

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

COMMISSIONERS' MEETING

MINUTES

October 26, 2009

The Board of Cumberland County Commissioners Malory O. Shaughnessy, Richard J. Feeney and James F. Cloutier convened a meeting at the Cumberland County Courthouse in the Peter J. Feeney conference room.

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

Minutes of the Cumberland County Commissioners regular meeting held on September 28, 2009 were read and approved unanimously.

Chair Shaughnessy asked for a Motion to move Agenda Item 09-119 up to be after Agenda Item 09 -114 and move Agenda Item 09 - 121 to be presented first. Commissioner Cloutier made a Motion and Commissioner seconded the Motion to move the Agenda Items. All voted unanimously.

Comments from the County Manager:

The County Manager gave an update on the FY10 budgetary process. He indicated the meetings with the Budget Advisory Committee, which consists of municipal elected officials, have been concluded. There will be four public budget hearings in November on the 2010 Proposed Budget as follows:

Monday, November 9th at 7:00 PM
District 1
Cumberland County Courthouse
142 Federal Street
Portland, Maine

(Please use the **Newbury** Street Entrance)

Tuesday, November 10th at 6:00 PM
District 3
Bridgton Municipal Building
3 Chase Street
Bridgton, Maine

(Please use **Iredale** Street entrance at the back of the building. Go to downstairs meeting room)

Thursday, November 12th at 6:00 PM
District 3
Preeport Town Hall
30 Main Street
Freeport, Maine

Tuesday, November 17th at 7:00 PM
District 2
South Portland City Hall
25 Cottage Rd.
So. Portland, Maine

(Please use the back entrance of the building)

If you want to review the proposed budget on the website go to www.cumberlandcounty.org under the Finance Department tab you will find information on the FY10 Cumberland County budgetary process. The draft Budget which was presented to the Commissioners and the BAC has been changed in three ways. The BAC has recommended the funding requested by the Extension Service, the Soil and Water Conservation District, and Community Dental. There were no other recommended changes. After the public hearings the BAC will reconvene and can make further changes at that time. There will also be a workshop on the County's Capital Improvements Plan for 2010 (TBA). We will be inviting the public to attend.

Comments from the Commissioners:

Commissioner Feeney:

Commissioner Feeney indicated due to the length of the agenda, he would refrain from his comments.

Commissioner Cloutier:

Commissioner Cloutier indicated due to the length of the agenda, he would also refrain from his comments.

Chairperson Shaughnessy:

Chair Shaughnessy indicated she would also hold off on her comments due to the length of the agenda.

Comments from the Public:

Chair Shaughnessy asked if there were any comments from the public. Hearing none, she asked for the Action Items to be presented.

Action Items:

09-121 Approval, Cumberland County TABOR II Resolution

Chair Shaughnessy asked Lizzy Reinholt, Deputy Communications Director, for the "No on 4" campaign to speak on the TABOR II ballot question.

Ms. Reinholt thanked the Commissioners for asking her to speak at the meeting. She indicated the Resolution listed below has many good points and as we all know Maine already has a spending cap in place in our State government called LD1. She presented her report and the Commissioners had a discussion. The Resolution as listed below will also be sent to the media and the public is encouraged to view our website: www.cumberlandcounty.org.

Resolve, Indicating the Opposition of the Cumberland County Board of Commissioners to the November 2009 Ballot Question #4, Seeking to Modify Current State Law on Tax and Expenditure Limitations on State and Local Government.

WHEREAS, since 2005, local governments in Maine have operated under a state law that limits the extent to which the property tax may increase in any given year and that requires the local governing body to vote on a separate article to exceed that limit; and

WHEREAS, this law also imposes expenditure limitations on State Government; and

WHEREAS, the purpose of this legislation was to limit state spending and the municipal property tax levy in an effort to reduce the tax burden on our citizens and reduce Maine's national ranking on tax burden; and

WHEREAS, since it was adopted, it has achieved its stated purpose, with current State spending and municipal property taxes both below targeted levels; and

WHEREAS, this citizen initiative, also known as TABOR II, will make changes to the current spending and property taxation limits that apply to all levels of government in Maine; and

WHEREAS, it will impose growth limits on all state spending, including the State's Highway Fund, where the current law places limits only on the State's General Fund; and

