



**TASK FORCE REPORT**

**TITLE: REPORT TO THE SELECT BOARD OF THE TOWN OF OWLS HEAD  
BY THE TASK FORCE CONVENED TO STUDY THE GOVERNMENTAL  
STRUCTURE OF OWLS HEAD**

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## TASK FORCE REPORT

### 1.0 Introduction

At the regular meeting of the Town of Owls Head Select Board (the Board) on April 24, 2023 action was taken to:

***4) Vote to appoint a Task Force to study feasibility of a Town Meeting, Select Board, Town Manager form of government***

*Gordon Page proposed the following appointees to the Task Force: Pam Curtis, Kathryn DerMaderosian, Rodney Mason, Michael McGuire, David Matthews.*

*Motion: Thomas Von Malder made a motion to appoint proposed citizens to Task Force for a period of one year ending on May 1, 2024 to study the feasibility of a Town Meeting, Select Board, Town Manager form of government and to make a recommendation.*

*Second: Linda Post*

**VOTE: 3 in favor - 0 opposed**

Subsequent to the April 24<sup>th</sup> vote, clarification was requested by the Task Force as to whether the intent of the Board was to include consideration of other forms of governmental structures such as Town Administrator or Administrative Assistant. After reviewing the video record from that meeting, it was clear during discussion the intent of the motion was to include all possible alternatives.

The Task Force was first convened, by then Select Board Chair, Gordon Page, on May 15, 2023. At that meeting, it was decided to meet again the following Tuesday at which time Pam Curtis was elected to chair the Task Force. Meetings for initial conversations were held weekly on Tuesday evenings. Beginning on June 20, 2023, the Task Force met in the conference room located at the Knox County Regional Airport. We would like to acknowledge and thank the airport management for allowing the Task Force the opportunity to use the facilities there.

The Task Force met in full or in part in excess of twenty-five times over the course of our deliberations and conversations. Additionally, the Task Force held conversations with various stakeholders who may be affected by our recommendations. Included in these conversations were current and former employees, appointed personnel, and elected officials including Select Board members.

The diverse backgrounds of the Task Force members allowed for spirited discussions over a myriad of topics. Decisions were made by consensus. We believe the work conducted by the Task Force was performed with a high level of due diligence and base the following

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recommendation with the belief it has been well researched and is in the best interest of the residents of the Town of Owls Head.

*Included with this report are notes and appendices which are an integral part of the report, and which should be included in any printing or presentations.*

### 2.0 The Process

As part of the process used in exploring the idea of implementing a Town Manager or Town Administrator form of government for Owls Head, the Task Force sought input from current and past members of town committees, current town employees, and current and former select board members. The committee also met with the Rockland City Clerk (an Owls Head resident) and the town manager of St. George. In all, the committee interviewed 14 people. Additionally, task force members attended meetings of the select board on several occasions to provide brief updates of the group's progress.

Significant reliance was also given to information provided by and consultations with representatives of the legal department at Maine Municipal Association.

The individuals interviewed were asked a series of prepared questions, as well as given the opportunity to provide their view of how things presently operate in the town, or in the case of the St. George manager, how a variety of matters are handled in that community.

There was clear agreement that Owls Head is "no longer a little town." Many functions and operations requiring permits, inspections, site management such as the harbor have become more complicated and time-consuming. A former Code Officer noted that Owls Head is "far busier than Hope and Cushing. Owls Head would benefit from someone who could oversee the many details that need to be coordinated. The current set-up means I do have to wait sometimes to get things approved or get an answer in Owls Head. This means people have to wait."

#### Select Board:

Current and past members of the select board were interviewed individually by the committee. There was a clear consensus among these people that another level of supervision would be beneficial to town operations, especially as concerns expediting various processes, handling personnel issues, grant writing, and matters that need immediate attention but do not require a vote by the select board.

One of those interviewed believes town matters will be less complicated once the current issues regarding the County Airport are resolved.

Each of them agreed that overseeing town operations is only growing more complicated each year. "It's not just pot holes and streetlights any longer," said one.

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It was also noted that a town manager would be available to deal with the town attorney and legal matters, as well as represent the town's interests in matters of county government and the school district.

Current and former select persons said both the growing time commitment and increased level of expertise required of select persons is contributing to the challenges facing Owls Head. The time commitment required of the Board Chair was cited as a "serious" matter.

### Comments from the select board included:

- "I do believe the town needs another level of involvement in handling "challenges"..."
- "The position has evolved into a far bigger time commitment (and) need for broader knowledge."
- "Someone is needed to help handle personality conflicts."
- "Would like to see a higher level of confidentiality and respect in town offices."
- "I do not believe we (Owls Head) can afford to continue the status quo."
- "Worried about legal matters becoming more complicated."

