

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

COMMISSIONERS' MEETING

MINUTES

February 11, 2008

The Board of Cumberland County Commissioners, Esther B. Clenott, Richard J. Feeney, and Malory 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.

Chairperson Clenott commented that on Sunday, February 10th, the Democratic Caucus was a symbol of the concern and care that the citizens of the State of Maine have for our country and she thinks we all should be very proud of our country no matter what our political party and we are certainly all united in loving this country and respecting it.

Minutes of the Cumberland County Commissioners Special Commissioners Meeting for January 28, 2008, the Special Commissioners Meeting for February 4, 2008, and the Regular Commissioners Meeting of January 28, 2008 were read and were approved unanimously.

Comments from the County Manager:

Peter Crichton, County Manager, commented on two topics. 1) The Jail Consensus Plan that is being worked on between the State and the Counties. Today, in Augusta, Commissioner Clenott and he attended a Criminal Justice Committee meeting. He is very impressed with Commissioner Magnusson for what he is doing as this is a very difficult process. Commissioner Magnusson was talking about some of the decisions he has to make in order to meet a commitment of \$4.6 million for the counties on the Department of Corrections. The counties have been receiving this money for many years, but the money was taken out of the supplemental budget and now through this Jail Consensus Plan the counties hopefully will be able to remain whole. 2) There will be a Legislative Day on March 11th in the Rotunda of the State House. Pam Lovley, Register of Deeds, has arranged for the space. This is in partnership with organizations such as the Extension Service, Soil and Water and GPCOG to put our best foot forward as a region and to be better understood in the legislature.

Comments from the Commissioners:

Commissioner Feeney:

Commissioner Feeney reported on 2 topics. 1) He attended a Concerned Partners meeting today and learned there are over 400 working farms within Cumberland County which participate in the Farmer's markets in the summertime. 2) He read a letter from Sheriff Mark Dion regarding Chief Deputy Kevin Joyce's appointment to the state committee on Traffic Safety and the feedback he has received from various parties commenting our law enforcement efforts. It affirms what has always been evident to the Sheriff that the caliber of work generated by our Deputies on the road sets the bar for public safety in this state. When town officials ask you what it is that they get for their tax dollars, as an example he is confident we can point to our leadership in Traffic Safety and Enforcement as evidence of their sound decision to invest in county government. Commissioner Feeney extended his congratulations to Chief Joyce.

Commissioner Shaughnessy:

Commissioner Shaughnessy also congratulated Chief Joyce and again stated the work that our patrol deputies do out in the field are immeasurable and are a very necessary piece of county services.

Chairperson Clenott:

Chairperson Clenott congratulated Chief Joyce on his accomplishments and indicated how proud the commissioners are of his work. Commissioner Clenott shared a personal note that she is not running for reelection. She expressed it's fabulous to work for Cumberland County and it has been a tremendous experience and very worthwhile to her to be a commissioner. Even though she loves being a commissioner, it is time after 16 years on the Board to move to something else. It will have to be something that lets her advocate for Cumberland County and the counties in general.

Informational Item

Chairperson Clenott asked if there were any comments from the public. Hearing none, she proceeded to the Action Items.

Action Items:

Chairperson Clenott asked for the first item.

08 – 021 Approval, MOTION to Set Salary For County Treasurer

Chairperson Clenott asked for a MOTION to set the salary for the County Treasurer.

Commissioner Feeney made a MOTION to set the Salary for the County Treasurer at \$19,964 effective January 1, 2008. Commissioner Shaughnessy seconded the Motion. All voted unanimously.

08 – 022 Approval, Appoint 2008 Threshold to Maine RC&D Council Representative

Chairperson Clenott asked Commissioner Shaughnessy to make a Motion.

Commissioner Shaughnessy made a MOTION to appoint Michael Shaughnessy to represent the Commissioners on the Threshold to Maine Research Conservation and Development Council for a term of three years beginning February 2008. Commissioner Feeney seconded the MOTION. All voted unanimously.

Commissioner Shaughnessy indicated she is very pleased that her husband, Michael, has been appointed. He is very involved with the Friends of Presumpscot River and very interested in conservation and sustainable growth in neighborhoods out in the rural areas, lakes region area and the Presumpscot River basin. The Commissioners are pleased to have Mr. Shaughnessy on the Threshold to Maine RC& D Council. A discussion followed.

