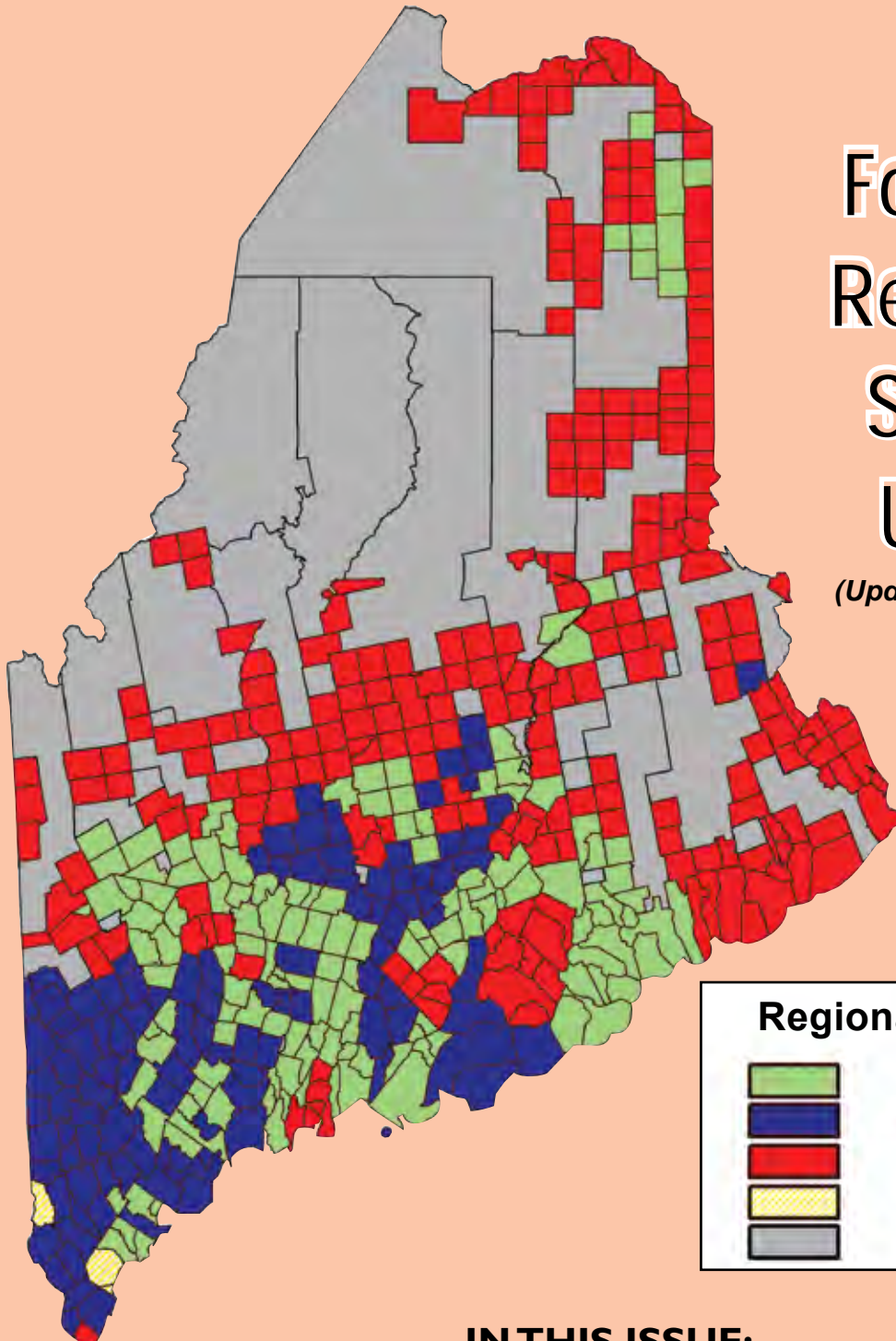


February, 2009

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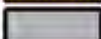
The Magazine of the Maine Municipal Association



Forming Regional School Units

(Updated as of 2/1/09)

Regional School Units

	Approved by the voters
	Exempt
	Rejected by the voters
	Vote Pending
	UT

IN THIS ISSUE:

School Consolidation • Assessing Ups & Downs • Affordable GIS • '09 Training Calendar

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

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recycled paper

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Almost all of the voting regarding the formation of regional school units (RSUs) is done, but the public debate over this controversial law is as strong as ever. The map on the cover of this issue of the TOWNSMAN depicts graphically where school consolidation was accepted and where it has been rejected by voters. With a petition for a citizen initiative to repeal the school consolidation law before the Secretary of State's office and a number of bills to change the school consolidation law having been introduced this session, Maine's school consolidation saga continues. In this issue, MMA's legislative staff provides their latest update.	
Ups & Downs	9
The national housing crisis has thrown a curve ball to many local assessors. One of the issues that municipal assessors seldom have to deal with is declining values for real estate. Except in instances where property is damaged or destroyed, the normal direction of property values is "up". But, in today's world of foreclosures and mortgage defaults, the wind is blowing in a different direction. Fortunately, Maine is not in the thick of the national real estate crisis; nevertheless, local assessors here are seeing instances of falling values, total assessments that exceed 100% of market value, and an increase in abatement requests.	
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Geographic Information Systems (GIS) have gone mainstream with a vast array of Internet mapping systems and the consumer GPS devices that now commonly provide direction to motorists. GIS has been around for quite a while, but it's gotten more sophisticated and affordable for municipal use. GIS can provide a wealth of information to local government officials whose job it is to provide assessing, public works, planning, and many other municipal services.	
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ABOUT THE COVER: The map depicts the results of the vote of the entire RSU (Regional School Unit) or AOS (Alternative Organizational Structure) plan. In cases where a community voted in favor of the proposed RSU or AOS but the ultimate result of the regional vote did not create a reorganized school system, the community is labeled as having rejected the proposed RSU or AOS. Note: Island municipalities on the map appear as mainland municipalities.
Data for the map was compiled by Dan Bechard, St. Agatha selectman

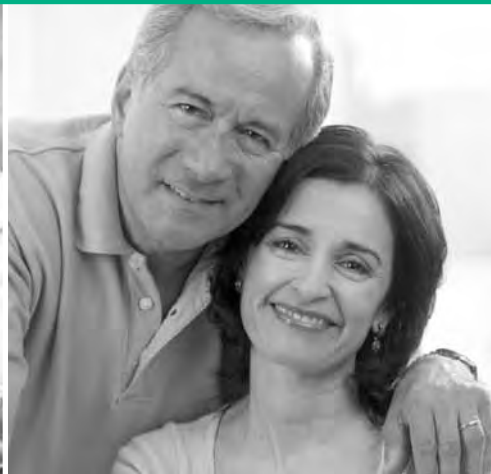


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School Reorganization Update

By Jeff Austin and Kate Dufour,
Legislative Advocates, MMA

The referendum phase of the mandatory school consolidation process is over for all proposals except one (Acton & Wells-Ogunquit). The statewide results are mixed. Approximately 90 school units with a little over 55,000 students will undergo some form of reorganization. Two more units with 1,800 students in York County will vote in March on the lone remaining reorganization proposal.

Almost 50 school units, with just over 100,000 students were exempt from the reorganization process due to the size, performance, island-status or tribal status of the school unit.

Finally, approximately 144 units, having nearly 37,000 students either rejected consolidation or refused to participate in the process.

The summary of the results are shown in the table accompanying this article.

The primary source for this data is the Department of Education's website.

Also note, there was some disagreement between the Department and the Maine School Management Association regarding how best to characterize some votes in areas of a split vote that ultimately produced a new RSU. For example, in the Caribou region, only 3 of 8 school units voted in favor of consolidation. However, the 3 "yes" units were sufficient to form a new RSU under the consolidation law. So, for purposes of calculating an overall tally of the votes, the table lists the Caribou region as voting yes (similar to the Department). However, for purposes of recording the data in the table, the units are apportioned according to the votes in each unit. In this case, three are counted in the "voting yes" category and five are counted in the "voting no" category.

As the map on the front cover indicates, exemptions were most prevalent in southern Maine, rejections were most prevalent in Northern Maine and central Maine produced a mix of results.

It should be noted that the map only indicates whether a new, reorganized school unit was formed in a particular municipality. The map does not reflect whether a particular municipality or school district voted for or against the plan. The table at the end of the article identifies the districts that voted in favor of a plan that was rejected overall and that will not produce reorganizations (and there-

fore appears in red on the map).

The Commissioner of the Department of Education has indicated that the Department will either introduce or support any legislation that would provide a one-year reprieve for these school units from the penalties that would otherwise be imposed on districts that are failing to reorganize.