Another point heard was that Owls Head needs younger people to get involved in town leadership.

### Responses from Town Employees:

- Working with Select persons is generally easy but not always timely. The select board is overburdened. Administrative matters have become more complicated.
- Strong agreement among all that the job(s) required to run the town have become more involved and complicated. State regulations change or new ones are implemented. Most everything is now done on computer.
- "It is a challenge to keep up with the ever changing state and federal regulations that affect the town."
- There was general agreement among employees that day-to-day operations need improvement.
- "Back-up of town data is needed. Would be catastrophic if lost."

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- “Often have to wait to get (timely and/or important) things done.”
- “Town operations are about a “5” (out of 10); “just not there yet.”
- “Town Manager would provide good level of support for town employees. Would handle first level of hiring, prior to approval by select board.”
- “Manager could improve work flow and provide leadership.”
- “Very important for the assessor to have solid support; Needs to be someone to say “Hey, the assessor is right” (or not).”
- “Town managers/admin are definitely good to have. We can’t succeed if we don’t have support from town officials in charge...select board, manager, etc.”

### 3.0 Organizational Narrative

State Laws dictate how a municipality may govern, and where a municipality may have some local deviations from the State templates.

#### 3.1 How Municipalities are organized

**Cities:** The cities in Maine make up 28% of the total population. The difference between town and city is more related to the complexity and an adopted operational charter, rather than population. All Maine cities have a local operational charter that provides a representative form of government. The city council as a representative form of government replaces in part the democracy of a town meeting. Residents elect the council that establishes policies and oversees day-to-day activities.

**Towns:** Towns are an urban area that has a name, defined boundaries, and local government. A town becomes a town when incorporated by a special act of the Legislature. Under that organization a town may take any action or change their form of government in any way not denied or precluded by federal law. Governments of towns have expanded over time from the original Select Board to in some cases town managers, town councils, budget committees, municipal departments, and various professional managers.

**Plantations:** The definition of a plantation is simply a colony and is unique to Maine. Plantations are like towns in that the voters at the annual meeting are the legislative body. Plantations differ in that they do not have the ‘home rule’ powers granted to the towns by the Constitution and statute. For example, the voters in a plantation do not have the authority to adopt discretionary land use regulations, such as noise control. Plantations seem likely to continue if they retain their especially rural nature.

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### **3.2 Forms of Government**

There are five forms of government in Maine.

Town Meeting – Select Board (Owls Head’s current government)

Town Meeting – Select Board – Manager

Town Meeting – Council – Manager

Council – Manager

Mayor – Council

The task force reviewed the first two forms: current form and current form with the addition of a manager. These two are described below.

#### **3.2.1 Town Meeting – Select Board**

The Town Meeting – Select Board form of Government has been called the purest form of democracy. The key to this traditional form of local government is the Town Meeting. The Town Meeting performs the legislative function of local government and every citizen who is a registered voter may participate in the “peoples” assembly. The Select Board performs the executive function carrying out administrative, enforcement, and carrying out decisions made at the meeting.

#### **3.2.2 Town Meeting – Select Board – Manager**

As towns grew, it became increasingly difficult for their part-time, elected officials to effectively run town government. To help carry out the daily operations, the board may appoint a Town Manager, usually a professional trained in public administration. With the passage of the Home Rule, Maine’s towns gained the authority to adopt by local charter any form of government employing a town manager. Thus, a town also has the option of choosing the statutory Town Manager Plan as described in 30MRS Title 30A subparagraph §2631 (Exhibit 8.1) or of setting forth its own list of duties and responsibilities for the manager in a local charter. The government essentially remains the same, but it now has a single chief administrator, the manager, to supervise daily operations. There are many variations to this form of government, and towns have considerable flexibility in determining which offices will be under the Town Manager, which departments the manager will lead, which departments have a separate person in charge reporting to the manager, and which offices will be elected at town meeting. Another variation of the manager form of government is in effect in towns where the Select Board have hired a full or part-time Town Administrator. There is no state law providing for a Town Administrator and therefore the responsibilities, duties and authority must be created and approved by the Select Board or their designees. These vary from town to town, ranging from a traditional secretary to the state’s statute for a town manager, depending on what authority is



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given to them by the Select Board. The main difference is that the Town Administrator is hired at the pleasure and discretion of the Select Board under a town created and adopted list of responsibilities, duties and authority and a Town Manager is hired under an already created prescribed statute of the State of Maine. The Town Manager's state statute (job description) can be added to with other roles and responsibilities by the town via the Select Board.

