camps and one to work as a laborer to help with mowing and trimming.

To find good workers, he’s taken out an ad in his local newspaper, had announcements made at school and advertised on the public access television station.

While other municipal officials say the minimum wage increase to \$10 has put a dent in their budgets, Boies said he hasn’t taken much of a hit yet. But, he knows additional annual increases are coming, with the 2016 citizen-approved ballot question mandating additional \$1 increases in 2019 and 2020, until the hourly rate reaches \$12.

With unemployment at record lows, cities and towns across Maine are taking creative steps to find and attract seasonal workers, some of whom may work just a few hours a week. The Maine Department of Labor estimates a preliminary unemployment rate of 2.7 percent in April, the 29<sup>th</sup> consecutive month with a jobless rate under 4 percent, according to a release from the department.

The City of Augusta hires more than 150 people for seasonal jobs, prompting the city to host job fairs,

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**Pittsfield Recreation department employees (left to right): Sean Stackhouse, Suzy Morton and Bo Steeves. (Submitted photo)**

place radio ads and use the marquee at the civic center to advertise openings, said Human Resources Director Barb Gabri.

“Traditionally, word of mouth and family member referrals have been good enough,” she said. “Now, there’s a lack of people in the workforce all the way around.”

## Lots of mowing

Many of the seasonal jobs in Augusta are for mowing, she said. With 17 cemeteries in the city, a couple dozen parks, athletic fields, the outdoors farmers’ market at Mill Park and the Kennebec River Rail Trail, there is a lot of grass to mow. The city also hires seasonal staff for Old Fort Western and the Buker Center, where summer programs for children are held.

The city had been typically paying above minimum wage to attract workers, but the mandated increase caused

the city to update all of its salary scales, so people with experience would make more money than new hires, she said.

“Minimum wage costs a lot more than that initial dollar at the first step,” she said.

To find workers for all city jobs, Augusta has also cross-trained existing employees and reached out to non-traditional labor pools such as disability centers, correctional facilities and veterans. For example, a rubbish collector received the training he needed to drive a snow plow. Some of the city’s Information Technology staff also got additional training so they, too, could help remove snow, she said.

Despite the challenges of finding good help, Gabri said there’s no danger of the city’s popular swimming pools or other parks not being open for the season.

“Our full-time, year-round staff would not let that happen,” she said.

Like Augusta, the Auburn recreation department also updated all its pay grades in response to the minimum wage increase, said Sabrina Best, recreation director. The city quickly realized that long-time, seasonal workers would need to be making more money than a high school student with no prior work experience, she said.

Another challenge in Auburn has been finding people who can pass the city’s background check and drug test, she said.

“Within the last year and a half or so, we’re seeing an increase in people who cannot pass a physical or drug test,” she said.

Auburn hires anywhere from 20-45 part-time summer camp counselors and 10 part-time staff to fill positions at the front desk or perform custodial work.

In Wiscasset, Parks and Recreation Director Lisa Thompson said she’s

fortunate to have most of her seasonal staff returning this year. She hires six summer camp staffers and two or three seasonal grounds workers. For other cities and towns that may be struggling, Thompson suggested offering an incentive to attract applicants.

“It’s a good problem to have because there doesn’t seem to be a big unemployment issue,” she said. “It does put the squeeze on for those summer months.”

Thompson said she’s had to budget for the minimum wage increase the last couple years and has raised some user fees to help cover the cost. On the plus side, a higher minimum wage does make working for the town more appealing to high school and college students, she said.

“It does affect the budget,” she said. “It will be going up to \$11 in January.”

### Needed: Lifeguards

Pittsfield Recreation Director Suzy Morton said the only staffing problem she’s run up against this year has been finding lifeguards for the town pool, which opens in mid-June. She’s posted the two job openings on Facebook



**This is a pre-summer photo of Lovell Town Beach.** (Photo by Steve Solloway)

many times and right now, has scheduled shifts for two high school students who are set to complete their training just before the pool opens.

“We’re hoping they are going to pass,” she said, noting that one of the students is her son.

Morton’s job as town recreation director is also part-time; she works

and is paid for 20 hours a week. Many people in town volunteer to help run programs and because Morton also works at the high school, she can recruit athletes to help run summer sports camps.

When it comes to budgeting, Morton said the town council provides money to cover hourly wages and that



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parents pay for sports camps and swimming lessons.

“As a parent, I don’t feel we charge enough,” she said.

There are about 100 seasonal positions to fill in South Portland, said Kevin Adams, director of the city’s Parks, Recreation and Waterfront department. Of that, about 70 are high school and college-age camp counselors. The rest work at parks, boat ramps, the city golf course and Willard Beach, he said.

So far this year, it’s been a little more difficult to fill all the positions.

“It’s kind of spotty,” he said. “We have a number of seasonal positions all across the board.”

Adams planned his budget to include the minimum wage increase to \$10 an hour and will once again increase his budget next year to cover the rise to \$11 an hour. But in a competitive job market with low unemployment, it’s hard for cities to compete for good help, he said.

“I think it’s just the way the job

market is now,” he said. “The private sector can throw out \$12 an hour and we have to project our budget.”

### Higher fees

The Town of Houlton increased fees for summer recreation programs in advance of the minimum wage hike and will re-visit the fee structure in future years as the wage increases again, said Marie Carmichael, recreation program director. She hires about a

dozen high school and college age students to help run her summer playground program, she said.

“The kids that come through my program are the ones that want to come back and work,” she said, noting that all her positions are now filled for the summer.

In Saco, Parks and Recreation Department Director Ryan Sommer said most of his 100-110 summer positions are filled. Most of those are



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summer camp employees who provide programming for children ages 4 to 14, he said.

Sommer also has seven lifeguards on staff to cover the city-run beaches. He said the minimum wage increase did not hurt his budget this year, but when it increases to \$11 on Jan. 1, 2019 and to \$12 on Jan. 1, 2020, he may have to consider raising fees to help cover costs.

The city's goal is to keep costs to a minimum for residents and non-residents who use the city's parks, beaches and programming.

"I will tell you it's making it harder in a sense keeping the programs affordable," he said. "As the minimum wage increases, it puts more strain on my budget."

Yarmouth successfully filled all its summer vacancies, but Recreation Director Karyn MacNeill said the number of applications she received was down this year. She speculated that other jobs in town may be paying higher than minimum wage, drawing away

college students who might otherwise work for Yarmouth.

To cover the ongoing cost of the minimum wage increases, the town increased fees for summer programs by 4-6 percent, she said.

"It did cause a bump in our first-year budget," she said. "It caused a bump in our fees."

The town offers a variety of summer camps for children, including sports, theater, mountain biking, gar-

dening and recreational camp field trips. The town uses a combination of seasonal staff and contractors to offer its programming, she said.

Her department is also responsible for hiring park maintenance staff and MacNeill said she was fortunate that all staff from last year signed on again this year. For cities and towns still looking to fill positions, MacNeill suggested advertising on sandwich boards and on social media. ■

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# Goal-setting basics seem simple, but are really important

*The temptation is that things like sticking to a long-term plan, implementing its steps and engaging the public can take a backseat to daily operating pressures.*

By Susan Cover

When Brunswick Sewer District General Manager Leonard Blanchette decided to lead a strategic planning process two years ago, he knew it would take a lot of work.

If he had to do it over again, he would hire a consultant to help focus the discussion and make sure everyone involved clearly understood their roles.

"It's worth the time, effort and money to hire a consultant or someone who's good at facilitating to develop a strategic plan," he said.

Blanchette, who's worked at the district for 30 years, said he thought the staff and sewer district board could go through the process alone. But he said discussions sometimes got bogged down in details and that someone independent of the district would have been able to move things along more quickly.

Prior to establishing the 10-year strategic plan, the sewer district had a plan specific to the wastewater treatment plant and a five-year rolling capital plan.

"But that had been the extent of goal setting," said Blanchette, who oversees a \$3 million budget and 17 employees.