Obviously, the districts that voted in favor of reorganization vary greatly in terms of the degree to which the new Regional School Union (RSU) system will be different than the existing system. An example of a "minimal change" RSU will be the Maranacook RSU which is currently the Marana-

Status	Current School Administrative Units	Resulting School Units	Total Students
Voting Yes (24)	94	24	55,650
Pending (1-Acton & Wells-Ogunquit)	2	1	1,818
Sub-Total	96	25	57,468
Exempt – Over 1,200 students (36)	36	36	98,377
Exempt – Tribal & Island Districts (11)	11	11	924
Exempt – High-Performing District (2)	2	2	3,181
Sub-Total	49	49	102,482
Voting No (22) & Non-conforming	145	145	37,717
Sub-Total	145	145	37,717
STATEWIDE TOTALS	290	219	197,667

cook CSD/School Union 42 in the municipalities of Wayne, Readfield, Manchester and Mount Vernon.

The state tabulates the current CSD arrangement as five separate school administrative units: the CSD (which operates a middle school/high school for the four municipalities) and four municipal systems for each of the four elementary schools. However, the four municipal systems don't have any "administration" in the sense that was at issue in the broader reorganization debate. That is, there are not five different school superintendents each with his/her own staff or office. The single superintendent position for these five units has been shared by the five interconnected schools systems for over two decades. The only direct administration in the elementary schools is provided by the principals. (In fact, Mt. Vernon and Wayne share an elementary principal as well.) So, the new system will be almost indistinguishable from the old system. Another example of this kind of minimal change is the CSD (now RSU) for the municipalities of Litchfield, Sabbatus and Wales.

By comparison, RSU 10 will be combining three existing School Administrative Districts (MSADs 21, 43 and 39) and the municipal district of Hanover. The new RSU will cover 12 municipalities whereas the current SADs have only four, four and three

municipalities respectively. There are separate superintendents for each of the three SADs. Finally the new enrollment for the RSU will be over 3,200 students, one of the state's largest.


It is difficult to stereotype either those who voted in favor of reorganization or those who voted against it. There are simply too many variables that go into the decision to be able to select one or two as determinative. That said, the pattern of support versus opposition does appear to be inversely related to how close the unit was to Augusta.

NEXT STEPS

There are two primary next steps. For those units that are reorganizing into RSUs, the task is to become operational by July 1 of this year. This involves electing school boards, hiring a superintendent, developing a budget and otherwise redesigning the new school system.

For all others, the primary issue is the apportionment of penalties. The statute presently imposes a penalty on those units which do not organize. The financial penalty has two components. The "system administration" allocation in the school's EPS model is reduced by 50%. In addition, the so-called "mill rate expectation" that the school must levy in order to leverage full state subsidy is increased

by 2%. The funds generated by this penalty are to be used to subsidize the costs of all other units, both those that are forming RSUs and those that are exempt. As indicated above, the Department may seek legislation to give "Yes" units in non-reorganizing areas a reprieve.

The Maine Municipal Association has filed legislation to "flip" the penalty system into a "reward" system such that only those units which are reorganizing will receive a benefit. In other words, the exempt school units will not benefit at the expense of the penalized units; instead the exempt units and the penalized units will collectively contribute to rewarding the newly created RSUs. 

School Units That Voted "Yes" In Regions That Voted "No"

MSAD 53

Madawaska

Highland Plantation

MSAD 37

Deblois Plantation

Vanceboro

Castine

Surry

MSAD 74

MSAD 44

Gilead

Upton

MSAD 68

MSAD 27

MSAD 25

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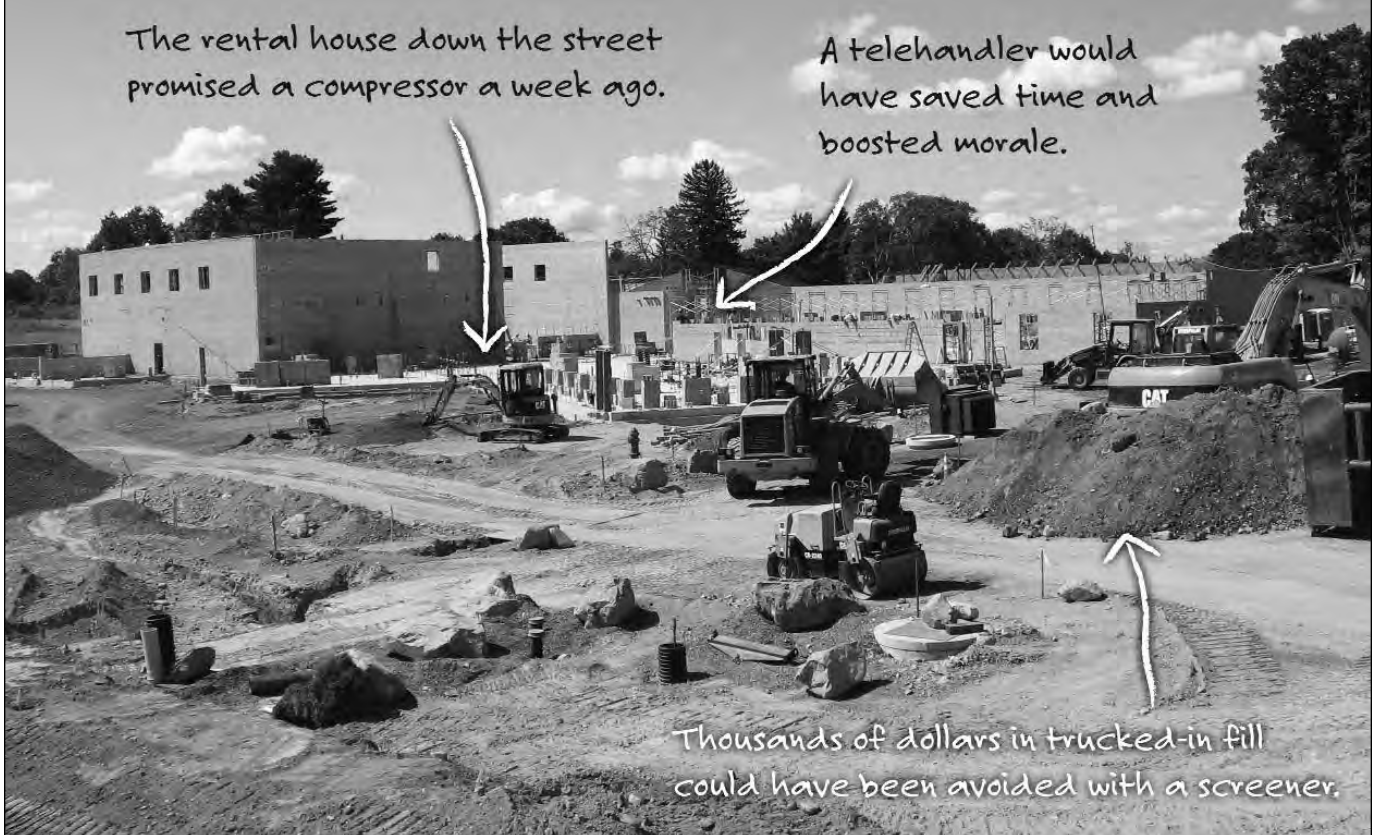
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Ups & Downs of Assessing

By Douglas Rooks

The nationwide tumble of real estate prices, and the rise of foreclosures, might be expected to put the heat on Maine's municipal assessors – the officials charged with keeping the values current on which the property tax system relies.

To date, assessors report only minor impacts on how they do their jobs, and how the public relates to them. Maine has so far been spared the dramatic loss of value that has struck some of the previously fast-growing regions of the country. While the slump has so far cut about 7 percent off the peak value of residential property here – and another 5 to 10 percent drop is predicted for 2009 – that's a far cry from the turmoil evident elsewhere.

A recent *New York Times* story profiled the town of Lehigh Acres, Florida, an exurb of Fort Myers, where residential sales prices have dropped as much as 80 percent. During the boom years, from 2000-06, developers built more than 13,000 units in Lehigh Acres, nearly doubling the housing stock. Having peaked in 2005 at \$342,300, the median home price dropped to \$215,200 by December 2007, and was just \$106,900 by the end of 2008. Whole subdivisions are now vacant.

A SLOWER CURVE

It's easy to see why Maine's experience is a whole lot more appealing. In Machias, assessor Doug Guy says his area of Maine "is very slow on the curve" of rising or falling values. He estimates that, so far, there has been only a two or three percent decrease

in home values, which will require some adjustments in the revaluation the town is currently undergoing, but nothing major.

In Belfast, Bob Whiteley said that values are still rising, though the 1-2 percent increase is slower than the 7-10 percent appreciation seen in the two previous years. The whole midcoast area, in fact, is an area of relative strength in real estate prices. The state's 2009 valuation figures for Lincoln County, for instance, show a total of \$8.27 billion, up from \$7.98 billion the previous year, a 3.6 percent increase.

It is in southern Maine, where prices rose the most, that the turnaround is most evident. Some municipalities that recently conducted reassessments have seen values go back to 100 percent, and in a few cases go over 100 – a situation not seen in Maine since the early 1990s.

The changes were significant enough so that the Cumberland County assessor's group, which hadn't met in a couple of years, got together in January, with more than 30 attending.

"What we discovered was that, for the most part, values were holding against each other," said Anne Gregory, Falmouth's assessor. That point is particularly important to maintaining accurate appraisals, because it is shifts in different categories of property that create the need to reassess just as much as the overall percentage against full value.