08 – 009 Approval Elevator Repair – Cumberland County Parking Garage – Vote to Remove from TABLE

Chairperson Clenott asked to vote to remove it from the TABLE.

Commissioner Feeney made a MOTION to remove it from the TABLE. Commissioner Shaughnessy seconded the MOTION. All voted unanimously.

Chairperson Clenott asked Bruce Tarbox, Facilities Manager, to present the item. The County Manager concurs with the recommendation.

Mr. Tarbox indicated the elevator in the parking garage is about 20 years old and the elevator doors are deteriorating from the inside out causing pressure on the doors to open and close sporadically. The doors will be replaced with stainless steel #4 which will be waterproof and therefore will not rust. New control buttons will also be installed. \$76,000 was put aside for this project; (\$23,000) will be used for needed masonry work to complete the job. Mr. Tarbox is recommending to “sole source” from Otis Elevator Company in the amount of \$52,998. Otis Elevator does all the work for the elevators in the courthouse complex and therefore, familiar with exactly what needs to be done. They are the only company responsible for this elevator. I am also recommending the remainder of the money to be used to hire a mason that is needed to complete the job. A discussion followed.

Commissioner Shaughnessy made a MOTION to use Otis Elevator Company in the amount of \$52,998 to repair the elevator doors with waterproof stainless steel. This is the only company that is responsible for this elevator and has done work on it in the past. The \$23,000 set aside for the project in the CIP account to be used for the masonry work that is needed. Commissioner Feeney seconded the MOTION. All voted unanimously.

08 – 023 Approval, Installation and/or Removal of Emergency Equipment for Cumberland County Sheriff and Correction Vehicles

Chairperson Clenott asked Bruce Tarbox to present the item. The County Manager concurs with the recommendation.

Mr. Tarbox reported in April 2007, this department secured the services of MHQ Municipal Vehicles (a company that installs emergency equipment for installation of the equipment for our vehicles). An interview committee selected this company after an extensive RFP and review. This was the first year for this process and it turned out to be very successful for all parties. To continue with these services, MHQ has agreed to hold 2008 installations to the same price as was awarded thru the 2007-bid process. In most contracts, services are provided for three years. It is too time consuming and costly to RFP every service contract the county has each year. In this case, MHQ being a new contract, he has provided the information on the success of this request. The company is located in Massachusetts and requires transportation for our vehicles. The new vehicles are drop shipped to MHQ. Although transportation time has a considerable impact for employees to pick-up these vehicles, I am able to spread this throughout the whole department. This does not overwhelm the garage as it did in the past. In account #11-105-6132, \$9,000 was set aside for the new installations. There are 7 Crown Vic's, (1) Chevy Impala and one SUV-K-9 for scheduled vehicles this year. The 7 Crown Vic's are to be held to the 2007 installation cost of \$895 each. The one Impala will remain at \$645. The SUV will have a modified price, as it will be a K-9 vehicle with an extended bed at an estimated cost of \$1,400. The vehicles that are decommissioned within the fleet, such as patrol, CID, etc. which is estimated at \$3,400 determine the remaining costs for MHQ. Additional items that are being added to all our vehicles this year for installation are flashlight charges, mud flaps, and additional light in the trunk, which amounts to \$310. The total cost is \$12,020. A discussion followed.

Commissioner Feeney made a MOTION that the amount of \$12,020 be taken from account #11-105-6132 and be set aside for the new installations of the 3 Crown Victoria's, 1 Chevy Impala, and 1 SUV for the K-9 unit as scheduled and to include the amount of the decommissioning of \$3,400 plus the additional items of \$310. Commissioner Shaughnessy seconded the MOTION. All voted unanimously.

08 – 024 Approval, Maine Public Employees Retirement System – 457 Deferred Compensation Plan

Chairperson Clenott asked the County Manager for comments. He concurs with the recommendation.

The County Manager reported Wanda Pettersen, Human Resources Director, and Vic Labrecque, Finance Director, have been looking at what we can do to enhance our retirement program for our new employees. We would like to encourage employees to take advantage of retirement programs.