Now, every January, the board discusses goals for the New Year and how they fit in with the strategic plan. This year, the board decided to update the strategic plan in July.

"Clearly, you need to do it to make sure goals haven't changed," he said. "It's a living document. You don't put it on a shelf."

## Constant attention

City and town officials from across the state echoed Blanchette's sentiment

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

## LONG-TERM PLANNING TIPS

- Consider hiring a consultant who specializes in facilitating goal setting sessions.
- Find a way to balance the goals expressed by elected officials versus expectations of municipal staffers.
- Make sure everyone, not just senior management, is working toward the same goals.
- Think about cross-department planning to help ease the workload.
- Get residents involved in setting long-term goals and take advantage of their outside expertise.

that strategic plans, comprehensive plans, long-term goals or even benchmarks set in a performance evaluation need constant time and attention to get the desired end result. It's planning – and implementation – that counts, they said.

In Millinocket, the focus is on a five-year capital plan, said Town Manager John Davis. While council members may change or have different goals from year to year, Davis said it's important to stick to the plan whenever possible.

That can be hard when the budget isn't big enough to cover all the needs, he said.

"It's hard to set goals if you don't have the money to do them," he said.

Another variable comes when new council members with different ideas are elected. A former Millinocket council member for seven years, Davis understands the delicate balance from both sides.

"The best advice is once you map out a plan, stick with it," he said. "The problem is the council might change every year. Lately we've been able to convince new councilors it's the right thing to do."

Long-term planning and goal setting are ongoing in Brewer, said City

Manager Stephen Bost. He said many of the city council's goals are tied to his annual performance review, which he then uses to set goals with various members of his staff. It's a team approach that works for a variety of goals, including working together to entice new businesses to locate in the city.

"I try to chisel away at the goals council has set," he said.

For example, early on in his 19-year tenure, the council directed Bost to have the city take over a quasi-municipal water company. When the Eastern Fine Paper mill closed, he worked with Cianbro to find a new use for it. And, when a new business wants to come to town, Bost gets all department heads together in one room to meet with company officials to answer as many questions as possible right up front.

All of that takes planning and a manager to make sure council goals are implemented, he said.

"I think the planning component is very important but so is the implementation piece," he said. "One of the things we pride ourselves on in Brewer is the team approach to economic development."

## Outlook in Turner

In Turner, the need to update

the comprehensive plan is driving the long-term planning, said Town Manager Kurt Schaub. When it's completed – hopefully by the 2019 town meeting – the plan will drive town decisions for 10 years with regard to everything from capital needs to where new growth should occur, he said.

Turner has gained population in the last several years and serves as a bedroom community for commuters who travel to Lewiston, Auburn, Augusta and Portland. Although they are always aware of continuing cost of education, he said there's been enough residential and commercial growth to help ease the property tax burden.

The town has “relative-ly strict ordinances” when it comes to allowing new development, although a new Hannaford store and Dollar General have opened in recent years. Town officials push developers to help maintain the town's New England village architecture style, he said.

The comprehensive planning committee is independent of the select board and the planning board, and is made up of volunteers. Rather than hire a consultant and start from scratch, Schaub said the plan developed 10 years ago still had enough relevant parts that what it really needed was an update.

“We have a very dedicated and interested committee who agreed to do a lot of the grunt work on their own,” he said.

The committee has met twice a month for three months, will hold community forums in late spring or summer and will use the online survey service SurveyMonkey to get input from residents. While the committee will print some surveys for those who do not have internet service, using the online system will save the town considerable money



**Kurt Schaub**



**Scott Gagne**



**Stephen Bost**

on printing and mailing, he said.

If all goes as planned, he hopes the updated comprehensive plan will cost somewhere between \$6,000 and \$10,000. Schaub said it's a little early to know whether his approach to the work will be a success, but he encouraged other cities and towns to think about it.

“It will require an energetic group of people to put it together,” he said. “Most towns have a core group of people like that.”

### **Rangeley projects**

For some towns, it makes sense to hire a consultant to help with economic development and long-term planning, rather than a staff member. That's the case in Rangeley, where Darryl Sterling works as an economic development consultant.

Among the projects in the works is a \$10 million airport expansion, downtown revitalization projects, a new sidewalk connecting the downtown to a scenic overlook and broadband and communications infrastructure work, he said. About a year ago, the town developed a plan for the Rangeley region and since then, it's been “full speed ahead,” he said.

Within the action plan are phases set for two, three and four years, with concrete deadlines. Sterling, who also works for Wilton and Richmond, said planning is important, but it's only part of the work.

“It's very important but you have to also do the action and implementation,” he said. “You have to do both.”

For Biddeford Fire Chief Scott Gagne, working closely with the head of public works has been extremely helpful. Together, they have a 20-year purchasing plan that gets updated every year.

“Budgetarily, it's easier when you go before council,” he said. “It's easier to go together. It's not just me saying ‘I

need, I need, I need.’”

Between 2005 and 2017, calls to the fire department have jumped from 2,062 to 5,368, he said. Gagne cited many reasons for that – an active local hospital, a growing University of New England campus, renovated mill space that is now used as housing – but he said staffing has not increased. And as needs evolve in the city, he needs to be able to update his long-term plan that includes everything from maintaining the fire station, to ballistic vests, to stretchers and garage door openers, he said.

Gagne, who leads a department with a \$4.8 million budget and 44 full-time employees, said he presents his plan to city council once a year and makes it available to them year-round so that there are no surprises come budget season.

“Budgets are tight everywhere,” he said. “Everything is getting more expensive. I think it's just planning and being honest and being up front and not surprising them.”

### **Engaging the public**

In Caribou, City Manager Dennis Marker holds an annual goal setting meeting with the council to plan out projects for the next year. A 10-year comprehensive plan was put in place in 2014 that covers a wide range of city services and functions, including buildings, parks, roads, staffing and economic development. While the plan spans 10 years, Marker said in practice, it's important to revisit the plan every five years to see if goals have changed or if the underlying assumptions behind the goals have shifted.

One of the most important facets of long term planning in Caribou is citizen involvement, he said. Residents serve on city council subcommittees and are an active part of helping with economic development.

With 63 full time staffers and a \$10 million budget, Caribou has two staff members who work on economic development part-time with residents helping with the rest. In addition, Marker and other city staff must focus on immediate needs, which can interfere with long-term planning.

“Public engagement is key,” he said. “Oftentimes, too often, we try to just think inside the box. The long-term vision of where you want to be going? That's where your citizens need to be involved.” ■



# Maine Bureau of Veterans Services wants – you, to reach out

*Maine veterans and their family members are eligible for – indeed, have earned – many programs and benefits. Here is a list, along with contact information.*

It was a pleasure for the Maine Bureau of Veterans' Services to present at the 2018 Municipal HR & Management Conference. It's our hope that those in attendance left the conference with a greater understanding of who our veterans are, all they have sacrificed and, most importantly, all they have earned.

Veterans who choose to call Maine home are incredibly fortunate to have access to a wealth of benefits and resources – and we are grateful for the opportunity to honor their service. As public servants, it is our responsibility to ensure our veterans are cared for properly. We are pleased to have committed partners on the federal, state and local levels.

If you were unable to attend the conference, we are pleased to have this opportunity to introduce ourselves to you. Serving as Maine's primary public advocate for veterans, service members, and their families, the Maine Bureau of Veterans' Services' mission is to be a responsive and dedicated advocate committed to helping Maine's veterans and their loved ones access the benefits, services and programs available to them.

We are a one-stop resource for all of a veteran's post-service needs, assisting veterans with obtaining military discharge records, connecting veterans with VA benefits and disability compensation, and maximizing their use of the numerous programs available to them.