WHEREAS, TABOR II will establish Fiscal Year 2010 as the baseline year for all future growth in State spending, a year where both the State General Fund and Highway Fund will experience significant revenue declines; thus, this proposal will lock in State spending at current depressed levels reflecting the impact of the current recession on State revenues; and

WHEREAS, current State spending limits are calculated on a cumulative basis allowing the amount spending is below the limit to be carried forward to future years thus allowing some flexibility in State spending and providing an incentive to spend below statutory levels; TABOR II will base the following year's spending level on that of the current year, thus creating a "use it or lose it incentive;" and

WHEREAS, TABOR II will require statewide voter approval for virtually all tax increases and expenditure increases above the growth limit, a requirement that entails significant additional state and local election expenditures and additional costs associated with its requirement that certain notices and financial information be mailed to every registered voter in the State at an estimated cost of \$800,000 for each mandated referendum; and

WHEREAS, at the municipal and county level, TABOR II also mandates referendum voting to approve any budget that exceeds the municipal or county property tax limit; and

WHEREAS, it also requires municipalities and counties to adopt a uniform budget format as developed by the State Planning Office; and

WHEREAS, both of these requirements will add costs that must be borne by local government and its citizens; and

WHEREAS, TABOR II, if approved, will dramatically move state and local government in Maine in the direction of budgeting by referendum, the results of which have become apparent in those States where this has already happened; and

WHEREAS, it will limit the flexibility of both the State and its local governments to react to changing conditions, community needs, and economic conditions and undermine the authority of elected officials to make budgetary and service decisions based on information and a depth of analysis unlikely to be undertaken by the average voter;

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS THAT

for the following reasons, the Cumberland County Board of Commissioners opposes the so-called TABOR II question that will appear on the November ballot and which would significantly modify current limits on State spending and on the municipal property tax levy:

The spending and levy limits established in current state law have been achieving their stated goal of reducing the tax burden on Maine citizens;

The requirement that state spending above the spending limit and most tax increases be subject to approval at a statewide referendum will increase both state and local expenses and move toward a system of budgeting by referendum which, as shown by experience elsewhere, is an ineffective way to make budgetary and service level decisions;

By establishing the current year as the basis from which future state spending increases are to be calculated, state spending, particularly for the highway fund, will be starting from a depressed level reflecting the impact of the current recession;

Tax policy, budgets, and service levels are best decided through the core processes of representative government where the people elect individuals and charge them with the responsibility of making decisions based on data, analysis, debate, and public opinion while balancing the need for services and expenditures that address the common good with the ability of citizens to pay for such services.

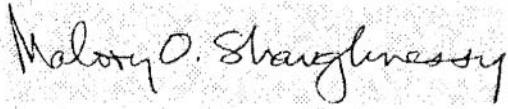
BE IT FURTHER RESOLVED THAT

We urge all citizens to become fully informed on this proposal prior to the November election by becoming familiar with the language of the proposal and reviewing materials provided by those supporting and opposing this measure.

The Cumberland County Board of Commissioners further urges all elected officials to continue to exercise responsibility for reasonable restraints of spending growth and tax increases to demonstrate that citizen imposed external restraints are not necessary for controlling spending and tax increases.

The undersigned Cumberland County Board of Commissioners hope that citizens will join us in voting "no" on TABOR II, which is Question #4 on the state referendum ballot for November 2009.

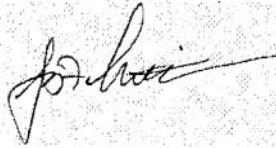
Dated this 26th Day of October 2009 at Portland, Maine



Malory O. Shaughnessy, Chair
Cumberland County Commissioner



Richard J. Feeney
Cumberland County Commissioner



James F. Cloutier
Cumberland County Commissioner

Commissioner Cloutier made a Motion to pass the Resolution. Commissioner Peeney seconded the Motion. All voted unanimously.

09 – 109 Approval, MOU Between Cumberland County/Town of Gorham Fire

Chair Shaughnessy asked John Joy, Director of I.T., to present the item. The County Manager concurs with the recommendation.

The County Manager indicated this agenda item is a result of ongoing discussions with the Town of Gorham for the past 2-3 years. Currently, the Town of Gorham is contracting with the County for 911 and dispatch services. This is a contract for IT services to the Fire Department and could become a model for other municipalities in the future.

Director Joy reported the MOU is between Cumberland County and the Town of Gorham Fire Department for Information Technology Services. The Town of Gorham Fire Department is a client of the Cumberland County Regional Communications Center. The Fire Department expressed an interest in having the Cumberland County I.T. Department provide direct I.T. support for the Fire Department, The County has developed this Memorandum of Understanding.