Ms. Pettersen reported the County offers an optional flexible 457 deferred compensation investment program benefit to employees. Employees may defer a dollar amount or a percentage of total salary up to a maximum set by federal law. Currently there are three different companies

who provide this benefit. These companies have different rate structures and investment portfolios. Employees are asking Hum Resources and the Finance Office investment questions which we are unable to answer easily because of the different structures. Upon comparison of the existing companies fee structures with the Maine Public Employees Retirement System (Maine Start) 457 plan, the MPERS plan has a significant reduction in rate fee to the employees. The Maine Public Employees Retirement System formally the Maine State Retirement System is a known system which covers our employee's retirement plan. The Maine Start funds are invested in the Vanguard funds. It is our recommendation to grandfather the current company's employee allocation but only offer the Maine Start plan to newly hired employees. Current employees would also be able to join the Maine Start 457 plan. This would ease administration and information of the 457 plan. A discussion followed.

Commissioner Shaughnessy made a MOTION that the Commissioner offer the one 457 Deferred Compensation Plan for new employees and that current employees can add it on with a 1% automatic employee contribution unless employees signs an opt out agreement. This plan will be administered by the Maine Public Employees Retirement System formally Maine State Retirement System. Commissioner Feeney seconded the MOTION. All voted unanimously.

08 – 025 Approval, Teamster Law Enforcement Unit – Special Retirement Plan 2C

Chairperson Clenott asked the County Manager for comments. The County Manager concurs with the recommendation.

The County Manager stated his appreciation to Ms. Pettersen and all the people who have worked at getting this retirement plan. The Teamsters has been looking for a special retirement plan for a number of years. Vic Labrecque staffed our 2006-2010 Strategic Plan Finance Subcommittee chaired by John Menario with Dick Ranaghan, Ron Miller, Nat Tupper and other folks who came back with a reasonable plan to present to the union. It is believed this will put the Teamster employees in a better place for retirement. He asked Ms. Pettersen to present the item.

Ms. Pettersen indicated that back on October 9, 2007 the County Commissioners ratified the Teamster Law Enforcement Unit collective bargaining Agreement which included participation in the Special Retirement Plan 2C. It is requested the Commissioners approve amending the existing agreement with the Maine Public Employees Retirement System to include the Special Plan 2C for future service only for employees in the Teamster Law Enforcement Unit. This was included in the 3% negotiated package as approved by the Commissioners. A discussion followed.

Commissioner Feeney made a MOTION for the approval of the County of Cumberland Special Retirement Plan 2C – Teamster Law Enforcement Unit. The County Manager is authorized to sign the Agreement on behalf of the Commissioners and will be effective July 1, 2008. Commissioner Shaughnessy seconded the MOTION. All voted unanimously.

08 – 026 Approval, Understanding of Changes to LEC Contracts

Chairperson Clenott asked Chief Deputy Kevin Joyce to present the item. The County Manager concurs with the recommendation.

Chief Joyce indicated on Tuesday, January 22, 2008 some members of the Sheriff's Office met with the County Commissioners to discuss issues which have arisen in developing our annual contracts with the schools in particular and all of the law enforcement contracts overall. Notes were taken from the workshop with the Commissioners and it is requested that they confirm the notes or inform them of any changes. The following notes were read into the Minutes:

The School Resource Officer contract would be charged for the cost of equipment as follows:

1. School Administrative Districts to contract for in-service days, with the School Resource Officer (SRO) to attend administrative hearings or meetings that the SRO would be required to attend, as well as time for the transportation of student (s) to another facility. Time would be contracted at 1.5 hours.
2. Equipment: For SRO who work a summer law enforcement contract, the summer contract would be at a pro-rated rate (for 3 months) for the radar, computer, air-cards, rifle, vehicle and any other required equipment that the SRO needs to perform law enforcement functions. The remaining cost would be covered through the LEC budget.
3. Air-cards for SRO – monthly cost. With associated fees the monthly cost is \$55-\$60 per month. An air card is a wireless antenna on a computer that communicates with a cell tower and delivers the information through the tower back to the main office. The deputy does not have to drive to a sub-station and download the information onto a computer which then gets transmitted to the main office. Contracts would be charged for monthly cost per air-card (pro-rated for 9 months for schools and 3 months for summer contracts).

