

The County of Cumberland is committed to providing quality services to all citizens equitably, in a responsive and caring manner.

COMMISSIONERS' MEETING

MINUTES

November 24, 2008

The Board of Cumberland County Commissioners, Esther B. Clenott, Richard J. Feeney and Malory O. Shaughnessy convened a meeting at the Cumberland County Courthouse in the Peter J. Feeney Conference Room.

Chairperson Clenott called the meeting to order at 5:30 PM and the following business was conducted.

Minutes of the Cumberland County Commissioners Special Meeting of October 22, 2008 and the Regular Commissioners meeting held on October 27, 2008 were read and were approved unanimously.

Comments from the County Manager:

The County Manager reported on 2 items: 1) There will be one more public budget hearing which will be held at the Scarborough Town Hall on Tuesday, November 25th at 6:00 PM. The Budget Advisory Committee (BAC) is recommending a tax increase of 3.06%. There will also be a BAC meeting at the Cumberland County Courthouse on Thursday, December 4th at 6:00 PM. This has been a very difficult budget which includes the elimination of 7 positions. The Human Resources Department created a retirement incentive plan based on the City of Portland's and several employees have taken advantage of this plan. It is a priority based budget which places law enforcement as the top priority. 2) The County has been working with the Greater Portland Council of Governments and the County Partners organizations in a effort to find a unified approach to issues we are all faced with in Cumberland County. There will be a legislative breakfast with legislators, municipal officials, interested citizens, business and nonprofit leaders at the Holiday Inn West by Exit 48 on December 17th from 8:00 to 10:30 AM. The goal of this special initiative is to strengthen our region and its voice in the legislature. The communities in our region are currently facing great challenges and we need to build consensus on those challenges and organize ourselves with mutual support and common purpose to set priorities that are valued by everyone, some of which may require legislative action.

Comments from the Commissioners:

Commissioner Shaughnessy

Commissioner Shaughnessy emphasized the County Manager's comments and indicated this is a very tough budget that we are dealing with and we do need to address the needs that are in the County. We are looking at some legislative pieces that possibly could be introduced this session that would give more allowance to doing those projects with inter-local/county regional servicing.

Commissioner Feeney:

Commissioner Feeney yielded his time for the guest speaker, Bridgton Town Manager Mitch Berkowitz.

Chairperson Clenott:

Chairperson Clenott read a letter from the Town of Chebeague Island thanking the County for the services of Officer Scott Secord, who stayed on the island with his family. The letter indicated that he gave good advice and his presence and professional manner was appreciated by the folks on the island. She also added Jim Budway, Director of the Emergency Management Agency is doing an outstanding job on so many fronts which is an important part of our public safety. She also indicated we need to be cautious and protect our citizens by not cutting services because once they are cut it is extremely hard to get the service back just to save taxes.

Comments from the Public:

Chairperson Clenott asked the public to introduce themselves. Several people introduced themselves: Mitch Berkowitz, Bridgton Town Manager; Genie Beaulieu of the Sheriff's Office; Shawn O'Leary, the new Captain for the Sheriff's Department; Elizabeth Trice, Grants and Special Projects Coordinator for County Government; Ed King, West End News and Pamela Cragin, West End News.

Informational – Update on Regional Assessing Initiative

Chairperson Clenott asked Mitch Berkowitz to present his report on the Cumberland County Regional Assessment Design Project. Mr. Berkowitz thanked the Commissioners for the opportunity to present his report. He reported it is important to realize one of the opportunities, as Manager Crichton pointed out, is the foresight to have a strategic plan put into place which allows people to view the future and determine what the opportunities are for which County Government may better serve the various constituencies. He indicated the Regional Assessing project is both a savings as well as a service enhancement for most communities. Some of the organizational points are: 1) assessment of laws, policies and practices; and 2) better organization of personnel to implement the best practices and organize the structure to efficiently support the operations. The technology points are: 1) standardize software for recording and reporting; 2) mapping a data base with possible enhanced features; and 3) inter-regional electronic communications. The service points are: 1) standardized and systematic assessment in

the County; 2) 24 X 7 web access to information; 3) scheduled on-site personal services; and 4) enhanced mapping capabilities as well as future opportunities for regional service enhancements such as tax billing, collections and deposits. A discussion followed.

Chairperson Clenott asked that the Action Items be presented.

08 – 118 Approval, Cumberland County Lease to Lapse and Expire Due to Lack of Sufficiency of Environmental Compliance at 1000 Congress Street

Chairperson Clenott asked Bruce Tarbox, Facilities Manager, to present the item.

The County Manager indicated this is an issue that the County has been working on for several months. The reason for this to be on the agenda is there are environmental issues and he concurs with the recommendation being made by Bruce Tarbox.

Mr. Tarbox reported this property of approximately 9,000 sq feet at 1000 Congress Street was looked at for space needs. A lease/option was agreed upon pending an Environmental Site Assessment as noted in a presentation to the Commissioners on August 11, 2008. After consultations with legal representatives and internal recommendations, it is advised to reject and allow the lease to lapse and expire. Among other considerations, the County is not comfortable with the risks associated with the v-rap not extending into the abutting properties. The County has considered correspondence and other environmental reporting materials on file with County staff and discussions and interviews with MAI Environmental staff in connection with Phase I and Phase II Environmental Site Assessment testing conducted by MAI Environmental at the 1000 Congress Street premises. After consideration and evaluation of those materials, it is concluded that the County is not satisfied as of this date with the content of the materials reviewed sufficient to give notice of approval under a certain pending Commercial Lease Agreement dated August 11, 2008 by and between the County and GTB, LLC, as amended (the "Lease"), due to ongoing risk or unremediated environmental contamination sources at 1000 Congress Street. A discussion followed.