Statewide, we collaborate with our partner agencies to better serve veterans by bolstering employment opportunities, improving access to education, reducing homelessness, and connecting veterans with needed mental health services. As municipal officials, there is no doubt you work closely with our veteran population daily. City halls and town offices are the first stop for many people who are looking for any type of

## CONTACT INFORMATION

The Maine Bureau of Veterans Services wants to hear from municipal officials and staffs. It can be reached at: 207-430-6035 or via email at [mainebvsv@maine.gov](mailto:mainebvsv@maine.gov).

**service – and we want you to know we are here and we are ready to help!**

Located across the State of Maine, the Bureau has six field offices from Caribou to Springvale, as well as an office at the VA Maine Healthcare System at Togus. Our locations include: Caribou, Bangor, Machias, Lewiston, South Portland and Springvale. Each office is staffed by a Veteran Service Officer (VSO) who is ready and able to assist veterans in a variety of ways. Our highly trained VSOs submit hundreds of claims each month resulting in millions of dollars in awards for veterans and their families. In fact, FY 2017 was our best year yet with over 1,700 claims filed, bringing over \$32.6 million to the State of Maine. For many veterans, these awards help pay mortgages, utilities, groceries and other basic living expenses they are otherwise unable to afford.

Whether assisting a veteran in enrolling in the VA system for health care services, VA benefits, filing a claim with the VA, filing an appeal, or obtaining a copy of their DD 214 military discharge records, our VSOs are eager to help – free of charge.

We understand there are many veterans who may be reluctant to speak with a Veteran Service Officer. However, as veterans themselves, each VSO recognizes the potential struggles and challenges a veteran may be facing. Successfully navigating the complicated benefits process is overwhelm-

ing – we are here to make it easier. By visiting our website, [www.maine.gov/veterans](http://www.maine.gov/veterans), those interested can locate the field office nearest them to make an appointment. In addition to our six field offices, Veteran Service Officers also travel to 13 itinerant offices monthly, and we are fortunate to have two mobile VSOs who travel across the state making house and hospital visits. Both allow us the ability to reach veterans with limited transportation options.

We encourage you to familiarize yourself with the service office nearest you - knowing who to call, and where to get help for a veteran in need, you just may be saving a life.

The State of Maine provides nearly 20 programs for veterans and their families including, but not limited to:

### Tax Exemptions

**Military Pensions:** Fully exempt from income tax as of 1/1/16.

**Property Tax:** \$50,000 for paraplegic veterans; \$6,000 for veterans who served during a recognized war period and are 62 years or older; or, receive 100 percent disability as a Veteran; or became 100 percent disabled while serving.

**Homestead Exemption:** \$20,000 exemption for veterans that have owned homestead property in Maine for at least 12 months and make the property their permanent residence by April 1.

**Vehicle Excise:** 100 percent permanent and total service-connected disabled veterans exempt from one registration fee, title fee, and driver license renewal fee.

### Veteran Identification

**Free Copies of DD 214s:** Maine veterans may request a free copy of their DD 214 from the Bureau's archive of more than 45,000. Veterans must have this critical document to prove veteran

status for everything from retail discounts to applying for state and federal benefit programs.

**Military Service Driver's License:** Honorably discharged veterans may obtain a driver's license that identifies them as a veteran. The designation allows the license-holder to prove veteran status to obtain retail and restaurant discounts, as well as free admission to most of Maine's State Parks.

**Complimentary Veteran License Plates/Special Veteran Plate:** Maine's Bureau of Motor Vehicles offers honorably discharged veterans (former POWs, Purple Heart recipients, Medal of Honor winners, and disabled veterans) 10 different license plates that are exempt from registration fees. Veterans may also select a Special Veteran License Plate (at cost), that includes 33 Commemorative Decals reflecting the branches of service, specific awards or commendations, campaign awards for service in a hostile fire zone, among others.

### Recreation

**Free Lifetime Veterans Park Pass:** Maine veteran residents who were honorably discharged may receive a

free, lifetime park pass for complimentary admission to most of Maine's State Parks and Historic Sites.

**Free Active Military Personnel Day Use Park Pass:** Maine's active duty personnel may receive a free day use park pass that provides complimentary admission for the service member and his/her spouse and children to most of Maine's State Parks and Historic Sites.

**Disabled Veterans Controlled Moose Hunt:** First of its kind in the nation, the Moose Hunt offers 25 disabled veterans (15 in-state residents and 10 out-of-state residents) the opportunity to tag a moose, with nearly all guide services, equipment, lodging, food, and meat processing costs covered by sponsors. The Hunt is a joint effort of the Bureau of Veterans' Services, the Maine Department of Inland Fisheries and Wildlife and Bridgewater, Maine-based Smoldering Lake Outfitters.

**Disabled Veterans Free Licenses:** Veterans with a service-connected disability of 50 percent or more may receive a complimentary license to fish, trap, and hunt a range of wildlife (bear, migratory bird, pheasant, wild turkey, among others). The license remains valid for the life of the license holder, as

long as the license holder continues to satisfy residency requirements and the license is not revoked or suspended.

**Disabled Veteran Access to State Parks:** Any veteran displaying a specially designated disabled veteran license plate or other placard (in accordance with Title 29-A, section 523, subsections 1 and 2) is allowed free admission to any state-owned park, camping area or beach.

### Employment

**Veteran Assistance at Career Centers:** All of Maine's Career Centers have dedicated Veteran Employment Representatives who help veterans find jobs by assisting with resume writing, networking, and interviewing skills.

**State of Maine Veteran Hiring Preference:** Any veteran candidate who meets the minimum qualifications for a State job is guaranteed an interview, including veterans with an "Other Than Honorable" discharge. Gold Star spouses are also eligible for the hiring preference.

**Accelerated Occupational Licensing Initiative:** Provides fast-track civilian licensing for veterans with military expertise in boiler, electrical, fuel,

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**Health Care Employment for Military Veterans:** All veterans discharged or released under conditions other than dishonorable, who completed health care related military training while in the Armed Forces, may utilize their military credentials when seeking civilian employment. Qualified veterans will receive individualized assistance when connecting one-on-one with the Department of Labor's program staff to facilitate the transition.

**Maine Hire-A-Vet Campaign:** Recognizing the need to bridge the gap between employers and job-seeking veterans, the State of Maine created the "Maine Hire-A-Vet" Campaign. Launched in 2015 by the Maine Department of Labor (MDOL) in partnership with the Maine Bureau of Veterans' Services, the Campaign commits to engaging 100 employers in hiring 100 Veterans across 100 days (typically September to December). The Campaign has been incredibly successful and is now a national model for state Veteran hiring programs. In fact, as a result of these targeted efforts, the State of Maine currently has the lowest unemployment rate in the entire nation at 1.7 percent.

### Education

**Veterans Dependents Educational Benefits:** 100 percent tuition waiver at University of Maine schools, Community Colleges, and Maine Maritime Academy for dependents of 100 percent permanent and total, service-connected disabled veterans who have been residents of Maine for five years.

In order to continue meeting the needs of our veteran population, it will take a collaborative effort from organizations and agencies on the federal, state and local levels. Our purpose and mission is to serve our veterans, and we need your help. Should you have any questions about how the Maine Bureau of Veterans' Services can better assist local municipalities, please do not hesitate to contact us. We can be reached by phone at 207-430-6035 or via email at [mainebvs@maine.gov](mailto:mainebvs@maine.gov).

We also encourage you to subscribe to our monthly e-newsletter; here you can stay up-to-date on the latest news, events and happenings in the veteran community.

Again, thank you for all you do for our communities. We look forward to working with you. ■



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# Is your town looking for an interim manager? Here's some guidance.

*The first tip is for the municipality and interim candidate to set clear, mutual expectations. After they are settled, an experienced "interim" can really help.*

By Bert Kendall, Interim Town Manager, Denmark

Most cities and towns in Maine, and many counties, have a manager as chief executive. As frequently happens in local government there are changes from a manager moving on, to a select board wanting a new manager, to retirements and other changes of life.