The amount of revenue is totally dependant on the number of hours of support provided. The rates are as follows:

Off site technical support at \$75.00 per hour
Onsite technical support at \$100.00 per hour
Mileage (current IRS rate)

A discussion followed.

Commissioner Cloutier made a Motion to pass the Item. Commissioner Feeney seconded the Motion. The County Manager is authorized to sign the MOU. All voted unanimously.

09 - 110 Approval, Cumberland County Board of Assessment Review Proposal

Chair Shaughnessy asked Elizabeth Trice, Grants and Special Projects Coordinator, to present the item. The County Manager concurs with the recommendation to create a Board of Assessment Review appointed by the Board of Commissioners. This has been reviewed in a workshop.

Ms. Trice reported the State law now allows the creation of a County BAR to hear tax assessing appeals. Creating a County BAR would ensure that the members hearing the cases would have experience in real estate and have gone through a training specifically in hearing BAR cases. Commissioners would appoint the members, and be relieved of having to sit in this quasi-judicial capacity themselves.

A County Board of Assessment must have 5 or 7 members, at least one of whom must be a licensed real estate appraiser, and one must be a member of the general public. They must serve staggered terms of at least 3 but not more than 5 years. The board elects its own chair and secretary, and decides on its terms. The County Commissioners may dismiss a member of the board for cause before the member's term expires.

Since appeals come to the County starting in the summer, it would make sense to start planning to create a County BAR by January of next year. It may make sense to attempt to recruit seven members so that a quorum is easily reached if one or two is absent or needs to abstain. A Cumberland County BAR might strive for the following: A town assessor, a commercial appraiser, a lawyer, a realtor, and three others.

Jensen Baird offers an excellent 2-hour training to prepare the appointed BAR. It is suggested that an attorney be retained to review the written decision, which should summarize all the findings and discussions. The recommendation is to have the Board appoint a well-trained BAR with a staff member who has also taken the training and can take minutes, track the deadlines and other statutory requirements. It would not be necessary to have an attorney at most proceedings.

If the commissioners are not interested in creating a BAR, I would recommend the commissioners themselves do this two-hour training with the professionals at Jensen Baird at a cost of \$300.

Proposed process to create BAR:

Month 1: Commissioner's Workshop and meeting

Month 2: Develop simple application process (e.g. submit letter of interest), plan press release and other activities to recruit possible members.

Month 3: Application Deadline.

Month 4: Commissioners review applications and vote formally to appoint BAR.

Month 5: Training for BAR members and staff, start activities.

It is requested the County Commissioners create a Board of Assessment Review with 7 members. A discussion followed.

Commissioner Cloutier made a Motion to pass the item. Commissioner Feeney seconded the Motion. All voted unanimously.

09 - 111 Approval, Cumberland County Sheriffs Office - State V. Richard Hudson Property Forfeiture

Chair Shaughnessy asked Captain Donald Goulet to present the item. The County Manager concurs with the recommendation.

Capt. Goulet reported in November of 2007 members of the Sheriffs Office seized a large quantity of marijuana from the Hudson residence. In addition to the money seized a Bombardier ATV was also seized and is now subject to forfeiture. It is requested the ATV be either sold or if viable put the ATV into service for use with the Sheriffs Office. If sold, proceeds to be deposited into account, #31-231-6950. The Chair is requested to sign the "Approval of Transfer" Court paperwork. A discussion followed.

Commissioner Cloutier made a Motion to pass the Item and the Chair is authorized to sign the "Approval of Transfer" Court paperwork. Commissioner Feeney seconded the Motion. All voted unanimously.

09 - 112 Approval, Cumberland County Sheriffs - State of Maine V. Jennifer Terzuoli, Property Forfeiture

Chair Shaughnessy asked Captain Donald Goulet to present the item. The County Manager concurs with the recommendation.

Capt. Goulet reported in June 2008 members of the Sheriffs Office responded to a suicide case in Harrison. As a result of that death investigation a large indoor marijuana growing operation was discovered. Jennifer Terzuoli was renting the house and was ultimately charged and found guilty of the charge of Cultivation of Marijuana. During the course of the investigation, \$2000 was discovered and considered proceeds of the marijuana growth and seized. The currency will be

deposited into account #31-231-6950 Drug Forfeiture Asset Account. The Chair is requested to sign the "Approval of Transfer" Court paperwork. A discussion followed.