Law Enforcement contracts would be charged for the cost of equipment as follows:

1. Patrol contracts would be charged for the cost of air-cards per deputy.
2. Academy and Annual Training: For Academy training, contracts would be charged ½ of cost (with schools being pro-rated for the 9 months and summer contract for 3 months) and the LEC budget would pay for ½ of cost.
3. For On-Going Training: Contracts would be charged for their apportioned share of the cost at 1.5 hours.
4. Develop an initial, startup cost for a fully-equipped deputy.

Genie Beaulieu, Sheriff's Office Fiscal Officer, indicated the contracts are already out and any changes will not be effective until 2009. A discussion followed.

Commissioner Shaughnessy made a MOTION that the Commissioners give a directive under the Commissioner's letterhead to develop a School Resource Officers' contract that would be charged with including #1,2 & 3 and the LEC contract be charged to include #1 & 3. Commissioner Feeney seconded the MOTION. All voted unanimously.

Commissioner Feeney made a MOTION to have Chairperson Clenott and Vic Labrecque to join the Sheriff's Office committee to develop the material for #4. Commissioner Shaughnessy seconded the MOTION. All voted unanimously.

08 – 027 Approval, Accepting the Operating After Suspension Grant – 2008 from the Maine Bureau of Highway Safety

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

Ms. Beaulieu reported in December, the Commissioners approved the submission of an Operating after Suspension Grant – 2008 application. The grant aims to provide pro-active enforcement of motor vehicle laws to remove those individuals who by virtue of habitual offender/operating after suspension status create a risk to law abiding motorists. The Cumberland County Sheriff's Office has been advised by the Maine Bureau of Highway Safety that it has been approved for a \$10,000 *Operating after Suspension Grant* which covers the time period February through September 2008. A discussion followed.

Commissioner Feeney made a MOTION that the Commissioners accept the \$10,000 Operating after Suspension Grant – 2008 from the Maine Bureau of Highway Safety and there is no fiscal impact. Commissioner Shaughnessy seconded the MOTION. All voted unanimously.

08 – 017 Approval, Changes to the Current Fee Structure to be Applied at the LEC and Jail Cumberland County Sheriff's Office – Vote to Remove from TABLE

Chairperson Clenott asked for a MOTION to remove the item from the TABLE.

Commissioner Shaughnessy made a MOTION to remove the item from the TABLE. Commissioner Feeney seconded the MOTION. All voted unanimously.

The County Manager concurs with the recommendation to change the fee structure.

Captain Don Goulet reported for the last couple of years requests from the Freedom of Access Act (FOAA) have increased and costs associated with making copies of reports. With the advent of other forms of media (DC's, DVD's, etc) we have extended what we are being requested to provide, but we have not kept up with these changes in our fees. We have reviewed the State Law and what other agencies are charging. We propose the following fee structure to cover specific areas that are effected by these requests.

1. **Records Requests (LEC and Jail)**: Starting in early 2007 the LEC began tracking FOAA requests but not Accident Reports. In 2007 the LEC processed approximately 315 such requests.

Current fee rates:

- 1-5 pages= \$7.00

- 6-50 pages= \$1.00 per page
- 51 or more pages= .50 per page

Proposed fee rates:

- Paper FOAA Request: 1-7 pages= \$12.00, each additional page \$1.00.
- Routine Accident Report: \$12.00
- Reconstruction Accident Report: Follows the same formula for report/photos.
- Color photos printed on paper: \$2.00/each.
- Non Paper requests (VHS, DVD, CD, Audio tapes, etc): \$25.00 each request

NOTE: Prepayment must accompany request(s), unless other satisfactory arrangements are made with the records clerk.

2. **Civil Division:** (Most Fees are set by State Statute or IRS)

Current fee rates:

- a. Same Day Service: \$10.00.

Proposed fee rates:

- b. Same Day Service: \$25.00.