In Falmouth, for instance, values have declined relatively evenly, although there have been greater reductions for multi-family housing, older commercial buildings, and condominiums, Gregory said.

For Cumberland County as a whole, the median home price peaked at \$250,000 in 2005, and has dropped to \$226,000. In Falmouth, one of Maine's most prosperous communities, the decline is smaller, from \$476,000 to \$461,000, or 6 percent

'EVERYTHING STINKS'

Liz Sawyer, assessor for South Portland and Westbrook, attended the annual MEREDA conference (Maine Real Estate and Development Association), one of the state's major trend-spotting gatherings. The consensus, Sawyer said, was that "everything stinks," but that the major classes of residential, rental, commercial and industrial properties are experiencing similar declines.

This doesn't mean there isn't heightened public awareness and concern. For a long time, homeowners could be confident about selling their property, in most cases, for more than its assessed value. So the reverse phenomenon – assessments higher than sales – is unsettling.

For now, this hasn't led to an increase in requests for abatements, according to Sawyer, but there have been a lot more inquiries.

"When property values are not what you thought they were, it has an impact. It's a little harder to explain to taxpayers, given their expectations," she said. "We're hearing about it," she said, but she described the number of calls as "not overwhelming."

Sawyer said that South Portland, which reassessed in 2006 at the top of the market, is one municipality where values may be exceeding 100 percent. Westbrook is near 100 percent.

Doug Guy, who does assessing for

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

11 Downeast communities, has included a feature in several contracts that allows taxpayers to ask questions about their assessments by e-mail. Of those messages, at least two-thirds involve expectations that valuations will decline, or should have by now.

“Almost all of those comments are from out-of-state property owners,” he said, “not from local residents.” Because the real estate crisis has had a much bigger impact elsewhere, he said, some non-resident property owners don’t realize that, in Washington County, both land values and home prices have been relatively stable.

That relatively modest drop is having an effect on the Machias revaluation now in progress. When the survey began, Guy said, assessments were about 59 percent of full value but have since risen to 61 percent.

HIGHER THAN 100

While it’s well known that state law requires municipalities to reassess whenever values fall below 70 percent, there’s also a limit to values on the high side. Reassessments are also supposed to occur if values go over 110 percent, a feature of the law that was added during the recession of 1991-92, when a handful of Maine municipalities exceeded that rate.

It’s probably too early to tell, the assessors say, whether that will happen again.

Even if it does, Anne Gregory said, it doesn’t necessarily mean an entire reassessment of the town. If values remain in line, the town could simply adjust assessments downward. “You’d have lower assessments and a higher tax rate,” she said. “The amount of tax each property owner would pay would remain the same.”

What does seem to be causing some concern is the drop in sales volume, which in turn affects assessors’ ability to determine market prices.

Bill Healey, assessor in Cumberland and Yarmouth, said that volume in 2008 was only 60 percent of the previous year, and may be dropping further. Speaking of Cumberland, he said, “There were very few transactions in December, and only a half a dozen sales. We normally see about 35 transfers a month, of which about 15 are sales.”

He agrees that what’s now unfolding is unusual, if not unprecedented.

The wide scale decline in values isn’t something Mainers have experienced. “I’ve been in the appraisal business since the early 1990s, and this is the first time I’ve seen it,” he said.

One factor affected by the sales dearth is how to spot “outlier” sales that don’t necessarily change the overall municipal assessment. One of the first things an assessor asks if a buyer finds the assessed value dramatically different from what they paid is whether it was a foreclosure, or a “distressed sale,” where for one reason or another a seller simply had to act.

Usually, those sales are easy to spot, but a rash of foreclosures in an area could change that. Healey said that he anticipates perhaps 15 foreclosure sales this year in Cumberland, but there will still likely be 150 sales overall. Assessors are allowed to disqualify such forced sales from valuations of similar properties because they don’t reflect overall conditions. “If they become the market,” Healey said, “that’s something else entirely.”

Healey confirms that, while values are down, there isn’t a major shift from one part of the real estate market to another. Cumberland, for instance, has only three percent of its valuation in commercial property, while

the other town where he’s assessor, Yarmouth, has 20 percent commercial. Yet the “quality ratio,” the divergences from a mean that, according to state standards, should remain within 10 to 15 percent, is equally close in both towns.

NOT TIME TO REASSESS

Kennebunk is a town where reappraisals are done far less frequently. When the current valuation, completed in 2003, was done, it had been nearly 20 years since the last complete reassessment of this southern coastal community.

Barry Tibbetts, the town manager and a former assessor, said that “there are definitely areas that need to be adjusted,” given changes over the last five years, and the town is pointing toward a “statistical update” though not another revaluation.

In fact, given market instability at the moment, he said he can’t in good conscience recommend to the town selectmen spending a lot of money to hire an outside firm. “Even if we were to start soon, the new values wouldn’t be ready until 2010.”

He emphasized that delaying a revaluation “doesn’t mean we don’t want to do it,” because of the town’s obliga-

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tion to keep assessments consistent and fair. But given understandable taxpayer resistance to any new spending requests this year, it's unlikely that Kennebunk will be reassessing any time soon. "It makes a lot of sense to wait," Tibbetts said. "We don't want to end up at 110 percent." In preparing a budget, he said each municipality is looking "to preserve what you need to deliver in services at the minimum amount of money."

Tibbetts said that coastal property, as in past downturns, seems to be holding its value for now. While assessors upstate tend to look at the Portland area for wider swings in value, in southern Maine, Tibbetts finds the comparison to other parts of the country more telling. "Maine reacts more slowly than other areas," he said. "For us, right now, that's a good thing."

BEHIND THE MELTDOWN

In the midcoast, Bob Whiteley thinks that real estate prices have been buffered from declines because they didn't get overvalued in the first place. He's outspoken about what he sees as the causes of the subprime mortgage meltdown, saying, "The whole thing

was contrived, the same way the electricity market in California was manipulated by Enron." With former Federal Reserve Chairman Alan Greenspan lowering interest rates in 2003-04 "for no reason at all," the chase for cheap loans was on. "People paid more for property than it was worth," is his blunt assessment.

In the midcoast, a conservative approach by the financial community helped keep things stable. "We haven't suffered as much because banks didn't make the loans that got other areas in trouble," he said.

UPS AND DOWNS

Both sides of the home-buying boom and bust are recorded in Fal-

mouth, where all the reappraisals are done in-house, something that Anne Gregory says provides a lot more options in times of changing values. "If you've spent a lot of money hiring an outside firm, you're not going to want to throw out those values," even though they may not be the same as when the reassessment started, she said.

In Falmouth, there were revaluations in 2000 and 2003, and another in 2006-07 when values had already fallen to 76 percent. Because the revaluation was taking place as the market peaked, and then started falling, Gregory decided to shift the period where values were being averaged. "We disregarded the first six months and added another

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eight months at the end,” better reflecting current conditions. “With a contract appraisal, you’d have a harder time doing that,” she said.

There’s so little activity on some types of property that assessors occasionally have to make some unorthodox adjustments. In some smaller Washington County towns where Doug Guy has the assessing contract, coastal lots have been changing hands very slowly. To get accurate values for some undeveloped parcels in Perry, for instance, Guy has had to look at properties with buildings and then subtract them to get a fix on land values in the area.

“We can be consistent and accurate that way, where otherwise we wouldn’t have enough sales,” he said. When the process is explained to taxpayers, “they understand and accept it.”

AN UNSETTLED OUTLOOK


There was little eagerness among assessors to do crystal ball-gazing in uncertain times, but a few were willing to take a crack at it.

Bill Healey said that he expects values “to slide a bit” over the com-

ing year, influenced primarily by the “glut of properties” on the market now. Spring is usually a time when real estate sales begin to perk up, and he said that numbers for April and May should give a good indication where the market is going.

Anne Gregory, who also attended the MEREDA conference, said that while the immediate outlook wasn’t positive, she found that people were “hopefully optimistic,” and that a lot of potential buyers “want to be in Maine.”

With experience in both the public

and private sector, she said that she’s been through big real estate busts before, particularly in the mid-1970s and the early 1990s. “Each time it’s a different component” that drives the downturn. It was the second home market that was hardest hit in New England the first time, and commercial real estate more recently. The fallout from the subprime mortgage debacle is still unfolding, and, she said, it’s impossible to know how this downturn will compare to its predecessors: “You can’t really tell when you’ve hit bottom until you’ve been there.” 



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Towns Looking for Affordable GIS

By Lee Burnett

Like many small towns in Maine, North Berwick is trying to find an affordable way to implement a Geographic Information System (GIS) to improve town government decision-making.

GIS is a way of storing information in digital maps to make the maps more useful, and also enabling you to answer such questions as: Which roads should be resurfaced next? Which location for a new transfer station would be convenient to most residents? What residents on oxygen-support should be visited in the event of a power outage?

To date, North Berwick has adopted the simplest version of GIS. It has collected a free set of aerial photographs from the state and combined it with digital maps of various zoning districts, and natural resource inventories generated through its own comprehensive planning process; stored all the data on the town's website server and made it accessible to town employees with free software from TatukGIS. One of the system's helpful features is allowing the town's code enforcement officer to determine quite quickly all the restrictions that might apply to building on a particular site.