Most larger towns and cities have enough staff to appoint an interim town manager from the ranks of experienced police chiefs, finance directors, town clerks, public works directors and the like. But, the smaller towns often have to try hiring an outsider. Private firms like Eaton Peabody also provide this service.

Several years ago, the Maine Municipal Association and Maine Town, City and County Management Association teamed up to make it easier for interested towns and potential interims to get together. MMA publishes a list of those interested and attaches their resumes, and towns can go on the MMA website and check out who looks promising. The system has worked, although there are not many interim managers registered, and currently the demand for interims outstrips the supply.

Just like you need the proper "chemistry" between a town and its projected new permanent manager, there needs to be an understanding between the needs of the interim and the requirements of the town.



**Bert Kendall**

First, what is the realistic length of time that the town will need an interim, and how many days a week are involved? Many of us who serve as interims are retired, and the average is three to four days per week, not five. Second, how far do you expect the interim manager to drive to your town? Most of us either set a limit (in my case about a one-hour drive) or look to the town to provide some

overnight housing. Third, elected officials should expect the interim to act professionally and take over the manager's office. He or she is not there to do nothing and allow the elected officials to do their job plus the manager's job.

Fourth, make sure the pay is realistic. The average is probably \$400 per day plus some car allowance, with larger towns paying more or head-hunting firms needing to earn a profit plus pay for an interim. Fifth and last, there should be an understanding of the major projects that you want an interim to undertake. I had a successful four months as interim in Waldoboro

in early 2017, and that select board wanted help with major projects, the budget and especially helping them hire a new manager.

## Unwrapping the package

Mitch Berkowitz, currently an interim in the Town of Jackman for the second or third time since retiring as town manager in Bridgton in 2014, comments: "You really don't know what you are walking into when you accept the appointment as an interim municipal manager, and until you unwrap the package, it remains a mystery. You usually don't know all of the details and events leading up to the vacancy, and representations of how the organization functions may be less than complete."

Mitch is also one of nine MTCMA "ambassadors" – retired or very experienced Maine local government managers who specialize in helping cities and towns with advice.

Another of our ambassadors, Peggy Daigle, has served as interim in Caribou, Howland and Lincoln after retiring from Millinocket in 2015. Peggy states, "Hiring a seasoned manager as an interim town manager would provide the town with continuity of management service to the community, staff and boards as well as a person who understands the intricacies of

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

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

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

**Bert Kendall** is the Interim Town Manager in Denmark, [townmanager@denmarkmaine.org](mailto:townmanager@denmarkmaine.org).

day-to-day operations with little or no disruption. When I was in Lincoln, we started the process with EPA and DEP to tackle the environmental issues related to the closed and vacant Lincoln Paper & Tissue Mill site. When in Caribou and Howland, I was able to continue with ongoing complex projects to see them to fruition or near fruition.”

As for me, now in my fifth month as interim Town Manager of Denmark, I have the great advantage of having served as this town’s first manager in 2006-2008. There was a period of un-settlement of both select board members and managers, and I’m sure I was asked since I am a known commodity, knew many of the staff and volunteers and had been around the block many times.

After periods of turmoil, which in Denmark’s case included both an attempted recall and a major lawsuit, a calming influence was needed. One of the great benefits of getting older (there aren’t many!) is that you’ve been through crises, handled difficult situations and personnel problems, and can concentrate on important issues without getting exorcised about the minutia. It also helps to be a people person and a story teller like me, and make sure you do the little things like welcome visitors to your office, return phone calls and befriend the staff.

Still want to be an interim? ■

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# Small towns approve big projects at annual town meetings

*While citizens in some towns paved roads, built garages, bought equipment and more, other towns tapped surplus funds to keep property tax rates low.*

By Liz Mockler

**N**either rain nor sleet nor four nor'easters kept town meeting voters from making their appointed rounds at March and April town meetings this year.

Some of Maine's smallest towns held their annual meetings, as well as many towns with populations of 10,000 and below. A few communities held May town meetings.

Another heavy round was set for this month. In many of Maine's largest towns, and all cities, residents have eliminated the annual town meeting and authorized councils and select boards to approve the annual budget after holding a series of public hearing.

In Frankfort in Somerset County, the meeting "went pretty smoothly," Town Clerk Heather McLaughlin said, although residents by a single vote defeated a request for \$1 million for road repairs and plow trucks.

There were two requests: The \$750,000 town officials wanted for road repairs failed on a tied vote, while the request to borrow \$250,000 to buy one new and one used plow truck was defeated by a vote of 122 to 123.

Frankfort voters did approve a back-up request to allow selectmen to borrow \$100,000 for new culverts and other upgrades to one road.

"At this point, there has been no action" on an alternative to the failed bond request, according to McLaughlin. She said a recount was done on the bond question, but the outcome did not change.

"The voters voted it down, so there really isn't anything we can do," McLaughlin said.

Meanwhile, scores of officials were re-elected or replaced in municipal polling, while this spring voters in only a relatively few communities were asked to decide local referenda.

In a few towns, the annual meeting featured an intermission so residents could share a lunchtime meal – a historical tradition that some townspeople don't want to give up.

## Small towns, big jobs

Voters in some towns endorsed large long-term bonds and, as is typical, debated small budget items, especially for social service agencies or special projects.

Large projects approved included:

- Durham voters borrowed big, approving \$2 million for roads, another bond for \$480,000 for a firetruck and a third loan for \$250,000 for a rescue truck. Voters did reject a request for \$210,000 for a truck/snowplow proposal.

- Embden voters approved spending \$200,000 for road and bridge repairs and maintenance. Voters, who last year defeated an effort to create a town public works department, also approved spending nearly \$300,000 for winter road work and snow removal by a private contractor. Emden is a Somerset County town with a population of about 900.

- New Portland voters, in a town of 700, agreed to borrow up to \$250,000 for a salt and sand shed.

- Voters in Greene, a Lewiston and Auburn suburb of 4,400, approved a \$3.4 million, 10-year bond for a new public works garage and to rebuild and pave 18 miles of road. The interest rate will be three percent; the town has no outstanding bonds.

Town Manager Charles Noonan said the vote was unanimous as resi-

dents strongly endorsed the infrastructure investments.

The town expected to receive the \$3.4 million from the Maine Municipal Bond Bank in mid-May, Noonan said.

- Rome voters, in secret balloting, approved spending \$315,000 to pave and reconstruct one road. In the town of 1,000 in Kennebec County, the vote was 75 to 15.

- In Industry, a Franklin County town of 925, voters agreed to raise \$100,000 and borrow up to \$400,000 over four years, beginning next year, for roadwork. The town, with a total municipal budget of about \$457,000 this year, is making a hard push to repair or upgrade roads town-wide.

- Officials in Fort Kent, population 4,000 in far northern Maine, won approval to borrow up to \$1 million for road repairs and improvements, and to raise \$100,000 to replace traditional street lights with LED fixtures.

- North Yarmouth voters adopted a \$2.7 million budget that increases capital reserves by nearly \$306,000 for a total of \$539,000. The reserves will finance municipal facilities improvements, among other efforts.

- Alna voters OK'd a request to borrow \$260,000 over 30 years for a modular town office. The cost of renovating and expanding the existing office is estimated at \$238,000; renovations alone would cost \$122,000.

- Norridgewock voters approved a request to buy a new firetruck for \$350,000, with \$250,000 in surplus funds and \$100,000 from the fire department's capital reserve account.

## Other topics

In a number of other towns, voters took action on non-fiscal proposals as well. In Chesterville, residents agreed to allow the operation of an agency

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

liquor store seven days a week, but banned drinking on the premises on Sundays.

The vote to allow Sunday on-site consumption was defeated by a vote of 118 to 95. The store owner who asked for the permit said he never intended to let anyone drink on his premises – any day of the week.

Chesterville voters also initially defeated an article for \$163,282 for town administration. After debate, and input from the town's budget committee, voters approved almost \$160,000 for administration.

