

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

COMMISSIONERS' MEETING

MINUTES

September 8, 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.

Minutes of the Cumberland County Commissioners Regular Meeting of August 11, 2008 and the Special Meetings on August 25th, August 29th, September 2nd and September 4th were read and were approved unanimously.

Comments from the County Manager:

The County Manager reported on two topics: 1) The 2009 budgetary process is well underway internally and by October 1st he will be presenting his final recommendations. He expects there will be an organizational meeting with the Budget Advisory Committee, department heads, commissioners and others the last week of September. He indicated this is an extremely difficult budget. The fact that the State has picked up the increased cost of the jail has benefited us financially, but it is still extremely difficult. We will have budget hearings in November and the Commissioners will adopt the budget in December. The jail portion of the budget will go before the newly created Board of Corrections (BOC) in October. This is a new process. Sheriff Dion and Finance Director Vic Labrecque are on the BOC's Working Group. 2) He will attend a Pre-trial Services meeting later this week to look at ways to improve pre-trial services. They are looking at best practices from around the country and hopefully this new unified jail system is an opportunity to more effectively work together as counties and with the State to find more effective ways to supervise people in the community who are not threats to individuals and can be supervised safely. We are doing this now to some extent and he would like to find more ways to do it so that we can reduce the cost to the taxpayers and at the same time reduce the recidivism rate.

Comments from the Commissioners:

Commissioner Feeney:

Commissioner Feeney indicated as part of his role as Commissioner, he represents the Commissioners on the Board of the Civic Center. At the most recent meeting, it was discussed how it is not very encouraging looking down the road for the acts that have decided not to tour in our area. Two of the big acts that are not coming back which the Civic Center relies on for revenue are the Tran Siberian Orchestra and American Idol. These acts are playing to capacities of 12,000 or better and the Civic Center only holds 6,000 people. Positive news is the hockey team is all set and has a very good fan base. The Civic Center Task Force along with Janet Marie Smith are looking at future renovations and expansion of the center and they have completed the first phase and will meet with the Long Range Committee later in the week. He will present the information at the next Commissioners meeting.

Chairperson Clenott:

Chairperson Clenott commented on the 2009 Budget. The towns we live in, the counties, the states and the country are all suffering economically. The Chairperson stated there is no need to apologize for the County Budget because we have so many services that we need to have available to our citizens, but it will be very difficult to choose as to what we do and they will have to be very careful that we don't cut the services that are really vital.

The Chairperson further commented on how disappointed she is because Governor Baldacci did not appoint Sheriff Mark Dion to the BOC. The BOC has nine members; five are from the public, one a sheriff, one a county commissioner and two from the State Department of Corrections. She wrote to Governor Baldacci expressing that the sheriff who runs the largest jail in the State of Maine should be on the BOC because he understands the workings of a large jail and he also understands the needs of all the jails. She expressed her disappointment in his choice of picking a sheriff who oversees a jail with only approximately 30 beds. We must keep track of what is going on with the BOC.

Commissioner Shaughnessy

Commissioner Shaughnessy commented on Sheriff Dion being a member of the BOC's Working Group. It has not been finalized yet. She indicated her name is the potential commissioner for the Working Group as well and she will be on the State Sentencing and Corrections Advisory Appointed Board that will be doing some advising to the BOC.

There was a meeting with PROP and other citizens on the upcoming winter and the need for heating assistance and what we can do as a community across Cumberland County. The Commissioner indicated that the 2-1-1 service can be dialed on the phone and will provide information about social services and help point citizens in the right direction to answer their questions.

Comments from the Public:

Chairperson Clenott asked if there were any comments from the public. Hearing none, we moved onto the Action Items.

Chairperson Clenott asked that the Action Items be presented.

Action Items:

08 – 098 Approval, Cumberland County Jail – Fire Alarm System

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

Manager Tarbox discussed the fire alarm system at the Cumberland County Jail. The system has had multiple changes due to problems with the system including elevator floor return. The fire alarm system based on NFPA 72, Public Fire Alarm Reporting Systems states that Cumberland County is required to do annual smoke and heat detector testing. The County will obtain a Fire Alarm and Life Safety Inspection Certificate required by the standard. The total cost would be \$14,224.47. The money for this request would come from the jail contract account #11-106-07-6514. Manager Tarbox is recommending moving forward with this request with SimplexGrinnel as a sole source. The system was installed in 1994 by Simplex. The data base and software is privatized to this company. It is a huge system and is in line with what a system of this size would cost for a certified inspection. A discussion followed.