"We have some semblance of GIS," explains Town Manager Dwayne Morin. "We're putting together a small GIS system." Morin would love to acquire the powerful features available with a higher-end GIS system, but hasn't figured out how to justify the cost. "I think it would be very useful. We'd expand upon it and use it for

water, sewer, storm drains," said Morin. "Right now, it's cost prohibitive."

As North Berwick figures out how to acquire a higher functioning system, it is confronting the same questions as other communities grappling with the potential of GIS. Should GIS be adopted incrementally or wholesale? Should town officials avail themselves of free software and train themselves or rely on a consultant? What are the trade-offs and costs?

COMING TO YOU

GIS is already part of our daily lives. MapQuest, dashboard GPS devices, and Google Earth are all making people comfortable manipulating spatial information. GIS at the municipal level is becoming more available with free aerial photography, free maps of wetlands, wildlife habitat, soils, forest types, and other natural resources, and free software. "What has changed over time .. is it used to be you'd have to make the leap up to GIS, where it's almost now that GIS is making the leap down to you," explains Jamie Oman-Saltmarsh, senior planner at Southern Maine Regional Planning Commission.

A leap up is still necessary to make GIS truly usable at the municipal level. The leap involves converting to digital information all the town's tax maps and property record cards. This includes the shape and dimension of individual lots, which have traditionally been drawn on large sheets of paper and stored in well-thumbed books in the tax assessors' office. It also includes the property owner's name and address, description of buildings and other improvements, the property's as-

sessed value and its ownership history, information that has traditionally been stored on individual property record cards, also in the assessors' office. Once converted, the tax maps become an interconnected web of property lines that can be superimposed on an aerial photograph; the property record cards are then keyed to individual properties by tax map and lot number. Together, this information is called the parcel layer.

"The parcel map is the key," said Oman-Saltmarsh. "The parcel map is the foundation of local government. It's that important."

Creating a parcel layer costs \$6 to \$10 per parcel, although it can be done less expensively depending on in-house expertise. North Berwick, which has 3,500 parcels, estimates it would cost \$21,000 to \$28,000 for a parcel layer. "Right now, we're going to sit on it, especially with the economy the way it is. Possibly in future years, we'll look at it," said Morin.

DIGITIZED DATA

Once the parcel layer is created, all kinds of useful things are possible. Embedded data is searchable, so, for example, a town hall staffer could generate a list of abutters for notification purposes whenever a development proposal or proposed zoning change calls for it. Planning boards appreciate GIS because layering maps on top of the parcel layer helps them visualize the impact of zoning changes. A popular use of GIS is to generate "build-out" scenarios to project existing development patterns and how they would be modified by various zoning restrictions. With GIS, queries from develop-

Lee Burnett is a freelance writer from Sanford.

ers can be handled in minutes instead of hours, explains Gretchen Heldmann, the GIS coordinator for Hampden. "Let's say a big-box developer or a small business wants to know how many parcels there are of five acres or more, on town sewer and water, and within two miles of the [Interstate] interchange. I can do it in five minutes," she said. In the event of a flood forecast, public safety officials can turn on the GIS flood plain map and determine which houses should be evacuated and what evacuation routes to use. GIS is also a valuable tool in search and rescue missions. Using the last known siting and location of a missing person and the elapsed time, a perimeter can be established to systematize the search. GIS becomes more valuable as new layers are created. Using GPS devices, public infrastructure – such as roads, sewers, storm drains, and water systems – can be mapped and then tied to a conditions assessment inventory and maintenance plan, which aid in management decisions.

"If your data isn't digitized ... it isn't accessible, you don't have information," explains Tom Burns, a GIS consultant in Portland. "It can't do anything for you if it's on paper or in some foreman's head."

Tax assessors are among the biggest fans of GIS. Color-coded maps of tax assessment ranges in a particular neighborhood can be generated, which makes variations to the norm "pop out" and alert the assessor to take a closer look at that property to verify the legitimacy of the assessment, explains Aaron Shields of the James W. Sewall mapping company in Old Town. "You wouldn't have picked it up unless you happen to thumb through assessed values," he said. GIS ensures all property cards are represented on the tax map and vice versa, he said. It is not unusual, in converting to GIS, to discover the existence of untaxed property that no one knew existed, he said. The power of GIS to illustrate patterns of taxation may help defend a particular tax assessment and, on occasion, it can reveal an inequity, which helps resolve taxpayers' questions and complaints. Online GIS information can also dramatically reduce routine telephone inquiries from lawyers, real estate agents and appraisers.

"We used to spend 40-50 percent of our time answering questions ... It

[GIS] has reduced our phone calls to five percent of our time," said Anne Gregory, tax assessor for Falmouth, which has put all its GIS maps and tools online.

GIS has also saved Gregory time in the field. If a taxpayer complains that a rocky ledge makes his or her backyard unsafe or too small for kids to play in compared to a similar house next door, Gregory can zoom in on the aerial photography and see the ledge for herself and determine if a reduction is warranted. "I don't have time to walk the lot, but I can make a judgment call by looking at the map," she said.

GIS allows Gregory to make assessment adjustments in "five minutes" that would have taken hours or days to make in the past. Without leaving her desk, Gregory can verify whether someone's water view is blocked by a neighbor's house or whether their waterfront is a deep-water anchorage or a mudflat.

Gregory said she used GIS to analyze unexplained discrepancies in waterfront home-sale prices and discovered many private piers that had gone untaxed. She used aerial photographs and GIS tools to measure the dimensions of the pier. "I picked up at least \$2 million in new valuation by assessing piers for the first time," she said.

Overall, Gregory estimates the increased productivity in her office has meant not having to increase her staff in a dozen years and has afforded her enough time to complete a full revaluation of property tax assessments every

three or four years. "We would not have been able to do it without the technical capability and the time [afforded by GIS]," she said.

REFINING MAPS, PHOTOS

Once you become comfortable with GIS and discover its many useful features, you will probably also become a critic. A common problem noticeable to even the casual observer is that the man-made boundaries on the parcel layer – the lot lines, road rights of way and utility corridors – often don't line up with the visible features on the aerial photograph. It's not uncommon for lot lines to be off by 30 feet. Instead of a lot line lining up with the edge of the road, it falls across the middle of a roof.

To understand why this happens, it helps to understand the complexities involved. Superimposing a web of thousands of lot lines on a photograph covering tens of square miles involves meshing two kinds of maps, each of which is an approximation of reality. The aerial photograph of a town is actually a series of photographs digitally stitched together to look seamless. But it's not seamless because the map is a two-dimensional representation of a three-D world. There's some stretching and pinching to make it all fit. Now, superimpose on that photograph a web of lot lines taken from tax maps. Some of those lot lines may have been drawn by a surveyor, others may have been constructed from ancient deed descriptions that contain references to trees, and other landmarks long gone.

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Even more than the photographs, stitching together tax maps involves nipping and tucking, or “rubber-sheeting,” the preferred GIS term for making things fit. It may look like it fits until it’s superimposed on a photograph. Needless to say, it’s very disconcerting to see lot lines falling across roof tops after you’ve spent thousands of dollars or tens of thousands of dollars for a supposedly more useful set of GIS map layers. The bottom line is that paying extra money up front for a high-quality parcel layer may save you the cost of fixing lines later, said Burns, the GIS consultant in Portland.

“The more certainty you have, the better off you will be,” said Burns. “You can get an inexpensive parcel layer done, but what betrays it is high resolution aerial photography. You’ll have parcel lines going over the roofs of buildings and cultural features like stone walls,” he said. His advice: “Spend as much money as you can to get it as good as you can. That way you won’t have to redo it.”

There are four levels of precision

in digitizing tax maps, according to Jim Thomas, a GIS consultant in Cumberland, who explains them in laymen’s terms. Level One is where town boundaries, lot lines, road rights of ways and intersections are “pretty close.” Level Two is where all road intersections are anchored to known survey points. Level Three adds rights of way and front-lot lines to fixed surveys. Level Four adds the back-lot lines and corners of all lots are fixed to surveys.

Thomas said Level Four is a level of precision that is beyond necessary. “If you’re a small town with 2,000 lots, it might cost \$300,000 or more and you’d never need that level of accuracy,” Thomas explains. Thomas said Level Two is a good balance of precision and cost, though he favors Level Three.

Spending additional money for higher resolution maps is also something that many towns have found worthwhile. A “flyover” can cost \$20,000 to \$200,000, but the costs don’t vary much whether a single town or a dozen towns are being pho-

tographed, which creates incentive to collaborate with other towns on aerial photography, according to Dan Walters of the U.S. Geological Survey in Augusta. Some towns have acquired high-resolution aerial photography for less than \$5,000. A high-resolution photograph makes it possible to use desktop measuring tools to calculate areas quite accurately, which saves field engineering costs for road projects, Walters said. “It saves a lot of money in engineering as opposed to having an engineer in the field,” said Walters.