Morrill voters agreed with selectmen that a property revaluation is long overdue – the last one was conducted at least 20 years ago, officials said.

Although the revaluation will be completed this year, the assessor who will do the work has agreed to be paid in three annual installments of \$12,500. Under the plan, at least one selectman will accompany the assessor.

In New Gloucester in May, voters again debated term limits for members of the select board. By a vote of 66 to 44 last year, residents favored an ordinance to limit selectmen to three consecutive terms, but in early April, the select board voted 3-2 to find the ordinance legally invalid.

The Maine Municipal Association told the town that the limits are not enforceable because New Gloucester operates without a town charter.

Freedom voters first objected to paying \$14,400 for health insurance coverage for two of the town's nine employees. Selectmen said the other workers are covered under their spouses' policies, and that municipalities provide health coverage.

After one resident complained the town was putting health insurance for two employees ahead of fixing her road, selectmen said a special town meeting would be required if more employees seek coverage.

The article was defeated, but then approved, after general government spending was reduced to \$199,000 from \$210,000. This is the first year the town will offer insurance to employees.

Woolwich select board members, meanwhile, lamented that town meeting attendance continues to decline. Fewer than 100 voters, in a town of 3,000, approved a \$1.6 million budget for the new fiscal year. Select board members had changed the day of the

town meeting to a weeknight, but in 2016 decided to return to Saturday town meetings.

Town officials said young voters do not attend the annual meetings unless there is a controversial issue, although the town provides child-care services during the meeting. Attendance was higher when the town meetings were held in March, according to one voter. The fiscal year was changed to July-June, pushing the meetings to May.

In Strong, voters approved a request to increase funding to \$6,000 to pay volunteer firefighters who lose work pay when they respond to fires. Small towns across Maine are struggling to recruit new volunteers as older ones retire, and offering at least a stipend for the emergency work might help retain and recruit volunteers.

In Athens, 36 voters unanimously agreed to establish the town's volunteer fire department as a town department. They voted to accept all of the volunteer force's assets, including buildings, land and equipment. All firemen supported the change, which is scheduled to take place on July 31.

### **Cruise ship ban**

Cranberry Isles residents passed a ban on cruise ship anchoring or allowing passengers access to town waters. Voters also agreed unanimously to spend \$100,000 to build a "fiber-to-the-home" internet system for the 26 homes on Sutton Island.

The "Cranberries" are located about five miles off Mount Desert Island and consists of five islands. Unlike Little and Big Cranberry islands, Sutton Island is primarily home to seasonal residents. Year-round residents always keep in mind the impact of local decisions on seasonal residents, who contribute significant tax revenue to run the town.

The remaining two islands, Bear and Baker, are essentially unoccupied.

Belgrade residents narrowly endorsed a plan to make the librarian a full-time job and expand the hours the library is open to the public.

The change will cost \$21,000 a year and passed by a vote of 179 to 162. In April, selectmen denied a request for a second vote.

Mercer voters, meanwhile, defeated an ordinance to recall public officials.

Towns that used surplus money

to either hold down the property tax rate or for one-time projects included Allagash, Andover, Jackson, Strong, Stonington, Troy, Whitefield and more.

In a classic debate over surplus funds, a determined Andover resident motioned to use \$140,000 from surplus to reduce taxes, rather than the \$80,000 recommended by selectmen.

After the motion failed, the same resident upped the ante to \$250,000, complaining that because the town had not spent \$95,000 budgeted last year, residents had been overtaxed.

After the second motion failed, voters didn't vote for any amount of surplus to be used toward operational costs.

Selectmen explained that under state fiscal guidelines, Andover should keep \$400,000 in "undesignated" or surplus funds for emergencies – the amount the town presently holds in reserve.

A pivotal reason not to spend surplus money on operations, officials have argued, is not to send a message to municipal workers that if they don't spend every cent budgeted, they would be penalized the following year.

There also is the "ping-pong" reality of using surplus funds one year, but then not having an equal amount the following year – often meaning the property tax rate rises and falls on the decision about surplus funding.

Ideally, surplus money is used for emergencies or one-time capital expenses to avoid the ping-pong effect of using surplus for day-to-day operations.

One of the larger surplus deductions occurred in Strong, where voters authorized using \$351,000 from surplus for day-to-day expenses. In Whitefield, voters doubled the amount to be used from surplus to \$100,000.

Stonington residents voted to use \$750,000 from surplus: \$400,000 for a salt and sand shed; \$200,000 for work at the transfer station; \$100,000 for a sidewalk project and \$50,000 to create a waterfront reserve account. The town expects to receive about \$200,000 from the Penobscot Energy Recovery Co. (PERC) when its contract ends in June, to be used to cover the transfer station project cost.

Benton voters approved taking \$200,000 from surplus to offset taxes, while Solon residents agreed to use \$80,000 from surplus to reduce taxes. ■



# 2018 Municipal Technology Conference



Scenes from the **2018 Municipal Technology Conference**  
April 27, 2018 • Augusta Civic Center, Augusta, ME



Sponsored by: **Maine Municipal Association & Maine GIS User Group**

*Photos by Ben Thomas*

# 2018 Municipal Technology Conference



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# - 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).**

### 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).



**Online registration is easy!**

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

#### Elected Officials:

##### Dates & Locations:

**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**

Maine Municipal Association

**\*\*With Live Video Conference to Caribou\*\***

Northern Maine Development Commission

### Managing Freedom of Access Requests

##### Dates & Locations:

**Portland – 12/11/18**

Embassy Suites by Hilton



Maine Municipal Association

60 Community Drive – Augusta, ME

1-800-452-8786

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

# Maine Municipal Association Ethel N. Kelley Memorial Award

...MMA's Most Prestigious Award

## NOMINATIONS BEING ACCEPTED

**Deadline for Receipt of Nominees – Friday, August 31, 2018 by 12:00 noon.**



Ethel N. Kelley devoted 45 years of service to the Maine Municipal Association – from its founding in 1936 until her death in 1981. The award honors her immense contributions to the MMA and the cause of strong local government in Maine. Some have described her as the “cement” that held the organization together, particularly during World War II. During those years, she served in many capacities. She virtually held every title and did every job in the Association.

In celebration of MMA's 50th Anniversary in 1986, the Association honored Ethel N. Kelley's memory by recognizing other volunteer or employed municipal officials of the same character and dedication. This year MMA will recognize its 32nd Recipient!

### CRITERIA: Do you know someone in your municipality who...

- ★ *Is dedicated to the cause of good local government.*
- ★ *Has conscientiously served local government and made this a lifetime achievement for 20 years or more.*
- ★ *Has demonstrated the capability and willingness to “Hold the Community Together.”*
- ★ *Has a selfless concern for others in their community.*
- ★ *Has not received full recognition for their service in local government.*
- ★ *Is currently serving or has retired in the past two years (may be given posthumously if within the past two years).*

**MMA wants to know about them! Send your nomination and give MMA the opportunity to recognize their achievement and dedication to local government.**

**NOMINATION PROCESS:** Please forward your Nomination and up to five letters of support from local or state officials, business leaders and/or members of the community. The Nomination Form is available on the reverse side or can be completed interactively on the MMA website at [www.memun.org](http://www.memun.org). ***The supporting letters are a critical part of the process.*** Care should be taken to describe in detail why your Nominee should receive this award and to assure that they highlight the criteria referenced above. Please give examples of your Nominee's efforts.

**SELECTION PANEL:** The Award Selection Panel will consist of three MMA Past Presidents who will meet in mid to late September to make their selection.