Commissioner Shaughnessy made a Motion that the Commissioners approve the use of SimplexGrinnel as a sole source to do our annual smoke and heating detector testing for the amount of \$14,224.47 to come out of account #11-106-07-6514. Commissioner Feeney seconded the Motion. All voted unanimously.

08 – 099 Approval, Registry of Deeds Lease 1 Ricoh MP6000 Digital Copier and 1 MP4000 Digital Copier with fax capabilities for Copy Room.

Chairperson Clenott asked Pamela Lovley, Register of Deeds, to present the item. The County Manager concurs with this recommendation.

Registrar Lovley reported on October 31, 2008, the County's contract with Wells Fargo/Seacoast to lease 2 copy machines (one has fax capabilities) for the Copy Research Room ends. The machines were leased in 2003. These copiers are used to provide copies and incoming/outgoing faxes to the general public, abstractors, title companies, etc. The Registry needs 2 new copiers to provide high volume, high resolution copies and faxes to our customers. The current machines are constantly in need of repair and some of the parts are becoming obsolete. IKON is the vendor of record for Cumberland County and the State of Maine. The equipment recommendation is to lease 1 Ricoh MP6000 Digital copier and 1 MP4000 Digital copier with fax capabilities. The pricing is 36 month lease @\$387.61 a month. The price includes: installation, training, maintenance including parts, labor and toner. They will be billed at .00459 per copy. A discussion followed.

Commissioner Feeney made a Motion that the Commissioners approve the replacement of the current copier machines with a leased 1 Ricoh MP6000 Digital copier and 1 Ricoh MP4000 Digital copier with fax capabilities for the copy room from IKON and the amount is \$387.61 per month over a 36 month period. Commissioner Shaughnessy seconded the Motion. All voted unanimously.

08 – 100 Approved, Cumberland County Sheriff’s Office – Transfer of IP-Mobile Net Modems to the Yarmouth Police Department

Chairperson Clenott asked Genie Beaulieu, CCSC Fiscal Officer, to present the item. The County Manager concurs with this recommendation.

Ms. Beaulieu reported the Cumberland County Sheriff’s Office was a successful applicant to the FY 2005 Homeland Security LETPP Program and received a grant to purchase 58 IP-MobileNet units. Those units were installed in Sheriff’s Office cruisers and provided a needed method of communication from the cruises. Since that time, technology has changed and the Sheriff’s Office has moved from using IP-MobileNet modems. Earlier this summer the Sheriff’s Office transferred ownership of modems to the Gorham Police Department, Cumberland Police Department and the Westbrook Police Department. We currently have the final four modems, which have been removed from cruisers, and have a request from the Yarmouth Police Department for the four units. The Sheriff’s Office is requesting that the Commissioners authorize the transfer of ownership of these modems. There is no fiscal impact to taxpayers. The IP-MobileNet modems were purchased through a grant at no cost to taxpayers. Bruce Fitzgerald has advised the Sheriff’s Office that we can “give away” modems to municipalities. A discussion followed.

Commissioner Shaughnessy made a Motion that the Commissioners approve the transfer of the four IP-MobileNet modems to the Town of Yarmouth and that the Chair will be authorized to sign the Equipment Transfer Agreement. Commissioner Feeney seconded the Motion. All voted unanimously.

08 – 101 Approval, Cumberland Count Sheriff’s Office – Asset Forfeiture in the Case of State of Maine v. Russell Coughlin

Chairperson Clenott asked Genie Beaulieu, CCSC Fiscal Officer, to present the item. The County Manager concurs with this recommendation.

Ms. Beaulieu indicated Captain Goulet was unable to attend the meeting and asked Ms. Beaulieu to present the item. On 7/16/08 a Sheriff’s Deputy and a State Probation Officer were conducting a home visit with a Russell Coughlin at his residence in Sebago. Subsequently, Coughlin was arrested for violating his Probation. Additionally, drugs, monies and a firearm were seized from the residence and Coughlin was charged with new crimes. The State’s Attorney General has moved for the forfeiture of the monies in this case and court has granted it. The court has authorized the release of \$1,375.00 in US Currency (Drug Assets) to the Cumberland County Sheriff’s Office upon approval by the Cumberland County Commissioners Office. It is requested that the Commissioners approve the acceptance of the US Currency in the amount of \$1,375.00 to be deposited in the Sheriff Office Asset Forfeiture Account, 31-231-4100. A discussion followed.