Many towns are keen to use high-resolution aerial photography to refine the boundaries of wetlands because the National Wetlands Inventory maps are very approximate and shoreland zoning has such a major impact on development. Shoreland zoning is the state-mandated buffer strip (ranging from 75 feet to 250 feet depending on the water body) around lakes, streams, rivers and wetlands, where construction is restricted to protect these water bodies from erosion and storm water pollution.

“The impact can range from major to minor, but you will be subject to some governance within the shoreland zone – the number of trees you can cut, whether you can have an in-ground pool, whether you can add to your deck,” said Burns. Using GIS to refine the boundaries of shoreland zoning is a valuable exercise because it can reduce legal challenges and increase the credibility of government decision-making, said Burns.

“You want something that will hold up in court, something that people will believe in and will be bought into by the citizenry,” he said.

INCREMENTAL ADOPTION?

Maintaining a GIS system does take some expertise, which either means hiring a consultant or paying for someone at town hall to take training. The parcel layer – just like old-fashioned tax maps – must be updated on an annual basis to reflect newly created subdivisions or lot splits. Adding new data, such as the coordinates for fire hydrants, light poles, manhole covers and other municipal infrastructure also takes expertise.

“Unless you want to maintain your GIS and take the training, don’t make the big leap into GIS because you’re



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wasting your money,” said SMRPC’s Oman-Saltmarsh. “You have to know how to use it if you’re actually going to create information, edit it and maintain it.”

Many towns have designated a staff person to acquire the training. Arundel Town Planner Aaron Shields, for example, learned AutoCad drawing while in college, which gives him the expertise to revise parcel lines without hiring a consultant. For a fee, vendors provide training in their own software and there are free discussion groups online. Hampden has a paid GIS coordinator. Saco and Scarborough share a GIS staff person. Hampden’s GIS coordinator said a paid staff person can generate maps “on the fly” and can train others. Many towns resort to a consultant because acquiring training is “too many hats to wear” for most town employees, said Oman-Saltmarsh.

Two good resources are the Maine Office of GIS and the GeoLibrary Board, a consortium of private and public officials that is looking for more ways to make GIS available to all communities.

“For small municipalities just get-

ting into it, there are some really good tools out there,” said Mike Smith, manager of Maine’s Office of GIS and a member of the GeoLibrary Board.

Quantum GIS and Map Window are two software programs that are “completely free and compatible with Maine Office of GIS,” he said. Smith’s advice: “Set up something small. That allows you to step into it as you go. Then you have a reason to go back to the town and say we need \$20,000 to improve it. I think that’s the way to go.”


Gretchen Heldmann, the GIS coordinator in Hampden, agrees on developing a system incrementally. “I think both [free maps and more expensive data] are of value. You can get a lot of free maps from the state to get you started then you can refine them,” she said.

There are ways to save money. Arundel has acquired a decent parcel layer by building off known boundaries and rights of way, explains Planner Aaron Shields. He said he’s borrowing copies of field surveys conducted by Central Maine Power, the State Department of Transportation, Maine Turnpike, the Kennebunk-Kennebunkport-Wells

Water District, and communities with shared borders. He’s even borrowed the survey that a property owner commissioned on 3,000 acres of private land.

“We only spent \$5,000 to \$6,000 when a lot of other communities spend five or six times that much,” said Shields. “They (communities) stop when they hear that \$20,000 number, when they don’t realize there is a more economical way.”

Another way to save money in developing or improving a parcel layer is to acquire survey data from subdivision developers. In fact, many towns have written into their ordinances a requirement that survey data from a subdivision be provided as part of the review process.

Burns is a proponent of spending whatever you can afford to acquire the highest quality data available. Free maps – wetlands and federal flood zones – are notoriously imprecise, he said. The state had a grant program of up to \$10,000 to pay for digitizing tax maps into a parcel layer, but, according to Burns, what that would buy was often of insufficient quality. “You might have to redo every line,” he said. 



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2009 MMA & Affiliate

The 2009 Training Calendar for Maine Municipal Association (MMA) and its Affiliate Groups offers affordable and quality educational opportunities for Maine's local government officials and employees. The training calendar for 2009 includes 49 different events scheduled at 67 different locations. Four workshops that were held in January and early February are included in that number but do not show up on the printed calendar with this article because they were held before the *Townsmen* was published.

Brochures and registration information for training events are placed on the MMA website, www.memun.org, about a month before the workshop is held.

Among the workshops being offered by MMA in 2009 are the Planning Board/Board of Appeals (PB/BOA) Workshops held at six locations and the Elected Officials Workshop (EOW) which will be held at four locations – twice in June and twice in December. These workshops offer basic level training for selectmen/councilors and members of planning boards and boards of appeal.

MMA is also planning to offer additional financial management training throughout the year. Two of these training events – a Municipal Budgeting Workshop on March 6 in Paris and a Finance & Economic Issues seminar on March 11 in Presque Isle – are already in the schedule.

MMA also will offer two personnel workshops in 2009, including one on Labor Law in May and a Personnel Practices Workshop in November.

The Technology Conference on March 27 and the Annual Convention on October 7-8 are the premier educational events sponsored by MMA. Both of these events will be held at the Augusta Civic Center. In 2008, over 240 people attended the Technology Conference and the MMA Convention drew over 700 municipal officials and 128 exhibits.

The training calendar will be updated throughout the year on the MMA website. MMA's Communications & Educational Services staff is looking for workshop ideas. MMA will also provide municipalities an opportunity throughout 2009 to be "host

Sponsor	Event	Location	Date/s
FEBRUARY			
MTCCA	Title 30-A Elections	Bangor – Hollywood Slots	Feb. 23
MTCCA	Title 30-A Elections	Portland – Keeley's	Feb. 26
MWDA	Basic GA/DHHS Statutes	Westbrook Housing Authority	Feb. 26
MTCMA	Interchange	Waterville – Grandeur Sun.	Feb. 27
MARCH			
MMA	Basic Budgeting	South Paris – Fire Station	Mar. 6
MMA	Finance & Economic Issues	Presque Isle – Turner Library	Mar. 11
MMA	PB/BOA Workshop	Saco – Holiday Inn Express	Mar. 12
MMTCTA	Tax Liens Workshop	Bangor – Hollywood Slots	Mar. 12
MMTCTA	Tax Liens Workshop	Portland – Keeley's	Mar. 18
MBOIA	Membership Meeting	Gray – Cole Farms	Mar. 19
MMA	Grant Funding	Augusta – Public Safety Bldg.	Mar. 24
MMA	Technology Conference	Augusta Civic Center	Mar. 27
APRIL			
MCAPWA	Annual Spring Meeting	Waterville Elks Lodge	Apr. 2
MWWCA	Spring Conference	Bangor – Hollywood Slots	Apr. 3
MMA	PB/BOA Workshop	Bangor – Spectacular Events	Apr. 7
MMTCTA	Govt. Accounting I	Portland-Verrillos	Apr. 15-16
MTCCA	New Clerks Workshop	Waterville Elks Lodge	April 16
MWDA	Basic GA/DHHS Statutes	Rockport Town Hall	Apr. 16
MFCA/MFPSC	Blaine House Conf.	Bangor – Hollywood Slots	Apr. 16-17
MACA	Spring Conference	Bangor – Hollywood Slots	Apr. 17-18
MCAPWA	Supervisory Training I	Augusta Civic Center	Apr. 21-23
MCDA	Joint DECD/MCDA	Dedham – Lucerne Inn	Apr. 23-24
MMTCTA	Govt. Accounting II	Portland – Verrillos	Apr. 28
MALEM/MEMA	Haz-Mat Conference	Augusta Civic Center	Apr. 30-May 1
MAY			
MRRA	Recycling & Solid Waste Conf.	Bar Harbor Club	May 4-5
MMTCTA	Annual Conference	Bangor – Hollywood Slots	May 7
MWDA	Spring Seminar	Augusta – Senator Inn	May 11-12
MCAPWA	Supervisory II	Augusta Civic Center	May 12-14
MTCCA	Licensing	Augusta Civic Center	May 18
MMA	Labor Law	Augusta – TBD	May 19
MTCCA	Vital Records	Saco – Holiday Inn Express	May 19
MTCCA	Vital Records	Bangor – Spectacular Events	May 21
JUNE			
MCAPWA	Highway Congress	Skowhegan Fairgrounds	June 4
MCDA	General Meeting	Sanford	June 5
MMTCTA	Basic Excise	Bangor – Hollywood Slots	June 11
MMA	Elected Officials Workshop	Bangor – Spectacular Events	June 16
MMA	Elected Officials Workshop	Saco – Holiday Inn Express	June 17
MMA	PB/BOA Workshop	Machias – TBD	June 24
MMTCTA	Basic Excise	Portland – Keeley's	June 25
JULY			
MTCCA	Municipal Law for Clerks	Waterville Elks Lodge	July 23
MFCA	Member Mtg/ Luncheon	Camden Snow Bowl	July 23
AUGUST			