3. **Polygraphs: Pre-Employment Exams for Outside Law Enforcement:**

Current fee rates:

- a. \$125.00/per exam

Proposed fee rates:

- b. \$175.00/per exam

In checking with other Polygraphers (public and private), fee rates range from \$125.00-\$250.00 per exam. Currently, we average about 12 outside Law Enforcement exams/per year and about 110 exams for the County (LEC, Jail and CCRCC)/per year. This rate increase only effects outside requests and would better cover the actual cost of the Polygraphers with (6-8 hours)/per exam and the use (wear/tear) of the equipment. (Criminal Polygraphs for outside agencies are not charged, though private Polygraphers charge \$350.00-500.00/per exam.)

4. **Fingerprinting:**

Current Fee rates:

- a. \$8 per card and \$3 each additional card.

Proposed Fee rates:

- b. \$15 per card and \$5 each additional card.

The Sheriff's Office has offered fingerprinting services in the Jail Lobby area for years. Currently, fingerprinting for adoption and the child find program are offered free of charge. State Sex Offenders pay a fee that is set by Statute. Most of the fingerprinting that would be charged the above proposed fee(s) are related to private employment background checks and some government required fingerprinting, etc.

There would be an increase of revenue to offset the cost of materials and supplies and a reasonable reimbursement to cover the actual time of an employee.

A discussion followed.

Commissioner Shaughnessy made a MOTION that the Commissioners approve the rate changes for the LEC and Jail Records Divisions, Civil Division and Outside Pre-Employment Polygraph exams as outlined in the staff report and add the charge of for basic background checks \$15 per card for the fingerprinting and \$5 for each additional card and these charges go into effect 30 days after approval. Commissioner Feeney seconded the MOTION. All voted unanimously.

**08 – 018 Approval, Meal Reimbursement – Cumberland County Sheriff’s Office
Vote to Remove from TABLE**

Chairperson Clenott asked for a MOTION to remove the item from the TABLE.

Commissioner Shaughnessy made a MOTION to remove the item from the TABLE. Commissioner Feeney seconded the MOTION. All voted unanimously.

Chairperson Clenott asked the County Manager for comments. He indicated the Sheriff’s Office did a good job in explaining the need for a change in the meals reimbursement schedule, but he is asking that the Commissioners approve having the Finance Director return with specific recommendations. The County Manager asked Genie Beaulieu, Sheriff’s Office Fiscal Officer, to present the item.

Ms. Beaulieu reported Cumberland County has used the following meals reimbursement schedule for over seven years. With inflation and other cost considerations, this schedule doesn’t adequately reflect the cost of meals either within or outside the State of Maine. Presently, breakfast is \$6.00 maximum, lunch is \$7.50 maximum and dinner is \$20.00 maximum, making a total of \$33.50. The IRS Publication 1542 per diem rates revised in October 2007 indicates that the per diem for Maine in the Portland area is \$44 and for your County is \$54. Out of state varies by area, however, ranging from around \$40 a day to \$64 a day. A discussion followed.

The County Manager suggested that the finance director come back with a recommendation for both the Maine and outside Maine reimbursement figures. This item will be brought before the Commissioners at the next meeting.

Commissioner Shaughnessy made a MOTION that the Finance Director bring before the Commissioners a new formula based on the comparable of \$44 for Maine reimbursement and \$64 for outside Maine reimbursement. Commissioner Feeney seconded the MOTION. All

Chairperson Clenott asked Jim Budway, Director of Cumberland County Emergency Management to present the items. She thanked him for his report on Haz-Mat and what he doing. Mr. Budway indicated it is a work in progress.

Mr. Budway asked the Commissioners if he could collectively speak for all the agenda items even though they have to be voted on separately to save time. He asked the Commissioners to grant permission for the County Manager to sign 5 Memorandum of Agreements with the Maine Emergency Management Agency to receive Homeland Security grants. The five grants together are \$178,234.26 at no cost to the County. Back in December he came before the Commissioners and requested approval to submit 14 grant applications for a total of \$991,000.