**PRESENTATION:** The Award will be presented at the MMA Annual Convention during the Awards Luncheon with the Recipient's family and friends, coworkers and the statewide municipal family present. The MMA Awards Luncheon is scheduled for **Wednesday, October 3, 2018 at 12:00 p.m. at the Augusta Civic Center.**

For more information, please contact Theresa Chavarie, MMA Manager of Members Relations at 1-800-452-8786 ext. 2211 or by e-mail at [tchavarie@memun.org](mailto:tchavarie@memun.org)



60 Community Dr., Augusta, ME 04330  
207-623-8428 • [www.memun.org](http://www.memun.org)

LOCAL GOVERNMENT  
*begins with* **you.**

# Maine Municipal Association Ethel N. Kelley Memorial Award

## NOMINATION FORM

\*\*\*\* Due Date – Friday, August 31, 2018 by 12:00 noon \*\*\*\*  
(Please complete all applicable sections)

Nominee's Name: \_\_\_\_\_

Municipality Served: \_\_\_\_\_

**LIST MUNICIPAL ELECTED/APPOINTED POSITIONS** (Please include services provided to any municipality):

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

**LIST MUNICIPAL VOLUNTEER POSITIONS** (Please include services provided to any municipality):

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Position(s): \_\_\_\_\_ Municipality: \_\_\_\_\_ Length of Service: \_\_\_\_\_

Please Include Total Number of Years Dedicated to Municipal Service: \_\_\_\_\_

**Membership in Professional Associations:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Recognitions Received:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Is the Nominee Retired from His/Her Municipal Positions/Career?**

YES (When did Nominee retire? \_\_\_/\_\_\_/\_\_\_)  NO (Anticipated retirement date? \_\_\_/\_\_\_/\_\_\_)

**Is the Nominee Retired from His/Her Non Municipal Work Career?**

YES  NO

**Is the Nominee deceased and being considered posthumously?**  YES

**Nominated by:**

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

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

Municipality: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

Municipality: \_\_\_\_\_ Date: \_\_\_\_\_

Please complete and return with up to **(5) supporting letters**. ***The supporting letters are critical to your success.*** Care should be taken to describe in detail why your nominee should receive MMA's most prestigious award. Send completed Nomination Form and letters by **12:00 noon on Friday, August 31, 2018** to:

**MMA Ethel N. Kelley Memorial Award – Selection Panel**  
**Maine Municipal Association, 60 Community Drive, Augusta, ME 04330**

# PEOPLE



**Mona Bector**

**Mona Bector**, who worked for 10 years in various roles for New York City, was hired in May as one of two Portland assistant city managers. A native of India, she has worked, studied or lived in 16 countries and holds a Bachelor's degree in Education and a Master's degree in International Business. She has lived in the U.S. for the last 34 years and will replace **Anita LaChance**, who will retire in August after 38 years serving the city as budget director, assistant finance director, parks and recreation director and assistant manager.



**Merton Brown**

Kennebunk Town Clerk **Merton Brown** is the 2017 recipient of the Lorraine M. Fleury Award, presented annually by the Maine Secretary of State in recognition of a city clerk who has made considerable contributions to the state's election process and who has demonstrated the qualities of fairness, knowledge, experience and service embodied by Fleury, the late longtime former state director of elections. Brown was first appointed a town clerk in Bethel in 1975 and served there for 21 years. He moved to Kennebunk in 1996 and worked for the late Town Clerk **Ethelyn Marthia** until she died in 2006. Brown was named deputy town clerk at that time and then was elected town clerk in 2014.

**Denise Clavette** was hired in May to fill the newly created position of Saco Planning and Development Director. Clavette, who worked as Auburn assistant manager for one year, said the Saco job was a great opportunity for her and will allow her to cut her daily commute from Old Orchard Beach, where her husband, **Larry Mead**, serves as town manager. She was hired in 2015 as Yarmouth's first economic development director, where she led a business retention and expansion program that preserved 600 jobs and was expected to create 500 more. In

all, Clavette has 25 years of experience in the field of economic development. She also is a former Portland Parks and Recreation director and former executive director of the Kennebunk-Kennebunkport-Arundel Chamber of Commerce.



**Betsy Davis**



**Hannah Hatfield**

is replaced by **Hannah Hatfield**, who worked as Montville treasurer and tax collector from 2005 to 2011. Hatfield was elected Montville town clerk this March, as well as Liberty town clerk – both part-time positions. Hatfield said she is honored to replace Davis in Liberty, for whom she worked as deputy treasurer for 18 months.

Waterville Fire Captain **Shawn Esler** was named the city's new fire chief, effective July 1. Esler, 29, has worked as a Waterville firefighter for 10 years. He was promoted to lieutenant in 2011 and to captain in 2015. He replaces **David LaFountain**, who has worked for the city department for 34 years and as fire chief of both Waterville and Winslow for the past 10 years. In addition, Waterville City Councilor **Lauren Lessing** resigned in May to take a job in Iowa. She was elected to the council in 2016 and will become director of the University of Iowa Stanley Museum of Art, effective July 31. Lessing has worked for Colby College in Waterville since 2007 and was named director of academic and public programs at the college's art museum in 2015.

The Liberty select board and residents recognized former Treasurer **Betsey Davis**, who served the town for 40 years, at the March annual town meeting. After losing her first bid for the job in 1978, the winner left town two months later and Davis was appointed. She ran unopposed every year but one. A Liberty native, Davis lives next door to the town office and worked as a teacher's aide for seven years during her municipal tenure. She

Former Augusta Deputy Police Chief **Jared Mills** has replaced Chief **Robert Gregoire**, effective June 1. Mills was hired as a city patrolman in 1998 and has worked in several police roles over 20 years. Gregoire, 52, worked for the department for 30 years and was appointed chief in 2011. Mills worked as interim chief after Gregoire suffered severe injuries in a 2014 motorcycle accident. Gregoire will remain a city employee, working part-time at the Buker Community Center, which houses the city's recreation department and various other offices and programs for children and teen-agers. Meanwhile, Augusta councilors recognized **Lionel Cayer** in May, who retired at month's end after serving as city engineer since 1998. He is credited as pivotal in the development of the 6.5-mile Kennebec River Rail Trail between Augusta and Gardiner.

Androscoggin County Deputy Sheriff **Dennis Sampson** of Poland died May 5 after an apparent heart attack. Sampson was born in a Lewiston hospital in 1966, and grew up in Auburn. He graduated from the Army Reserves soon after graduating high school in 1985. He served as a reserve police officer for the City of Auburn and a full-time Paris patrolman after graduating from the police academy in 1991. He worked as a deputy sheriff from 2005 until his death.

**Tom Stevens** agreed to leave retirement this spring to work as interim Limestone town manager until a permanent manager is hired this summer. Stevens managed the Town of Standish before taking the helm in Limestone in 1980, where he served until hired as Presque Isle city manager in 2010. In 2016, Stevens was named area director for the USDA.

Bar Harbor Assessor **Justin VanDongen** will take over as Southwest Harbor town manager effective June 25. He has served in Bar Harbor for five years, after working as Boothbay Harbor assessor and administrator, and as assessor for Pittston. He replaces **Don Lagrange**, who served since December 2011 and will work as the town's code enforcement officer once VanDongen takes office. ■

## BRUNSWICK

House hunters will soon have 146 new homes to choose among at the former U.S. Navy base known as Brunswick Landing. More than 400 homes will become available over the next three years, including 190 rental units that have been renovated. In the seven years since the Navy vacated the base, the Midcoast Regional Redevelopment Authority has attracted 110 businesses that have created 1,700 jobs. The authority supports the housing proposal as a new phase of diversified development. The homes are popular and in demand, with many tenants of the former base wanting to buy their units.

## CARIBOU

Residents of numerous Aroostook County towns convened in Caribou on May 22 to express opposition to J.D. Irving's proposal to rezone 51,000 acres of forest land within the Fish River chain of lakes, a series of five lakes in the North Maine Woods region. The area, while sparsely populated, is a vital recreation area and home to wildlife, brook trout and land-locked salmon. It includes two of Maine's most coveted angler rivers, the St. John and Allagash Wilderness Waterway. The hearing was hosted by the Land Use Planning Commission, which will make the decision. Irving wants to rezone nearly 2,000 acres for 11 new residential lots to encompass 330 housing units and four "community/economic development areas." The proposal also calls for 14,750 acres to be set aside as permanent conservation land.