Training Calendar


Sponsor	Event	Location	Date/s
MTCCA	Networking	Waterville Elks Lodge	Aug. 14
MTCCA	New Clerks	Portland – Keeley’s	Aug. 17
MTCMA	Institute	Northport – Point Lookout	Aug. 19-21
MCDA	Joint Mtg of DECD/MCDA	Augusta – DECD Office	Aug. 21
SEPTEMBER			
MSFFF	Convention	Kennebunk	Sept. 11-13
MWWCA	Fall Convention	Bethel – Sunday River	Sept. 16-18
MBOIA	Annual Member Meeting	Gray – Spring Meadows	Sept. 17
MMA	PB/BOA Workshop	South Paris – TBD	Sept. 22
MAAO	Fall Conference	Northport – Point Lookout	Sept. 23-25
MRRA	Annual Meeting	TBD	TBD
MTCCA	Title 21-A Elections	Portland - TBD	TBD
MTCCA	Title 21-A Elections	Augusta - TBD	TBD
OCTOBER			
MMA	MMA Convention	Augusta Civic Center	Oct. 7-8
MFCA	Annual Conference	Bangor- Hollywood Slots	Oct. 15-16
MMTCTA	Cash Management	Freeport – TBD	Oct. 15
MMA	PB/BOA Workshop	Dover-Foxcroft - TBD	Oct. 22
NOVEMBER			
MMA	Personnel Practices	TBD	Nov. 6
MMA	PB/BOA Workshop	Augusta – TBD	Nov. 12
MMTCTA	Municipal Law for TC&T	Augusta Civic Center	Nov. 17
DECEMBER			
MMA	Elected Officials Workshop	Bangor – Spectacular Events	Dec. 2
MMA	Elected Officials Workshop	Saco – Holiday Inn Express	Dec. 3
MBOIA	Membership Meeting	Brunswick – China Rose	Dec. 17

KEY TO GROUPS

MMA	Maine Municipal Association
MTCCA	Maine Town and City Clerks’ Association
MACA	Maine Animal Control Association
MTCMA	Maine Town & City Management Association
MCAPWA	Maine Chapter of American Public Works Association
MWDA	Maine Welfare Directors Association
MCDA	Maine Community Development Association
MWWCA	Maine WasteWater Control Association
MFCA	Maine Fire Chiefs’ Association
MAAO	Maine Association of Assessing Officers
MMTCTA	Maine Municipal Tax Collectors’ & Treasurers’ Association
MBOIA	Maine Building Officials & Inspectors Association
MSFFF	Maine State Federation of Firefighters, Inc.
MALEM	Maine Association of Local Emergency Managers
MFpsc	Maine Fire Protection Services Commission
MEMA	Maine Emergency Management Agency

For more detailed descriptions, please visit the MMA website: www.memun.org. Go to the top of the page under “Marketplace@MMA” and pull down to “Training & Wksps”.

communities” for training. If your community can provide a training facility and wants to have MMA sponsor a workshop in your area, please let us know. If you have an interest in “hosting” a training event or have suggestions for types of training that MMA might offer in 2009, please contact Janice Tevanian, Manager of Educational Services: jtevanian@memun.org or 1-800-452-8786 ext 2299.



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Compost Bin sale It is estimated that 25% of an average household's waste is kitchen scraps and yard trimmings. The Maine Resource Recovery Association (MRRA) in cooperation with Norseman Plastics, is pleased to offer **The Earth Machine™** backyard compost bins at reduced costs to Maine communities and their residents.

Through local sales opportunities by municipalities, community groups, or service organizations (one lead group per community). Earth Machine™ backyard compost bins, Kitchen Pails, compost turners and new this year rain Barrels can be provided to homeowners at "Co-op buying power" low prices: bins will sell for around **\$37.50**...a retail value of \$85, kitchen pails for around **\$8.00**, a wingdigger compost turner for around **\$16.50** and a rain barrel for **\$55.00**.

Once you register with MRRA to participate, a sample of everything except the rain barrel can be sent to you, to assist with sales!



Residents will also receive a "how to" guide for FREE with each compost bin!

How the Program Works

1 CONTACT the Maine Resource Recovery Association (MRRA) at (207-942-6772) or email mrra.victor@verizon.net for a Participation Packet.

2 REGISTER with the MRRA to participate in the sale.

3 PROMOTE the sale of bins and/or pails (master posters and order forms are provided for easy copying) and accept orders until **April 17, 2009**, keeping track of who orders.

4 RETURN the Final Order Form and checks to the MRRA by **April 20, 2009** with the individual checks made out to the Maine Resource Recovery Association. Bin and pail orders must be made in exact multiples of 20 ONLY!!! (i.e., 20, 40, 60, etc.)

5 ACCEPT delivery of compost bins/pails sometime during the week of **May 11, 2009**.

6 DISTRIBUTE the compost bins/pails to your residents and they start composting!

* **This program is also available as a fundraiser for your group.**

Sign your town or organization up for the Spring 2009 campaign

People

Skowhegan Deputy Town Clerk **Trisha Austin** was appointed interim town clerk and treasurer by selectmen last month. Austin replaces **Gail Merrick**, who served as clerk but wanted to return to her status as deputy. The town's treasurer, **Rhonda Stark**, resigned last year after being named St. Albans town manager.

Joseph Barnes will temporarily replace Indian Township Police Chief **Alexander Nicholas**, who is attending the FBI Academy in Quantico, Virginia. Barnes, 40, is the former police chief of the nearby Pleasant Point Reservation, where he had served as an officer and chief for more than 20 years. Barnes is unsure what direction his career will take once the temporary stint is over.

Portland Police Officer **Rick Betters**, who worked on the department's special response team, died of natural causes at the age of 52 while at his Falmonth home on January 14. Betters, well loved and respected in the department, was first hired as a police cadet in 1974. He left the city to work in Mechanic Falls and Wells before returning to Portland in 1988. In 1994, Betters received an heroism award from the city for saving sleeping residents from a fire and then returning to the building to help a woman trapped on the second floor get to safety.

Maine State Trooper **Christopher Carr** was elected to the Pittsfield Town Council in a special election January 14. Carr, 40, has been trooper for 15 years. He collected 49 votes to Melissa Hackett's 34 and Jan Laux's 26. He will fill out the unexpired term of **Michael Cianchette**, who resigned to take a new job.

Kennebunk Deputy Fire Chief **David "Duffy" Cluff** has resigned effective March 20 to focus full-time on a new family-run business. Cluff also serves as the town's emergency management director. The deadline for applying for Cluff's job was scheduled for February 13.

Thomas "Tom" Fortier was named Ogunquit town manager on January 16, continuing his 20-year career in municipal government. Fortier re-

signed as Richmond town manager and was scheduled to begin his new duties on February 23. He worked 18 years for the city of Portland, the last seven in the city manager's office overseeing the city's islands.

Exeter selectmen re-hired **Tressa Gudroe** as town manager in January to replace outgoing manager **Peter Wintle**, who resigned to take a job with the Kennebec Valley CAP. Gudroe worked as Exeter manager for three years, beginning in 2004, before taking a private sector job in Bangor. Gudroe also has worked as town clerk and tax collector for the town of Corinna.

Paul Hepp has been named human resources manager for the town of Wells, effective late in January. Hepp has extensive HR experience from a 20-year civil service career for the Air Force and a stint with Home Depot in South Portland. Hepp, whose wife is a York native, has lived in Wells for eight years.

Minot Town Administrator **Rhonda Irish** has been named Wilton town manager replacing **Peter Neilsen**, who is now the town manager in Oakland. Irish, who lives in Jay, resigned effective February 20.

Penny Jordan was elected a Cape Elizabeth town councilor in a special election January 27 to fill the unexpired term of **Mary Ann Lynch**. Jordan defeated James Walsh by a vote of 569 to 400 and will serve until December 2010. Lynch resigned last fall to take a job with the Maine judiciary.

Hartford selectmen have hired **William "Bill" Kennedy** as the town's new code enforcement officer, effective in early January. Kennedy, who has passed all five certification tests, is the first permanent CEO since **Jack Plumley** left the job after being elected a selectman in 2008.

Following the deaths of two close friends, Portland acting Police Chief **Joseph Loughlin** has taken himself out of competition for the permanent job. Loughlin said he will remain with the department through the hiring of a new chief, but is uncertain what he wants to do after that. Loughlin, who has been with the department nearly 30 years, was apparently one of three

finalists for the job. Loughlin said the recent deaths of **Sgt. Rick Betters** and department finance director **Mary McClaren** caused him to reassess his life and decide he did not have the time and energy the chief's job would demand.

Former 25-year South Portland firefighter **Herbert Pusey** died January 8 at the age of 78. He was cited by city leaders for extraordinary courage in 1968 in fighting a fire following an explosion that injured one of his peers, according to his obituary.

Former Orrington Selectman **Paul White** has been named town manager to replace **Carl Young**, who recently accepted the code enforcement officer and assessing jobs for the town of Tremont. White started his new job in mid-January.

A scholarship fund established in memory of the late Hallowell Mayor **Barry S. Timson** began taking applications for the annual \$2,500 college donation. Timson died at age 62 while in office in April 2007.