### **3.3 Current form of government**

Owls Head's current form of government is the Town Meeting - Select Board and was incorporated as a town, by a special act of legislature in July 1921. At this time the town was given certain privileges, but it was also obligated to perform certain duties, which it shares with all other towns in the state. A town may take any action and change their form of government in any way that is not clearly denied or provided for under state and/or federal law.

Owls Head is currently served by the Town Meeting – Select Board (number 1 above) form of government. To make an analogy to the US Government the three branches exist as follows:

Legislative	-	Citizens
Executive	-	Select Board
Judicial	-	Planning Board, Zoning Board, CEO

The town meeting is the key in that it serves as the legislative function of the town's government. Important issues are listed in the form of articles on a warrant announcing the time and place of the town meeting; and this warrant is duly posted at least seven days before the meeting date. At a town meeting only those articles on the warrant may be voted on. Laws for the orderly governing of the town are passed, budgets approved, taxes levied, and town officers are elected. The first officer elected is the Moderator, a person to chair the meeting and run it in an orderly manner. A moderator must be elected at every town meeting and must be sworn to the office before the meeting may legally continue. Other officers elected at our town meetings are the Select Board (3), who performs the executive function of the town. They administer, enforce, and carry out the decisions made at town meetings. State law dictates duties and responsibilities relating to town meetings, elections, finances, personnel, roads and bridges, public safety, human services, planning, etc. State law also grants the Select Board some legislative power as well; this includes enacting laws or ordinances regulating vehicles, public ways, and public property. Others elected at town meetings include the Road Commissioner, Board of Assessors, Overseers, School Board Members, and Town Council Members. Again, state law dictates the duties and responsibilities of these various officials, except the Town Council. Unique to our town, this council was formed at the 1954 town meeting, to act as a learning and advisory committee. Former Select Board members have served, as well as persons interested in the workings of town government with the intent of future involvement. The council has no voting power, attends Select Board's meetings, and should be heard and respected.

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Citizen participation is one of the most important values of the Town Meeting form of government, and residents should take advantage of this privilege. One way to get involved in town government is to volunteer to serve on one of the town's various committees. These committees are made up of interested individuals, appointed by the Select Board, to serve a certain term of office and must be sworn to that office by the town clerk. The town votes at town meetings to form committees and the town must also vote to do away with these committees.

### **3.4 Method to Change Form of Government**

- 1) Create and adopt a locally created Operational Charter
- 2) Adopt an existing state statute defining how the town shall operate.

### **3.5 Charter Types**

There are two kinds of charters that a Town might have. One is a charter to create a Town where one did not previously exist. Since statehood, these charters have been originated by the Legislature of the State of Maine. Such a charter, for the most part, deals with geographical boundaries.

The second kind of charter is an operational charter. This occurs when the Town creates a charter commission and develops and adopts a charter setting out the type of governmental organization it desires and the procedures by which it will operate. Operational charters for towns have also been created in the past by state legislature.

Owls Head has an organizational charter but does not have an operational charter. In the absence of an operational charter, the Town follows state laws that are applicable to those subject areas the Town would otherwise cover and legislate for itself in its operational charter. If the town wants to change from the current to the town manager model, it will have to create and adopt its own charter or adopt the state's town manager statute.

### **4.0 Economic Analysis**

Early on in our deliberations, local and like communities from Knox, Waldo, and Lincoln counties were surveyed to determine what types of government structures were in place and to gain some knowledge regarding compensation packages and the levels of responsibilities of Town Managers/Administrators. There were eleven respondents to the survey. The results of this survey are attached as Exhibit 8.2. Some of the questions asked in the survey included:

- What is the Town population (2020 census)?
- Does the town employ a manager/administrator?
- Is the position Full/Part time?
- Is The position hourly or salary?

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What is the annualized compensation package (incl benefits)?

### Survey Summary

Population: Full-time year-round populations of the respondents ranged from a low of 417 (North Haven) to a high of 4,865 (Warren). The mean population of the respondents was 2,367.

Structure: Of the eleven respondents, eight (73%) operated with a Town Manager while three (27%) operated with a Town Administrator. None of the towns responding operated with neither a town manager nor administrator.

Full time / Part time: All eleven respondents indicated they were full time positions.

Compensation Package: Respondents were asked to identify, within ranges, where their annualized compensation packages fit. Ranges included: Less than \$45,000, between \$45,000 and \$60,000, between \$60,000 and \$80,000, between \$80,000 and \$100,000, and over \$100,000.