Commissioner Cloutier made a Motion to pass the Item and the Chair is authorized to sign the "Approval of Transfer" Court paperwork. Commissioner Feeney seconded the Motion. All voted unanimously.

09 – 113 Approval, Cumberland County Sheriffs Office – State of Maine V. Wayne Dow, Property Forfeiture

Chair Shaughnessy asked Captain Donald Goulet to present the item. The County Manager concurs with the recommendation.

Capt. Goulet reported in April 2009 members of the Sheriffs Office and the Maine Drug Enforcement Agency initiated an investigation involving the illegal sale of narcotics. As a result of an undercover drug sale to an MDEA Agent, a search was conducted at Wayne Dow's residence in Standish. The search of the Dow residence uncovered a number of illegal drugs and \$16,240 and considered proceeds from the illegal sale and possession of narcotics. The Cumberland County Sheriffs Office share is \$10,000. The currency will be deposited into account #31-231-6950 Drug Forfeiture Account Asset Account. The Chair is requested to sign the "Approval of Transfer" Court paperwork. A discussion followed.

Commissioner Cloutier made a Motion to pass the Item and the Chair is authorized to sign the "Approval of Transfer" Court paperwork. Commissioner Peeney seconded the Motion. All voted unanimously.

09 – 114 Approval, Cumberland County Sheriffs Office – Evidence Storage Room Shelving System

Chair Shaughnessy asked Captain Donald Goulet to present the item. The County Manager concurs with the recommendation.

Capt. Goulet reported a bid request was submitted for the purchase of an evidence storage system including shelving and storage units. One response was received of the bid process. The company responding was Systematics Incorporated of 550 Forest Avenue Portland for a total of \$18,956.55 which includes delivery and installation. This project will be funded by the JAG Grant the County received this past September. The JAG Grant provides \$20,000 for this project. There will be no additional expense to the County. The County Manager is requested to sign the quote. A discussion followed.

Commissioner Feeney made a Motion to pass the Item. Seconded by Commissioner Cloutier. The County Manager is authorized to sign the quote. All voted unanimously.

09 – 119 Approval, Cumberland County Sheriffs Office RFP for Outboard Motor from JAG Fund

Chair Shaughnessy asked Captain Donald Goulet to present the item. The County Manager concurs with the recommendation.

Captain Goulet reported the Cumberland County Sheriffs Office received Department of Justice JAG Funds in the Spring of 2009 along with the notification of a "Needs Assessment" was developed to identify specific areas of deficiency. During the assessment they identified the need for a new outboard motor for our Dive Team boat. The current motor is 12 years old with substantial operating hours on it, which substantiate the need for a replacement. An RFP was sent out and two vendors replied; Panther Run Marina @\$7,250 and South Port Marina @\$7,595. It is recommended the bid be awarded to Panther Run Marina @ \$7,250 because of the \$345 cost savings and the department currently utilizes them for outboard service and maintenance. There will be no fiscal impact. A discussion followed.

Commissioner Feeney made a Motion to pass the Item. Commissioner Cloutier seconded the Motion. All voted unanimously.

09 – 115 Approval, Cumberland County Finance Office – Audit Report for FY2008

Chair Shaughnessy asked Vic Labrecque, County Finance Director to present the Item. The County Manager concurs with the recommendation and indicated Finance Director Labrecque does an excellent job.

Finance Director Labrecque reported each year the county auditors complete a financial audit summarizing the activity of the previous year. The auditor has completed and submitted the results of FY2008. It is recommended the Commissioners vote to formally accept the report from RFR Smith and Co, CPA for fiscal year ending 12/31/08. You may view the general countywide budget on the Cumberland County website and the acceptance of the jail audit, which is a requirement of the BOC now and is based on a July to June year. These two audits are also available in the County Manager's office. A discussion followed.

Commissioner Cloutier made a Motion to pass the Item. Commissioner Feeney seconded the Motion. All voted unanimously.

09 -116 Approval, Cumberland County Finance Office – Leasing 13 Spaces In Garage by US Marshal Services

Chair Shaughnessy asked Director Labrecque to present the item. The County Manager concurs with the recommendation and indicated the County has a AA+ rating, which is excellent.