Waldoboro Fire Chief **Ernest Vannah** resigned January 14, effective immediately, following 35 years with the department. Deputy Chief **Paul Smeltzer** was named acting chief.

Robert Dodge, director of economic and community development for more than 30 years for the city of Biddeford, died February 3 of heart problems. He was 63. A Biddeford native, Dodge was credited with luring businesses and jobs to the city, particularly as the textile factories shut their doors and shipped business to Asia. Dodge, who died at Southern Maine Medical Center, also worked as director of the Biddeford Housing Authority. "To say he is going to be missed is an understatement," City Manager John Bubier told the *Journal Tribune*.

Falmouth Public Works Director **Walter "Skip" Varney**, 51, has resigned after 18 years with the department. Varney, who has served as public works and parks director for two years, said the death of several friends in recent years, most recently a friend and neighbor, compelled him to quit the "demanding" job and pursue other interests. [\[m\]](#)

Auburn: The police department recently joined the popular social website Facebook as a way to interact with residents, get information to the public, and get people more involved in community police efforts. The Auburn department is believed to be the first in New England to use the online community to help promote its mission and help residents.

Bangor: Citing a poor economy and other economic unknowns, councilors voted 5-3 early this month to delay action on a new auditorium study for at least six months. The cost of the study was pegged at \$75,000.

Bridgton: Town officials have concluded, along with their counterparts from neighboring Harrison, that trying to merge the two police efforts would exhaust resources and put public safety at risk.

Bucksport: Nearly 95 percent of the 699 residents who filled out surveys at the polls in November said they are satisfied with the performance of their town police department. The outstanding results are the best since the department started the survey a dozen years ago.

China: Selectmen agreed with the town manager last month and removed a town meeting request for \$15,000 for a new lighted town office sign. The officials decided the economy was too bad to ask for the non-essential item.

Dixmont: Special town meeting voters on February 4 passed a six-month moratorium on construction of industrial wind farms in the Penobscot County town of about 1,100 residents. The vote was 111-20, with the debate consuming most of the two-hour meeting. Voters also approved a new comprehensive plan by a vote of 96-5.

Falmouth: As many as eight town staff members will get their work weeks shortened by three hours and town hall will be open only four days a week in an effort to cut costs, in response to high energy costs and dwindling town revenues due to the recession. The new town office schedule was set to take effect February 23. The office will be closed on Fridays, under the plan.

Kingfield: The Poland Spring water bottling company was warmly wel-

comed to the rural Franklin County town during the recent grand opening of its new bottling plant. Many federal, state and local officials attended the ceremony, marking in part the creation of 40 full-time jobs with more to come. Poland Spring has spent about \$60 million so far in building and equipping the Kingfield plant.

Lewiston: City Manager Jim Bennett said no city department is safe from layoffs as the city faces a potential \$1.6 million revenue shortfall in the next budget. Councilors recently gave Bennett the go-ahead to craft an early-retirement proposal that could mitigate the number of people who could lose their jobs. Budget talks are just beginning in Maine's second-largest city.

Lisbon: Town councilors authorized a bond question for voters seeking \$500,000 to assess whether the high school is structurally sound enough for renovation. The council also will ask voters for a \$2 million bond for road work. Public hearings are next.

Mechanic Falls: In an effort to fill a \$50,000 hole in the current town budget, selectmen agreed recently to close the town office every Wednesday through the end of June.

Naples: Following a public hearing, selectmen agreed to ask the Maine Department of Transportation to help improve the ability of boats to flow through the town causeway. They intend to keep the same bridge opening schedule, but concurred the boats should clear the area in a few minutes, rather than the present 20-25 minutes.

New Gloucester: Selectmen rejected a request recently to allow local candidates to use the public access TV network to campaign for office. The town's cable committee had argued it would give voters a better idea of the candidates and their positions than can be found in area newspapers during election seasons.

Newport: Town meeting voters next month will consider a number of issues beyond the annual municipal and school budgets, including a moratorium on methadone clinics, restrictions on livestock within town limits and a

ban on outdoor wood boilers except for the coldest months each year.

Old Orchard Beach: The town council voted 3-2 in January to reverse its earlier decision to buy a used loader/excavator, despite the purchase being in the budget and the cost coming in \$25,000 less than projected. The major reason cited for the decision was the economy.

Oxford: Police have installed an anonymous tip line to allow residents to help solve crime without putting themselves at risk.

Rockland: Firefighters from four area municipalities have asked to create a firefighter training course through the Mid-Coast School of Technology. The school's governing board asked officials from Camden, Friendship, Hope and Rockland to continue work on the proposal and return later this month to continue talking about the idea.

Sanford: Town Manager Mark Green has told selectmen he cannot flat-fund the upcoming new annual budget and still ensure the town's safety and keep up road work, but he plans to submit a proposal that would increase spending just two percent for fiscal 2010.

St. Agatha: Town officials are working with neighboring Frenchville to possibly combine their wastewater treatment operations, particularly by using an existing effluent pipe already installed by St. Agatha. If feasible, selectmen from both towns hope to apply for federal grants to help with the cost.

South Berwick: Voters rejected a \$2 million road repair bond last month by a vote of 142-35, saying the annual \$260,000 debt payment was more than residents could afford. Voters were told delaying the five-year road program would cost an additional \$400,000 in future cost increases.

Whitefield: Selectmen have approved a new \$10-per-call stipend to help retain and recruit members for the town's volunteer fire department. The proposal, which will become part of the proposed budget, also includes a \$5-per-session stipend for training for the communities' average of seven volunteers. M

2009 MMA Technology Conference

Friday, March 27, Augusta Civic Center

(cosponsored by the Maine GIS User Group)

Preliminary Agenda

7:30-8:00	Registration		Track III – Managing Assets and the Important Role of GIS and GPS
8:00-8:45	Opening Session: <i>Cost Effectiveness Through IT Optimization</i> Richard McKinney, Government Relations Advisor, Microsoft Corp.	12:00-1:00	Luncheon: <i>How Technology Changes What We Do</i> Richard Thompson, Chief Information Officer, State of Maine John Christie, Publisher, Kennebec Journal/ Morning Sentinel
9:00-9:45	Track I – Best Practices for Technology Use Track II – Interactive Web Services Track III – Expanding GIS Capacity Across Governments with Map Services: The New Data Sharing Paradigm	1:15-2:00	Track I – Email Archiving for Local Government in Maine: One Size Does Not Fit All Track II – Community-wide Internet System Track III – Open Source GIS
10:00-10:45	Track I – Computer, Network and Data Security Track II – How Online Services Save Time & Money Track III – Transportation Datasets	2:15-3:00	Track I – Visually Communicating Financial Information Track II – Hydrography Dataset and GeoLibrary Update
11:00-11:45	Track I – The Power of Electronic Communications Track II – Electronic Payment and Processing	3:00-4:00	Track III – MEGUG Business Meeting

Questions & Cancellations

If you have any questions regarding registration, please call Educational Services at 1-800-452-8786 (Augusta area, 623-8428). Notification must be given at least 72 hours before the conference to receive a refund (minus processing fee). **All** cancellations are subject to a \$10 administrative fee for processing.

2009 MMA Technology Conference – March 27, 2009 – Augusta Civic Center

Please register the following person(s) from _____ (Employer) for the 2009 MMA Technology Conference.

Please check applicable: MMA Members, Non-Profit, Gov't Agencies-\$50.00 Business Representative-\$75.00

FULL NAME : _____ TITLE : _____ TEL: _____ FEE: \$ _____

EMAIL: _____

FULL NAME : _____ TITLE : _____ TEL: _____ FEE: \$ _____

EMAIL: _____

BILLING ADDRESS : _____ AMOUNT: \$ _____

Mail Registration Form to: Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

Form can be faxed to: "Technology Conference" (207) 626-5947

REGISTER ONLINE at: www.memun.org

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

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ATTENDING

Municipal Bulletin Board

AROOSTOOK SEMINAR

Maine Municipal Association, the Aroostook Municipal Association and the law firm of Bernstein Shur are cosponsoring a seminar on "Financial and Economic Issues" in Presque Isle on March 11.

The seminar will be held from 12 noon to 4:30 p.m. at the Turner Memorial Library.

Topics to be covered include: municipal borrowing, tax increment financing, LD 1 and regionalization. Speakers include Lee Bragg and Amanda Meader, attorneys with Bernstein Shur, Kay Ray of Bernstein Shur Government Solutions, and Michael Starn of MMA.

There is no registration fee for the seminar. For more information, contact Michael Starn at MMA, mstarn@memun.org or 800-452-8786.

MUNICIPAL BUDGETING

MMA will be offering its annual "Basic Municipal Budgeting" workshop on March 6 at the Paris Fire Station in South Paris.

This full-day workshop is designed particularly for municipal officials in small towns who have responsibility for budget preparation and management. Topics covered include developing the budget, transferring the budget into warrant articles, revenue and expenditure tracking and forecasting, and a brief look at internal controls and budget presentation.

Jim Bennett, Lewiston city administrator, and John Eldridge, Brunswick finance director, are the workshop instructors.