Commissioner Feeney made a Motion that the Commissioners approve the acceptance of the US Currency in the amount of \$1,375.00, to be deposited in the Sheriff's Office Asset Forfeiture Account, #31-231-4100 and the Chairperson will sign the Approval of Transfer court paper work. Commissioner Shaughnessy seconded the Motion. All voted unanimously.

08 – 102 – Approval, Tax Abatement Decision for David & Doreen O'Grady of the Town of Frye Island

Chairperson Clenott asked Commissioner Feeney to read the decision.

Commissioner Feeney indicated the Commissioners, as a practice, listen to tax appeals of municipalities where they do not have a tax appeal committee with their municipality. Recently, they held a hearing in the Town of Frye Island for David and Doreen O'Grady. In the letter that is written by the Commissioners it states who were present at the hearing and the documents submitted. Commissioner Feeney read the following decision letter into the record:

Findings of Fact; Mr. & Mrs. O'Grady are appealing what they feel are "special" municipal taxes which do not appear on 2007 tax bill. They claim over evaluation due to "building permit fees".

Town assessor countered that fees are associated with a special fund for future improvements to lots.

Decision; The Commissioners do not believe the issue Mr. O'Grady presented falls within the purview of our review under 26 MRSA; 844. Pursuant to that statute, we are empowered to review real property tax abatement appeals only. There is nothing in the presentation to show valuation of \$9,600 is excessive.

Mr. & Mrs. O'Grady have not shown that fees imposed by the Town for "water hookups" (totaling \$4000.00) and "road usage" totaling (\$1000.00) are *de facto* tax assessments. We do not believe we can grant relief under section 844. *Berry v .Daigle*, 322 A.2d 320 (Me.1974) upheld this limitation. It appears that Mr. O'Grady is challenging the legality of these "taxes". Such a challenge exceeds the Commissioners' authority to grant relief.

Therefore, we find that our opinion is Mr. & Mrs. O'Grady cannot pursue abatement on these grounds

Chairperson Clenott stated the County is very involved in helping its municipalities discuss the possibility of having a County-wide assessment policy, perhaps a committee that would assess some of the towns' property so it would be more in line with one another instead of the towns taxing in different ways. A discussion followed.

Commissioner Feeney made a Motion that the Commissioners sign the letter denying the appeal. Commissioner Shaughnessy seconded the Motion. All voted unanimously.

08 – 103 Approval, Cumberland County Family Day Proclamation

Chairperson Clenott asked Commissioner Shaughnessy to read the proclamation in the Minutes.

Commissioner Shaughnessy commented it is a national effort movement to reinforce and encouraging families to sit down and have dinner together and talk with their children. The County Commissioners have made this proclamation for a number of years.

Commissioner Shaughnessy read the following proclamation into the record.

WHEREAS, mealtime has historically served as an opportunity for families to gather and stay connected; and

WHEREAS, parental influence is known to be one of the most crucial factors in shaping the thoughts, values and character of our youth; and

WHEREAS the use of illegal drugs and the abuse of prescription drugs, alcohol and nicotine constitute grave threats to the well-being of America's children; and

WHEREAS 13 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner and engage in activities with their families, the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances;

NOW, THEREFORE, we the Commissioners of Cumberland County, Maine, do hereby proclaim the fourth Monday of every September as

Family Day – A Day to Eat Dinner with Your Children

and urge all citizens to observe this day by sitting down to a family dinner and engaging in activities that strengthen the bonds between parents and children.

A discussion followed.

Chairperson Clenott asked for a Motion.

Commissioner Shaughnessy made a Motion that the Commissioners approve the proclamation. Commissioner Feeney seconded the Motion. All voted unanimously.

08 – 104 Approval, Cumberland County Sheriff’s Office - Commission

Chairperson asked Commissioner Feeney to make a Motion to approve the Commission.

Commissioner Feeney made a Motion that the Commissioners approve the recommendation by Sheriff Mark Dion of the approval as submitted by Chief Roger P. Beaupre of the Biddeford Police Department for the appointment and commission of Officer Philip A. Greenwood. Seconded by Commissioner Shaughnessy. All voted unanimously.

There being no further business Commissioner Feeney made a MOTION to adjourn the meeting at 6:30 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, September 22, 2008 in the Peter J. Feeney Conference Room, Cumberland County Courthouse Annex 1.