## CARMEL

The Air National Guard, Maine Forest Service and 16 municipal fire departments battled an enormous fire at the Carmel recycling plant on May 22 after a car burst into flames when it was dropped by a crane on a pile of recycled cars. Fire officials believe the car contained oil residue, setting ablaze the 30-foot-tall pile of demolished cars. The fire started at 11:25 p.m. and firefighters had the fire tamped down by 4 p.m., though some personnel worked at the site until 8 p.m. It was the second major fire at the plant in five years. State environmental personnel arrived at the plant to monitor air quality. No one was injured during the incident.

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

**MMA Fiscal Survey.** The annual Fiscal Survey, a critically important data set that the Maine Municipal Association uses at the State House, in Washington, D.C. and locally, is due by Aug. 30. We encourage members to complete it.

**MMA Executive Committee.** The new, proposed roster of MMA officers and Executive Board members has been posted, along with resumes and details about their dedication to public service.

## FORT KENT

The town-based Ambulance Service Inc. (ASI) has been recognized with the 2018 Maine EMS Excellence Award. ASI serves most of the St. John Valley in the northern-most region of the state. It also covers the North Maine Woods, comprised of 3.5 million acres of mostly commercial forest land. ASI responds to an average of 1,200 calls per year and boasts a fleet of six ambulances and a staff of 30. The service employs four paid paramedics, supported by 20 volunteer EMTs.

## RUMFORD

Town officials in late May celebrated winning a \$990,000 Community Development Block Grant (CDBG) after working on the application for more than two years – started in 2016 when there were no funds available. The CDBG is part of \$3 million available statewide this year for infrastructure and community development. The money will be used to finance the town's downtown reconstruction project that otherwise would have been funded by local taxpayers.

## SOUTH BERWICK

Annual town meeting voters in late May overwhelmingly agreed to appropriate \$4 million for a new police station. The vote was 167 to 27. The project will be financed with bonds and is expected to increase property taxes by \$75 on an average home. Construction of the station will begin in the fall and meet the standards of the federal U.S. Department of Justice.

## WINDHAM

The town is being sued by a developer who sought a permit to create a quarry near Forest Lake. In April, the council passed a 180-day moratorium on mineral extraction after residents strongly opposed the project before the planning board and council. The quarry is proposed for a 100-plus-acre site within the town's farm zone, which allows for mineral extraction. The Auburn-based CSG Properties filed suit in late May, after the council passed an emergency moratorium on all new mineral extraction activities. ■



**Windsor student Damon Wilson (center), a winner in MMA's Annual Essay Contest, after receiving his award. (Submitted photo)**

# MUNICIPAL BULLETIN BOARD

**JUNE 19**

## **Elected Officials Workshop: Ellsworth**

Attorneys and staff from MMA's Legal Services Department will lead a workshop for Elected Officials on June 19 at the General Bryant E. Moore Community and Conference Center in Ellsworth. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members.

**JUNE 22**

## **Municipal Law for Clerks: Augusta (video to Caribou)**

Lewiston City Clerk Kathy Montejo and Michael Stultz, attorney with MMA's Legal Services Department, will co-present a workshop on municipal law for clerks on June 22, starting with registration at 8:30 a.m. The event, sponsored by the Maine Town & City Clerks' Association, will be held at Maine Municipal Association's Christopher G. Lockwood Conference Center in Augusta, with a live video link for attendees at the Northern Maine Development Commission office in Caribou.

The workshop is designed to strengthen clerks' knowledge in many major subject areas. Cost is \$60 for MTCCA members and \$80 for non-members.

**JUNE 26**

## **New Managers Workshop: Augusta**

A workshop for new municipal managers will be held on June 26 at the MMA Conference Center in Augusta. The workshop will feature numerous speakers from MMA staff and from the Maine Town, City & County Management Association, including MMA Executive Director Stephen Gove and MTCMA President Larry Mead, manager in the

Town of Old Orchard Beach.

The workshop will provide information about the roles of municipal managers, the rights and protections offered to public employees in Maine, the International City/County Management Association Code of Ethics and the variety of services offered at MMA.

### **SPECIAL SESSION!**

**JULY 10**

## **Legal Update on Recreational Marijuana Use: Bangor**

Attorneys from Bernstein Shur, one of Maine's leading law firms, will provide an important and timely legal update about what municipalities can – and should – do now that legal use of marijuana for recreational and legal purposes is official. The event will be held at the Cross Insurance Center in downtown Bangor.

This workshop is designed to help local leaders make decisions about whether to become an "opt-in" community, about land-use and employment considerations. It will *not* provide criminal investigatory or police advice. The afternoon-only workshop begins with registration at 1:30 p.m. and is scheduled to conclude at 4:30 p.m. Cost is \$45 for MMA members and \$90 for non-members.

**JULY 12**

## **Basic Excise Tax: Augusta**

The Maine Municipal Tax Collectors' and Treasurers' Association will hold a Basic Excise Tax workshop on July 12, starting with registration at 8:30 a.m., at the MMA Conference Center in Augusta. Tracie York, tax collector in the Town of Lincoln, will be the instructor.

Topics to be covered include: price source manuals; optional equipment; mil rates; commercial vehicles; and, watercraft. The workshop will conclude at 3:30 p.m. and the cost is \$55 for

MMTCTA members and \$85 for non-members.

**JULY 19**

## **Elected Officials Workshop: East Millinocket**

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for Elected Officials on July 19 at the East Millinocket Town Office. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate showing they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members.

**JULY 26**

## **Planning Boards/BOA: Portland**

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 July 26 at the Clarion Hotel on Congress Street in Portland.

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

**All of the upcoming workshops can be found  
on the MMA website.**

**Use the following link:**

**[http://www.memun.org/TrainingResources/  
WorkshopsTraining.aspx](http://www.memun.org/TrainingResources/WorkshopsTraining.aspx)**



# LEGAL NOTES

## Adult Use Marijuana & Local Control

The new "Adult Use Marijuana" law (LD 1719, eff. May 2, 2018) is the Legislature's major re-write of the law enacted by the voters in November 2016 and legalizing "recreational" marijuana.

The new law makes a number of significant concessions to local control over adult use marijuana. First and foremost, the law incorporates a local "opt-in" requirement similar to the local option for liquor sales. Local adult use marijuana establishments are prohibited unless the municipal legislative body (town meeting or town or city council) votes to permit them. In short, prohibition is the default, and no local action is required in order to prevent adult use marijuana establishments from operating locally.

In addition, if a municipality votes to permit some or all types of adult use marijuana establishments (i.e., retail stores and cultivation, nursery cultivation, testing and manufacturing facilities – social clubs are no longer allowed under the new law), the municipality may, by ordinance, limit the number of such establishments, impose land use regulations on them, and require local licenses for them.

On the other hand, municipalities cannot generally prohibit home cultivation of marijuana for personal use, restrict the areas within the municipality in which home cultivation for personal use is allowed, or charge a license or other fee for home cultivation for personal use. However, a municipality may, by ordinance, limit the total number of mature marijuana plants cultivated on any one tract or parcel of land so long as the ordinance allows cultivation of three mature plants, 12 immature plants and an unlimited number of seedlings by each person who is 21 years of age or older and who is domiciled on the property.

Municipalities also have no authority to tax any adult use marijuana establishments other than levying traditional property taxes. (There is no State tax-revenue sharing with municipalities under the new law.)

For the record, the new law is totally separate from the law governing medical marijuana (the Maine Medical Use of Marijuana Act, 22 M.R.S. §§ 2421-2430-B). Nothing has changed in terms of local control and medical marijuana.

Incidentally, MMA's Legal Services staff is preparing an "Information Packet" on adult use marijuana. By the time this Legal Note is published, the new packet should be available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## Private Roads Reprised

We've written fairly often here about private roads. For instance, about why it's illegal – unconstitutional, actually – to spend public funds plowing or maintaining private roads (see "Plowing Private Roads & Driveways Revisited," *Maine Townsman*, Legal Notes, November 2003).