They actually submitted 15 grant applications for \$1.14 million which included a USM grant lumped into the Cumberland County submission because of geography since the headquarters is within Cumberland County. MEMA had \$2.25 million to allocate in the Department of Homeland Security grants and in the end Cumberland County had 9 grants either fully or partially approved and we were awarded \$363,000. The breakdown is as follows: Brunswick \$8,000; Sebago \$25,000; Bridgeton \$27,000; an organization called Alpa One \$30,000; Presumpscot Valley Haz-Mat Team \$31,000, Greater Portland Council of Governments working with his office \$40,000; a second one for \$50,000; Mercy Hospital \$54,000 and the University of Southern Maine \$97,000. He is here to talk about 5 grants. Four (4) of the nine (9) grants are going straight to the organization or the communities. Five have to go through the County because some are not NIMS compliant, provide a capability to the region or to the entire county and therefore need to use the county umbrella to receive the grant.

The following items were presented and discussed. The County Manager concurs with the recommendation.

08 – 028 Approval, Cumberland County Emergency Management Agency – Memorandum of Understanding with the State of Maine – Grant in the amount \$30,000 – Alpha One’s Maine Resilience Program

Commissioner Shaughnessy made a MOTION to authorize the County Manager to sign the Memorandum of Understanding to accept the grant in the amount of \$30,000 to improve preparedness and response capabilities for Homeland Security related events in the State of Maine for the purpose of funding Alpha One’s Maine Resilience Program. Commissioner Feeney seconded the MOTION. All voted unanimously.

08 – 029 Approval, Cumberland County Emergency Management Agency – Memorandum of Understanding with the State of Maine – Grant in the amount \$31,034.26 – Regional Response Team To participate in the US Postal Facility Exercise in Scarborough

Commissioner Feeney made a MOTION to authorize the County Manager to sign the Memorandum of Understanding to accept the grant in the amount of \$31,034.26. Commissioner Shaughnessy seconded the MOTION. All voted unanimously.

08 – 030 Approval, Cumberland County Emergency Management Agency – Memorandum of Understanding with the State of Maine - Grant in the amount \$27,200 – the Bridgton Regional Response Team Training

Commissioner Shaughnessy made a MOTION to authorize the County Manager to sign the Memorandum of Understanding to accept the grant in the amount of \$27,200 to improve preparedness and response capabilities for Homeland Security related events in the State of Maine for the purpose of funding the Bridgton Regional Response Team Training. Commissioner Feeney seconded the MOTION. All voted unanimously.

**08 – 031 Approval, Cumberland County Emergency Management Agency –
Memorandum of Understanding with the State of Maine - Grant
in the amount \$40,000 – Greater Portland Council of Government’s
Phase III Evacuation and Detour Planning**

Commissioner Feeney made a MOTION to authorize the County Manager to sign the Memorandum of Understanding to accept the grant in the amount of \$40,000. Commissioner Shaughnessy seconded the MOTION. All voted unanimously.

**08 – 032 Approval, Cumberland County Emergency Management Agency –
Memorandum of Understanding with the State of Maine – Grant
in the amount \$50,000 – Greater Portland Council of Government’s
Development of Cumberland County Regional Disaster Aid Plan**

Commissioner Shaughnessy made a MOTION to authorize the County Manager to sign the Memorandum of Understanding in the amount of \$50,000 to improve preparedness and response capabilities for Homeland Security related events in the State of Maine for the purpose of funding the Greater Portland Council of Government’s Development of Cumberland County Regional Disaster Aid Plan. Commissioner Feeney seconded the Motion. All voted unanimously.

**08 – 033 Approval, Tax Abatement Decision for Steve and Heidi Drake –
Town of Pownal**

Chairperson Clenott asked Commissioner Feeney to present the Findings of Fact and the Decision for Steve and Heidi Drake.

Commissioner Feeney reported the County Commissioners went to the Town of Pownal on February 5, 2008 for a tax appeal that had been denied by the Town to Mr. and Mrs. Steve Drake. Present at the hearing were Commissioner Dick Feeney, Commissioner Esther Clenott, and Commissioner Shaughnessy. Present for the Town of Pownal were: Bill Crain, Donna Hays, Jim Briggs, Don Arnold, Jean O’Donnell Bennett, Donna Bayles, Sherry Dietrich, Tim Griddinge, Steve and Heidi Drake. The County Commissioners office received a number of important documents which are listed on the original letter sent to Steve and Heidi Drake.