The registration fee is \$50.

For more information, go online at www.memun.org or call MMA's Educational Services office at 1-800-452-8786.

TAX LIEN PROCEDURES

The Maine Municipal Tax Collectors & Treasurers Association (MMTCTA) is sponsoring a "Tax Lien Procedures" workshop on March 12 in Bangor and on March 18 in Portland.

This workshop focuses on the tax lien process and procedures. Attendees will receive up-to-date information

and forms. Instructors are Gilberte Mayo, Lincoln treasurer, and Paul Labrecque, Lewiston tax collector.

The registration fee is \$45 for MMTCTA members and \$55 for non-members.

For more information, go online at www.memun.org or call MMA's Educational Services office at 1-800-452-8786.

MORE MARCH TRAINING


Don't miss out on all the MMA training offerings in March. In addition to those workshops mentioned above, the Planning Board/Board of Appeals workshop series begins March 12 in Saco, MMA's Grant Funding workshop is March 24 in Augusta, and the MMA Technology Conference is March 27 at the Augusta Civic Center. You can register online for any of these workshops by going to www.memun.org or call MMA's Educational Services office at 1-800-452-8786.

MODEL CABLE FRANCHISE DEADLINE EXTENDED

Municipalities that are in the process of negotiating cable franchises may be interested to know that under a law passed last session (known as LD 2133), the Maine Office of Information Technology was charged with facilitating the development of a Model Franchise Agreement that could be used by towns during their negotiation process with the cable operators.

Since the cable and telephone industry has also been participating in the development of the model, over 80% of the standard cable franchise language will already have been "blessed" by representatives of the industry, Maine Municipal Association and the Community Television Association of Maine. The remaining 20% would be subject to negotiation to meet the needs of the individual communities.

In early February at a Utilities and Energy Committee hearing, an Interim Report was presented and it was agreed that a deadline of June 1 would be put in place. The legislation provided that at a minimum, the committee should consider franchise fees, build out requirements, PEG access channels and reasonable facility support for each channel, customer service standards, the disparate needs of the diverse municipalities and the policy goal of promoting competition in the delivery of cable television service.

"We have made significant progress in standardizing the language in a format that is recognizable and acceptable to all stakeholders" said Tony Vigue of the Community Television Association of Maine. "Ultimately, our success will be evidenced by a reduction in the time and money that it takes a town to negotiate their cable franchise while maintaining an equitable agreement for both parties." 

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CANCELLING TOWN MEETING DUE TO INCLEMENT WEATHER

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

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

The municipal officers may even advertise the meeting as being cancelled or postponed provided they arrange for a trusted few to actually be present and open and close the meeting. It would be foolish to neglect this last part since other voters could still show up and make political mischief if they were so inclined.

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

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

election of officials, which is final).

For more on town meetings, see our *Town Meetings & Elections Manual*, available on MMA’s website at www.memun.org. (By R.P.F.)

LANDOWNER LIABILITY LAW

Maine has a long tradition of allowing public use of private lands for recreation, and a strong law limiting landowner liability in order to promote it, which is why we were puzzled recently by reports that a major insurer had cancelled a policy because the landowner allows a snowmobile trail on his property.

Maine’s “landowner liability” or “recreational use” law (14 M.R.S.A. § 159-A) provides that property owners, lessees, managers, easement holders and occupants (including those who construct or maintain trails or other

recreational improvements) have no duty of care to keep the premises safe for recreational use or to warn of hazardous conditions, whether or not they have given permission to use the property. With no duty, there is no liability for injuries or damages to recreational users. In other words, Maine landowners are virtually immune from liability for allowing others to use their land for recreational activities. (The law also covers harvesting of forest, field or marine products, such as boughs, fiddleheads or clams.)

The law does not protect against liability (1) for willful or malicious failure to guard or warn against a dangerous condition, or (2) where consideration was paid for the exclusive use of property or for the use of mainly commercial recreational

Municipal Calendar

BY MARCH 1 – Solid Waste Municipal Reporting forms are due back to the State Planning Office, State House Station #38, Augusta, ME 04333. [38 MRSA §2133(7)]

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

— Town meeting voter registration and voting list requirements. The registrar shall accept the registration and enrollment of voters prior to the municipal election according to the time schedule prescribed by 21-A M.R.S.A. §122 unless changed by municipal officers. According to same statute, the registrar shall also accept registrations from those who appear in person on election day.

— Copies of annual report are to be deposited in municipal office or convenient place of business for distribution to voters at least 3 days prior to the annual meeting (30-A M.R.S.A. §2801). After election, town officers shall be sworn for each office separately. Notice of appointments must be made to town clerk for recording (30-A M.R.S.A. §2526). Notice of choice of treasurer must be sent to Treasurer of State (30-A M.R.S.A. §5602).

— Check 30-A M.R.S.A. §5823 for audits, and §2801 for Town Reports.

— See 21-A M.R.S.A. §101 for deadline for appointing Registrar of Voters. Note that municipal officers must notify the Secretary of State of the name of the appointee within 10 days after registrar is appointed and sworn.

Assessors – Before making an assessment, the assessors may notify all persons liable to taxation in the municipality to bring in their lists of taxable property (36 M.R.S.A. §706).

APRIL 1 – Municipal assessments are controlled by this date (36 M.R.S.A. §502).

property (such as campgrounds or ski areas).

The insurer above reportedly cancelled not out of concern about liability but because it would still have to defend the landowner against a lawsuit, which can be expensive. This seems a bit lame, though, since the law requires the court to award legal costs, including attorney fees, if the landowner prevails. Perhaps the insurer will reconsider.

In any event, the Maine Department of Inland Fisheries and Wildlife has an excellent Q & A on the landowner liability law on its website (go to <http://www.state.me.us/ifw/> and search "Maine Landowner Liability Explained").

Finally, note that the landowner liability law does not apply to municipal property (see *Noel v. Town of Ogunquit*, 555 A.2d 1054 (Me. 1989)). Instead, the Maine Tort Claims Act shields municipalities from liability for property used primarily for public outdoor recreational use (see 14 M.R.S.A. § 8104-A(2)(A)(3)), unless they have insured against this risk, in which case they may be held liable to the limits of the policy (see 14 M.R.S.A. § 8116). For more on this, see "No Liability for Outdoor Recreational Facilities," *Maine Townsman*, "Legal Notes," July 2006. (By R.P.F.)

LD 1 PROPERTY TAX LIMITS

"LD 1" is the law enacted four years ago that, among other things, restricts municipal property tax increases based on an annually calculated "growth factor" (see 30-A M.R.S.A. § 5721-A). Using that growth factor, a municipality establishes a "property

tax levy limit" that limits the amount of property taxes that may be committed for the municipal budget, unless the municipal legislative body uses a special voting procedure to override the limit.

Exceeding the limit. The property tax levy limit may be exceeded only for extraordinary circumstances outside the control of the municipal legislative body, including (1) catastrophic events such as natural disaster, terrorism, fire, war or riot, (2) unfunded or underfunded State or federal mandates, (3) citizens' initiatives or other referenda, (4) court orders or decrees, or (5) loss of State or federal funding. Exceeding the limit permits the tax levy to exceed the limit for the year in question but does not increase the base for purposes of calculating the limit for future years. Following is a sample warrant article (or ballot question) to exceed the limit:

To see if the Town will vote to (or Shall the Town) exceed the property tax levy limit of \$_____ established for the Town by State law, due to extraordinary circumstances outside the control of the municipal legislative body, namely (here insert reason or reasons).

Increasing the limit. The property tax levy limit may be increased for any reason, with or without extraordinary circumstances. Increasing the limit permits the tax levy to exceed the limit for the year in question and also increases the base for purposes of calculating the limit for future year. Following is a sample warrant article (or ballot question) to increase the limit:

To see if the town will vote to (or Shall the town) increase the property tax levy


limit of \$_____ established for the Town by State law, in the event that the municipal budget approved under the preceding articles results in a tax commitment that is greater than this property tax levy limit.

As noted above, exceeding or increasing the property tax levy limit requires a separate vote by the same method as used for adoption of the municipal budget, except that if the budget is adopted by traditional "open" town meeting, the vote must be by written ballot (blank pieces of paper, except that "yes" and "no" boxes may be printed). A simple majority vote is sufficient, except that if the budget is adopted by town or city council, it must be a majority of all members.

If there is any chance the approved budget will exceed the property tax levy limit, the appropriate article or question should be included on the warrant or ballot. We also recommend that it follow the other budget articles or questions, although the LD 1 vote may precede voting on the budget if preferred.

For much, much more on LD 1, including how to calculate your property tax levy limit, see the feature-length article "Municipal Spending Limits" in the March 2005 *Maine Townsman*, available at www.memun.org. A 2009 LD 1 municipal worksheet, with instructions, is also available on the MMA website. (By R.P.F.)

TOWN MEETING CHECKLIST

For a quick review of laws governing the conduct of town meetings, see "Town Meeting Reminders," *Maine Townsman*, "Legal Notes," February 2007. (By R.P.F.) 

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