But also about the narrow exception to this rule for repair of private roads endangering the water quality of great ponds (see "Private Road Repair at Public Expense OK'd If...," *Maine Townsman*, Legal Notes, August 2009).

Then we addressed the question of whether property owners on private roads are entitled to a tax reduction because they don't benefit from public maintenance (see "Do Abutters to a Private Road Deserve a Tax Break?," *Maine Townsman*, Legal Notes, March 2004). The answer, by the way, is no.

We also debunked two myths: One, if a municipality has been plowing or maintaining a private road for a certain period of time, it may or must continue to do so, and two, if emergency vehicles cannot access property due to an impassable private road, the municipality can be held liable (see "Plowing Private Roads," *Maine Townsman*, Legal Notes, December 2015).

And finally, although there is no State law requiring that private roads be maintained by their owners or those who use them, we briefly described the statutory process by which abutters to a private road can form a road association to provide maintenance and repairs at their mutual expense and enforce collection of unpaid assessments (see "Private Road Maintenance," *Maine Townsman*, Legal Notes, April 2007).

This law was revamped in 2009 and 2014 and is described in detail, together with other alternatives to the statute, in a very helpful "Guide to Forming Road Associations," prepared by the Maine DEP and available at <http://www.maine.gov/dep/land/watershed/roadassociation.htm>.

For more on why public maintenance of private roads is impermissible, including

## MUNICIPAL CALENDAR

**JULY 4** — Independence Day — A legal holiday (4 MRSA §1051).

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

**ON OR BEFORE JULY 31** — Every employer required to deduct and withhold tax for each calendar quarter shall file a withholding return and remit payment as prescribed by the State Tax Assessor (36 MRSA §5253).

**BETWEEN MAY 1 AND OCTOBER 1** — Municipal officers may initiate process to close certain ways during winter months (23 MRSA §2953). For further information, see the MMA Municipal Roads Manual.

**BY JULY 31** — Supply certification to the Maine Department of Transportation that Local Road Assistance Program (LRAP) funds will be used consistent with the requirements of the law (23 MRSA §1804). ■

legal citations and FAQs, see Chapter 5 of MMA's *Municipal Roads Manual*, available free to member at [www.memun.org](http://www.memun.org). (By R.P.F.)

## Tiny Houses

Tiny houses (dwellings with less than 400 square feet in floor area, often but not always on wheels) have been gaining in popularity nationwide for about a decade now, including here in Maine.

Advocates argue that tiny houses, which often look like miniature versions of traditional full-size homes, are more affordable and ecologically friendly than conventional housing and are ideal as vacation or retirement homes or accessory dwellings. Skeptics, however, voice concerns about occupant health and safety and neighborhood property values and dismiss the tiny-house movement as a passing fad.

We are neither "for" nor "against" tiny

# LEGAL NOTES

houses (though we do find them cute and the idea of actually living in one intriguing). But the fact is that most zoning and land use ordinances and building codes are inhospitable to tiny houses and would need to be amended in order to permit them. Whether this would be good public policy, however, is a local matter, about which, again, we express no opinion.

For municipalities and local officials wishing to explore the possibilities, though, there are some excellent Maine-centered resources on the Maine Building Officials and Inspectors Association (MBOIA) website at <https://www.mboia.org/>. Scroll down the left margin and click on "Tiny Homes – Presentation 1," "Tiny Homes – Presentation 2" and "MUBEC Tiny Home Exemption – APPENDIX 5." (By R.P.F.)

## Speed Bumps

**Question:** We're considering installing speed bumps on several local roads in order to slow down traffic. Do you have any advice?

**Answer:** Yes, we do. In the first place, you should have a traffic ordinance authorizing the installation of traffic control devices such as speed bumps and speed humps (an improved variant of speed bumps). This is because speed bumps and humps might otherwise constitute a highway defect for which a municipality arguably could be held liable under Maine's "Pothole Law" (see "The 'Pothole Law,'" *Maine Townsman*, Legal Notes, April 2104). But structures that exist in a roadway in accordance with a municipal ordinance are deemed not to be highway defects, so a municipality cannot be held liable for them (see 23 M.R.S. § 3651).

Nevertheless, it is critical from a highway safety standpoint that speed bumps and humps be properly designed, marked and signed according to the standards in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). For a good discussion of speed bumps versus speed humps (the preferred alternative), and for links to the MUTCD and other "traffic calming" information, go to this Maine Local Roads Center webpage: <http://www.maine.gov/mdot/cs-dold/mlrc/technical/shsb.htm>

Incidentally, the municipal officers (selectmen or councilors) have the *exclusive* authority to enact traffic and parking ordinances, even in a town meeting form

of government. For details, including the procedure for doing so, see "Traffic & Parking Ordinances," *Maine Townsman*, Legal Notes, November 2015.

Finally, on a related note, municipalities generally do *not* have legal authority to set speed limits on local roads – the MDOT (Maine Department of Transportation) does. There is a narrow exception for "qualifying municipalities," but the technical requirements are so burdensome that no municipality in the state currently qualifies. For details, see "Speed Limits on Local Roads," *Maine Townsman*, Legal Notes, July 2015. (By R.P.F.)

## Local Government Records Disposition Rules Revised

The Maine State Archives' Rules for Disposition of Local Government Records have been revised. The new May 2018 edition reorganizes the rules to make them more logical and user-friendly. They also have a new title: Local Government Record Retention Schedules. The new schedules are linked here: <http://www.maine.gov/sos/arc/records/local/localschedules.html>.

Like the old rules, the new schedules specify, by agency and category of record, which records must be retained, for how long and in what medium, and which may be destroyed, when and how. Any violation of these schedules, including unauthorized or premature destruction of records, is a Class E crime (see 5 M.R.S.

§ 97). It's also a crime to sell or transfer government records unless specifically authorized by law (see 5 M.R.S. § 95-A).

For more on the retention of local government records, including advice, resources and contact information, go to the Maine State Archives' Local Government Records Management webpage at <http://www.maine.gov/sos/arc/records/local/index.html>. (By R.P.F.)

## Maine Model Cable TV Franchise Agreement 2.0


In the April 2018 Legal Notes we told readers that the State has developed and posted a very helpful Maine Model Cable TV Franchise Agreement. The link we included, however, has since been changed. The new link is <http://www.maine.gov/connectme/communities-resources/resources>. Scroll down to the bottom for the model agreement. (By R.P.F.) ■

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# 2018 FALL BOND ISSUE SCHEDULE

Capital financing through the Bond Bank's General Bond Resolution Program allows borrowers to take advantage of the Bond Bank's high investment grade rating, low interest rates and reduced issuance and post issuance costs. Traditionally twice a year, in the Spring and Fall, the Bond Bank will consolidate eligible applicants and engage in a bond sale. From application to receipt of funds the bond issuance process usually lasts three to four months. Below is the schedule for the Bond Bank's Fall Issue.

AUGUST						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER						
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

OCTOBER						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

NOVEMBER						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

**Wednesday, August 1st**

Application Deadline.

**Wednesday, August 29th**

Application approval (Board Meeting).

**Thursday, September 13th**

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

**Friday, September 14th**

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

**Monday, October 1st & Tuesday, October 2nd**

Maine Municipal Bond Bank Pricing.

**Wednesday, October 3rd**

Maine Municipal Bond Bank Sale Meeting (Board Meeting).

**Wednesday, October 17th**

Final documents due from bond counsel.

**Wednesday, October 31st**

Pre-Closing.

**Thursday, November 1st**

Closing - Bond Proceeds Available (1:00 PM).

If you would like to participate in or have any questions regarding the 2018 Fall Bond Issue, please contact Toni Reed at 1-800-821-1113, (207) 622-9386 or tir@mmbb.com.



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