

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

## COMMISSIONERS' MEETING

### MINUTES

July 28, 2008

The Board of Cumberland County Commissioners, Esther B. Clenott, Richard J. Feeney and Malory Shaughnessy convened a meeting at Stimson Hall in Gray, Maine.

Chairperson Clenott called the meeting to order at 7:00 PM and the following business was conducted.

Minutes of the Cumberland County Commissioners Regular Meeting of July 14, 2008 were read and were approved unanimously.

#### **Comments from the County Manager:**

The County Manager was not at the Commissioners' meeting tonight because he was on vacation.

#### **Comments from the Commissioners:**

##### **Commissioner Feeney:**

Commissioner Feeney reported he recently participated in the Maine Reentry Steering Committee meeting in Augusta. This meeting was disheartening because the money expected from the Federal Government through the Second Chance Act had been reduced by \$30 million nation-wide. One of the agencies which would benefit is My Sister's Keeper. The funds go to the states and the agencies would need to apply for the funds. Also there has not been much movement on the HR5693, a House Bill regarding the restoration of funding for inmates who are being incarcerated over 30 days so they can get reinstatement for their Medicare benefits, thus alleviating the property taxpayer from having to pick up the burden of subsidizing the medical cost of the inmates at the jail. He will give us an update when the bill gets out of Appropriations.

## **Commissioner Shaughnessy**

Commissioner Shaughnessy reiterated what Senator Bill Diamond had discussed at the Community meeting prior to the Commissioner's meeting. There will be a "Track To The Future" celebration what will take place Friday, August 1<sup>st</sup> from 9:00 AM to Noon at the Standish Boat Launch on Sebago Lake. This ceremony is to celebrate the State's purchase of the Mountain Division Right-Of-Way to complete the rail connection from Greater Portland to Fryeburg. Hopefully over time, it will allow for economic development by moving freight, possibly commuters, and excursion use.

The Commissioner also reported she just returned from the NACO Conference in Kansas City. She is on the Board of Directors of the National Association of Counties and they have created a Northeast Caucus within the National Association of Counties to bring up issues that are more important and more relevant to the Northeast states and counties. Some of these issues are: the aging infrastructure, overcrowding in our jails, and the way revenues are being held very tightly in this area of the country. We are trying to get the message to Washington, on a stronger level, to increase the revenues and funding.

## **Chairperson Clenott:**

Chairperson Clenott reported there was a very interesting meeting prior to the Commissioners meeting with the towns in the surrounding area, discussing their concerns and needs.

## **Comments from the Public:**

Chairperson Clenott asked if there were any comments from the public.

The Correction Officers were present and expressed their concerns over the pending contract. The following correction officers expressed concerns: Robert White, Representative of the AFSCME, Wil Russell, Niki Cox, Bob Ryder, Delwin Sargent, Nick Stein, Steve Stubbs, Gary Anderson, Joe Falon, Jennifer Slocum, and Ovid Richard. Several asked to sit down and talk about the contract.

Pat Dunn, County Attorney and Chief Negotiator, indicated there is a process to follow by the State Bargaining Act. In March, after several months of negotiating, there was an impasse so a mediator was requested. Jim Mackie was appointed by the Maine Relations Labor. Several meetings were held and Mr. Mackie suggested to the parties that we may want to file for fact finding to keep the process moving. Ms. Dunn indicated that on July 15<sup>th</sup>, she applied for Fact Finding and we are waiting now for the Maine Relations Labor Board to appoint a Fact Finding panel. When that panel gets appointed, there will be a Labor representative, an Employer representative and a Neutral. We will have a hearing and that panel will write a report with their recommendations on how that panel feels this issue could be resolved. The mediator will continue to work on this. Ms. Dunn indicated to Mr. Russell that she is prepared to meet at any time and negotiate but does not feel it would be productive to have a meeting without the mediator because he is the one that is setting the framework on this and there are matters he is working on. Ms. Dunn clarified one comment that has been repeatedly stated by the Union and newspapers: she does not know where the idea that the County is only offering 10 cents an hour comes from or what it is in relation to. She stated she can categorically deny that 10 cent an hour is not being offered. That is just clearly not what the offer has been. This is one piece of

information that needed to be clarified because it is very much not related to anything that has been discussed at the bargaining table. She indicated she and her team are ready to meet whenever the mediator is available.