The findings of facts were Mr. & Mrs. Drake are requesting an abatement of \$31,600.00. They contend that their property is over valued with regard to other properties furnished with comparables at the hearing. They show their property at 50 Woodland Road has a land assessment of \$20,800 for 9.80 acres; the building is assessed at \$246,500. Their estimated value is \$470,000.00.

Town contends that the building square footage is larger than others shown. The town assessed valuation of square footage is for acreage of the dwelling. Thereafter all acres are valued as an addition and at a lesser rate. Drake property is standard and equal to comparables given.

After reviewing all the documents provided and testimony, the Commissioners agreed the Drake property was assessed using the same methodology as similar properties in Pownal. We find no unfair discrimination in this assessment.

Commissioner Feeney made a MOTION to deny the appeal of Mr. & Mrs. Steve Drake. Commissioner Shaughnessy seconded the MOTION. All voted unanimously.

Commissioner Shaughnessy commented for the record how she was struck how the Town of Pownal does its assessments and its comparability to what the State standard is of trying to be assessed at 70% of market value. Obviously they do meet the standard for equal equity involved properties however being at the 46% to ratio is of concern to her. Chairperson Clenott said not in opposition to Commissioner Shaughnessy, but the rationale she understands is the Town of Pownal is considered the one really rural town in the State of Maine therefore the State of Maine allows Pownal to consider its property under these regulations.

08 – 034 Approval, Tax Abatement Decision for William E. Crain and Katherine Martin Lawrence – Town of Pownal

Chairperson Clenott asked Commissioner Shaughnessy to present the Findings of Fact and the Decision for William Crain and Katherine Martin Lawrence.

Commissioner Shaughnessy reported the County Commissioners went to the Town of Pownal on February 5, 2008 for a tax appeal that had been denied by the Town to William Crain and Katherine Martin Lawrence. Present at the hearing was Commissioner Dick Feeney, Commissioner Esther Clenott, and Commissioner Shaughnessy. Present for the Town of Pownal were: Bill Crain, Donna Hays, Jim Briggs, Don Arnold, Jean O'Donnell Bennett, Donna Bayles, Sherry Dietrich, Tim Griddinge, Steve and Heidi Drake. The County Commissioners' office received a number of important documents which are listed on the original letter sent to William Crain and Katherine Martin Lawrence.

The findings of facts are due to changes in state law taking effect January 1, 2006 and prior to changes in Pownal Land Use Ordinances that took effect March 28, 2006 a situation occurred whereby there were no special provisions for 2 lot subdivisions in place in Pownal. The Appellants, William Crain and Katherine Lawrence took advantage of this window of opportunity to submit to divide their lot on March 20th and contend that the land should be valued as "Rear Land 1" (taxed on a valuation of \$248 per acre), and not as a buildable lot with the first two acres valued as a "Baselot" (taxed on a valuation of \$18, 600/acre). They are seeking an abatement of \$ 493.85.

The Town of Pownal states that the practice has been that in any subdivision submitted to the Town of Pownal, a lot is assumed to be buildable and valued accordingly with the first two acres valued at \$18,600/acre, and the subsequent acres valued as "rear land 1" and valued at \$248/acre. Town Assessor Donna Boyles stated that she treated all lots in similar manner from April 1, 2005 to April 1, 2006, regardless of the "window of opportunity" and that as it was a lot that could be considered buildable it should be subject to the valuation accordingly.

After reviewing all the documentation and testimonies by Appellants & Appellee it was determined that since from January 1, 2006 to March 28, 2006 Pownal land owners were free to sub-divide their land for any reason without restriction or regulations, and since William Crain took advantage of this period to subdivide his land, and since he has not applied for a building permit nor built a structure thereby triggering a subdivision review,

Commissioner Shaughnessy made a MOTION to award the appeal of William Crain and Katherine Martin Lawrence. Commissioner Feeney seconded the MOTION. All voted unanimously.

There being no further business Commissioner Feeney made a MOTION to adjourn the meeting at 8:10 PM. Commissioner 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, February 25, 2008 at the Cumberland County Courthouse in the Peter J. Feeney Conference Room.