None of the respondents indicated compensation packages in either of the two lowest categories. Three indicated between \$60,000 and \$80,000, three indicated between \$80,000 and \$100,000 and the remaining five indicated over \$100,000. Interestingly, of the three Town Administrators, there was one in each of these three highest categories.

In addition to the local survey, the Task Force reviewed data from Maine Municipal Association of compensation and benefits requested from all Maine communities. This survey was conducted in the fall of 2023 and was published on 10/10/2023. Data extracted from this survey (Exhibit 8.3) for municipal populations of between 1,019 and 2,612 included a total of 54 municipalities. Of these, 29 indicated employment of a manager/administrator. For these 29 municipalities, salaries ranged from a low of \$49,049 to a high of \$106,600 with a mean of \$75,431. Other pertinent information, including benefits and all other categories of employees, are in the full report which can be obtained from either MMA or this Task Force.

While it is difficult at best to quantify direct savings or revenue enhancements resulting from the employment of either a Town Manager or Administrator, logic would suggest the added efficiencies from a professional will most certainly occur. Added to this would be the opportunities to obtain grant funds which may somewhat offset the added expense of this position. During all our discussions with personnel associated with the town, one comment heard over and over was that there were significant grants foregone, resulting from a lack of a professional to apply for them.

### **5.0 Conclusion**

The Task Force believes it has sufficiently satisfied its due diligence with respect to what it was charged to do by the Select Board members. We believe also the work, investigation, and

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contemplation into the myriad variables has been sufficient to make an informed recommendation to the Select Board as to the direction they should consider to improve the operational efforts of the Town for the benefit of the residents of Owls Head.

While voices may bring dissent regarding the effect on taxes of adding another layer of compensation, we believe not moving forward will actually create higher levels of expense and in the long-term lead to even higher taxes.

### **6.0 Recommendation**

As previously mentioned in this report, recommendation options include:

- 1) Hire and appoint a Town Manager.
- 2) Employ a Town Administrator.
- 3) Make no substantive changes to the existing governmental structure.

Based on the foregoing information gathered, the Task Force early on came to a unanimous consensus that the “do nothing” option was a non-starter and was rejected as a viable option for the Town. It quickly became apparent that serious consideration of adding an “administrative” component to the governmental structure to service the needs of the residents of Owls Head is required. We further believe this will allow the Select Board a better opportunity to perform the duties they were elected for.

The remaining options, then, were limited to employment of an Administrator or adopting a change to the governmental structure and appoint/hire a Town Manager.

As previously discussed in this report, the basic differences between a Town Manager and a Town Administrator are the rules and authority under which the work is performed (Exhibits 8.4 and 8.5). A Town Administrator works at the pleasure and direction of the Select Board under rules set by the Select Board. Whereas, after adoption of the Town Manager Plan by Statute, the Select Board will appoint a Town Manager who will work within the statutes as enacted by the State of Maine and with guidance from the Select Board. It is also the belief of the Task Force that a professional town manager will not only bring stability to the day-to-day operations of the town, it will, with the authority of the State of Maine statutes, enable guidance to newly elected members and the sometimes transient nature of the Select Board.

**After careful consideration and much deliberation, the Task Force unanimously makes the following recommendation:**

- 1) The Select Board begins proceedings and make arrangements for the adoption of the Town Manager Plan by Statute in accordance with the procedures as outlined in MRS 30-A, §2631 to 2639.**



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2) At a special town meeting held not less than ninety (90) days prior to the annual town meeting, act on the following warrant article:

*To see if the Town will vote to adopt the Statutory Town Manager Plan set out in MRS 30-A, §2631 to 2639, said change to be effective as of 2024 Annual Meeting.*

As an example, if the annual town meeting is scheduled for August 19, 2024, the special town meeting to adopt the Statutory Town Manager Plan must be held prior to May 21, 2024.

### 7.0 Final Comment

The members of the Task Force would like to thank the Select Board of Owls Head for entrusting us with the work we have undertaken over the last ten months. We would also like to thank and acknowledge all those who have helped us with their time and talent to provide this report and recommendation to the Select Board and by extension, to the residents of the Town of Owls Head.

We believe adoption and implementation of these recommendations will only enhance the unique nature of our town and make it an even better place to live, work and play.

Should the Select Board require additional information or have any questions regarding our recommendation, we remain at your service.

Thank you again for putting your trust in this Task Force.

Respectfully submitted by:

Pamela Curtis, Task Force Chair

David Matthews, member

Rodney Mason, member

Michael McGuire, member

Katherine Dermarderosian, member\*

\*Katherine removed herself from the task force on 10-10-2023 due to other commitments.

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### 8.0 Exhibits

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