Chairperson Clenott asked that the Action Items be presented.

**Action Items:**

**08 – 090      Approval, Tax Anticipation Note for 2008**

Chairperson Clenott asked Vic Labrecque, Finance Director, to present the item. The County Manager concurs with this recommendation.

Mr. Labrecque indicated several factors have decreased the 2008 cash flow, and has created some concern to have adequate cash into September 2008 when the taxes are received from local municipalities. Also, the original TAN for this year was less than in prior years. By the third week in August 2008, the County may have a cash deficit. It is very close to call, therefore we request to acquire a second 2008 TAN on a “as needed basis” to insure there is sufficient cash to pay County obligations. We are soliciting a “line of credit” type of TAN for up to \$1.7 million.

Mr. Labrecque asked Diane Gurney, County Treasurer, and Richard Ranaghan Senior Vice President of Gorham Savings Bank to report on the item. Ms. Gurney reported the TAN was awarded to TD Bank, N.A. at 2.37% of \$1.7 million at 3.00% on an “as needed basis”. Mr. Ranaghan reported the Commissioners have been presented a vote drafted by the Bond Counsel Paul Frinsko of Bernstein, Shur. He asked that Exhibit A be moved and seconded. A discussion followed.

**EXHIBIT A**

**VOTED:**

1. That under and pursuant to Title 30-A, Section 932 of the Maine Revised Statutes as amended and supplemented, there be and hereby is authorized the issuance of up to \$1,700,000 principal amount of Tax Anticipation Notes of the County of Cumberland, Maine in anticipation of the receipt of taxes for the current fiscal year of the county which commenced January 1, 2008 and ends December 31, 2008.
2. Said Notes shall be dated August 12, 2008, shall mature on November 10, 2008, shall be signed by the Treasurer and countersigned by the Chairman of the Board of Commissioners, shall bear interest at the rate of 2.37% per annum, shall be payable at TD Bank N.A., and otherwise be in such form and bear such details as the signers may determine.
3. That said Notes are hereby sold and awarded to TD Bank N.A. pursuant to the terms of its offer to purchase dated July 25, 2008.

4. That all things heretofore done and all action heretofore taken by the County, its officers and agents in the authorization of said Notes is hereby ratified, approved and confirmed and the Treasurer and Chairman are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Notes against payment therefor.

**Commissioner Shaughnessy made a Motion that the Cumberland County Commissioners incorporate the Resolution language provided by the Bond Counsel and that the Treasurer and the Chairman of the Board of Commissioners sign the Notes for TD Bank N.A. at 2.37%. Commissioner Feeney seconded the Motion. All voted unanimously.**

**08 – 091 Approval, Cumberland County Courthouse – Boiler Pipe Repair**

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

Mr. Tarbox reported the piping that goes from the boilers to the heat exchanger in the old section of the Cumberland County Courthouse is leaking. These boilers are used for heat and hot water on the County side. The valves and joints are leaking and need to be repaired. By repairing the piping, it will enable us to shut down the gas hot water tank in the winter. This will be cost effective to the County.

Mr. Tarbox indicated he has \$14,000 set aside for this project in the CIP account number 71-705-7557. There were five bidders: ATA Piping, Inc. @ \$19,177; Siemens Building Technologies, Inc. @ \$15,690; The Blake Company @ \$14,229; Rick's Plumbing Services, Inc. @ \$13,900 and Patriot Mechanical @ \$6,708. They met the mandatory walk-thru and met all specifications. He is recommending Patriot Mechanical in the amount of \$6,708 for this project. A discussion followed.

**Commissioner Feeney made a Motion that the Commissioners award Patriot Mechanical the contract in the amount of \$6,708 for the replacement of the piping that goes from the boilers to the heat exchanger in the old section of the Cumberland County Courthouse. The contract will not exceed \$6,708 as bid by Patriot Mechanical. Commissioner Shaughnessy seconded the Motion. All voted unanimously.**

**There being no further business Commissioner Feeney made a MOTION to adjourn the meeting at 8:00 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, August 11, 2008 in the Peter J. Feeney Conference Room, Cumberland County Courthouse Annex 1.**