Commissioner Shaughnessy made a Motion that the Commissioners accept recommendations as stated by Bruce Tarbox, Facilities Manager, and allow the "Lease" to lapse and expire as of December 1, 2008. The following recommendations are to be included in the Motion. The County has considered correspondence and other environmental reporting materials on file with County staff and discussions and interviews with MAI Environmental staff in connection with Phase I and Phase II Environmental Site Assessment testing conducted by MAI Environmental at the 1000 Congress Street premises. After consideration and evaluation of those materials, Bruce Tarbox concluded that the County is NOT satisfied as of this date with the content of the materials reviewed sufficient to give notice of approval under a certain pending Commercial Lease Agreement dated August 11, 2008 by and between the County and GTB, LLC, as amended (the "Lease"), due to ongoing risk or unremediated environmental contamination sources at 1000 Congress Street. Therefore, it is Bruce Tarbox's recommendation to ask the Cumberland County Commissioners to move to allow the County's right in and to the Lease to lapse and expire as of December 1, 2008, without the Lease taking effect, as provided by the terms of the Lease. Commissioer Feeney seconded the Motion. All voted unanimously.

Chairperson Clenott asked for the next agenda item. Chief Deputy Kevin Joyce asked to speak. He introduced Captain Shawn O'Leary who started on November 2, 2008. He is the new Support Services Captain and will take care of training for the jail patrol and do some grant writing. He will also oversee the Regional Hazmat Team that we are involved with along with the Presumpscot Valley group. He is a 20 year veteran with the Brunswick Police Department. The Commissioners welcomed Captain O'Leary.

08 – 119 Approval, Cumberland County Drinking Enforcement Mini-Grant Application Offered by Medical Care Development, Inc.

Chairperson Clenott asked Genie Beaulieu, Fiscal Officer with the Sheriff's Office, to present the report. The County Manager concurs with the recommendation.

Ms. Beaulieu reported this is the 3rd round of underage drinking enforcement grants to be offered by Medical Care Development, Inc. In 2006 and 2007, the Sheriff's Office participated in CCUDEF mini-grants. The Sheriff's Office was recently notified that it is one of a number of law enforcement agencies within Cumberland County selected to participate in Medical Care Development's 2008-09 underage drinking mini-grant programs, and the Sheriff's Office is eligible to receive funding in the amount of \$2,000. The grant period is from December 1, 2008 to June 30, 2009. These funds will support overtime details directly supporting enhanced enforcement of underage drinking and focus on social access to alcohol. The major objectives are to increase the percentage of Cumberland county students who report that alcohol is more difficult to obtain, that when juveniles consume alcohol they will deal with both parents and the police, and to convey to adults that furnishing alcohol and places for underage drinking is illegal. The grant funding is \$2,000, which will be used for two deputies to work 8 eight 4-hour details. Half of the details will directly support enhanced enforcement of underage drinking/furnishing laws and half of the details will be directed toward retail compliance checks. There is no fiscal impact to Cumberland County taxpayers as any in-kind administrative costs will be absorbed by on-duty staff. A discussion followed.

Commissioner Feeney made a Motion that the Sheriff's Office accepts the grant for \$2,000 from Medical Care Development, Inc. to address the issue of underage drinking. Commissioner Shaughnessy seconded the Motion. All voted unanimously.

08 – 120 Approval, Cumberland County Civic Center Warrant for 2009

Chairperson Clenott asked County Manager Peter Crichton to present this item.

The County Manager reported the Warrant from the Civic Center calls for the County to commit \$206,616.00 for 2009 to the Cumberland County Civic Center. The Civic Center is part of Cumberland County Government with the Commissioners appointing the Trustees. We work very closely with the Trustees, Steve Crane, the General Manager, and his staff. In accordance with the provisions of the Private and Special Laws of Maine 1971, Chapter 86, Section 5, the Trustees of the Cumberland County Recreation Center, after making due allowance for anticipated revenue, have determined that the sum of \$56,616.00 is required to meet the interest on the bonds, notes or other obligations of the Center falling due in 2009; that the sum of

\$150,000.00 is required to meet the bonds, notes or other obligations falling due and maturing in that year; and the sum of \$0 is required to meet other necessary expenses of the Center in that year; for the total amount of \$206,616.00. A discussion followed.

Commissioner Feeney made a Motion that the Commissioners approve the Warrant for 2009 dated November 19, 2008 as listed in the amount of \$206,616.00. Commissioner Shaughnessy seconded the Motion. All voted unanimously.

08 – 021 Approval, Cumberland County Sheriff’s Office Commission New & Renewals

Chairperson Clenott asked Commissioner Shaughnessy for a Motion.

Commissioner Shaughnessy made a Motion that the Commissioners accept the new Commission of Alan Twombly, Patrol Officer, of the Falmouth Police Department and the Renewals of James Adams, Corrections; Eugene T. Gallant, Windham PD; Daniel Haskell, Corrections; Robert Mailman, Gorham PD; William Prout, Corrections; Robert Ryder, Corrections and George Savidge, Falmouth PD. Commissioner Feeney seconded the Motion. All voted unanimously.

There being no further business Commissioner Feeney made a MOTION to adjourn the meeting at 6:30 PM. Chairperson Shaughnessy seconded the MOTION. All voted unanimously.

ATTEST:

Barbara M. Buckley
Deputy Clerk

The next regular Commissioners meeting will be held at 5:30 PM on Monday, December 8, 2008 in the Peter J. Feeney Conference Room, Cumberland County Courthouse Annex 1.