Finance Director Labrecque reported the US Marshal Services had a lease for designated garage spaces for the last several years. The current lease expired in September 2009 and they are looking to renew their lease contract for an additional three years. The County has offered the Marshal Service a 3 year lease for 13 designated spaces for a cost of \$150.00 per month per space. This is an annual income of \$23,400. Current rate is \$130.00 for a reserved space and we are proposing a fixed cost of \$150.00 for the next 3 years. A discussion followed.

Commissioner Feeney made a Motion to pass the Item. Commissioner Cloutier seconded the Motion. All voted unanimously.

09 – 117 Approval, Cumberland County Registry of Deeds – Award of Records Management Workflow and Imaging System for Deeds

Chair Shaughnessy asked Pam Lovley, Registry of Deeds, to present the item. The County Manager concurs with the recommendation.

Registrar Lovley reported ACS is their current vendor providing hardware, software implementation and internet services for Cumberland County. The ACS contract with the Registry of Deeds expires on December 31, 2009. A request for Proposal was mailed to several vendors and advertised in the Portland Press Herald. A pre-bid conference was held on September 1, 2009. By September 15, 2009, eight (8) vendors submitted sealed bid proposals. The bids were opened and reviewed by the Register of Deeds. Full copies of all Requests for Proposals are available in the Register's office. After close review of the 8 vendor proposals there were 2 vendors that fulfilled the necessary requirements of the bid both were very competitive in pricing and their products were reasonably similar.

ACS, the incumbent provider can provide a seamless transition that guarantees that our system will be implemented with no service interruption, no need to convert current images from our existing data base, familiarity with the produce and Registry staff will require no training. The Registrar believes the best value would be to continue their relationship with ACS Government Records Management. The contract is based on an all inclusive price of \$1.75 per document plus \$1500 internet hosting and 5% administrative monthly fee. This is a 5 year contract with two – 3 year extensions. A discussion followed.

Commissioner Cloutier made a Motion to pass the Item. Commissioner Feeney seconded the Motion. All voted unanimously.

09 – 118 Approval, Cumberland County Emergency Management Agency – Fire Pager Bid

Chair Shaughnessy asked Jim Budway, Director of the Cumberland County Emergency Management Agency. The County Manager indicated in light of the explanation provided by the EMA Director, he concurs with his recommendation.

Director Budway reported on August 21, 2009 the Cumberland County Emergency Management Agency was awarded a grant from the Maine Emergency Management Agency. This grant for \$32,196.97 is intended to support the replacement of fire pagers within Cumberland County. In coordination with the County purchasing department, EMA developed bid requirements and held an open bid process from September 18 through October 2, 2009.

The following companies returned bids:

		<u>2 Freq.</u>	<u>1 Freq.</u>
First Communications	Tallahassee, FL	\$345.00	\$309.00
RCM – Radio Communications Management	Portland, ME	\$357.50	\$319.50
Maine Radio	Scarborough, ME	\$364.96	\$327.24
Washington Electronics	Pittsburg, KS	\$418.48	\$391.76

The dollar amounts reflect the purchase price of one fire pager. Some Municipalities use one frequency or channel on their fire pagers and others use two frequencies or channels. That's why two dollar amounts are listed beside each vendor.

Currently many of the fire pagers within Cumberland County are dated and are not compatible with the 2013 narrowband requirements as set by the Federal Communications Commission. This will provide 5-6 pagers per municipality for 19 communities within Cumberland County. The state has guaranteed funding up to \$32,196.97 and there is no financial impact on Cumberland County. It is recommended that the Fire Pager Bid be awarded to First Communications of Tallahassee, FL. First Communications met all bid requirements and provides the most competitive pricing for fire pagers. Other companies did not fully meet the bid requirements. A discussion followed.

Commissioner Cloutier made a Motion to pass the Item. Commissioner Cloutier seconded the Motion. All voted unanimously.

09 – 120 Approval, Cumberland County Sale of Land at 1000 Congress Street

Chair Shaughnessy asked Assistant County Manager Bill Whitten to present the item. The County Manager concurs with the recommendation.

For the past year or so, the owner of 1000 Congress Street has been trying to sell the property after the death of her husband. The County looked into buying it for our own use, but due to unsuitable environmental issues, we chose to decline. She now has another buyer, but the purchase is contingent on the sale of a parcel of land we own in front of the building, approximately 38 by 125 feet. The purchaser had originally offered \$10,000 for the land, but is willing to pay \$15,000. This land is necessary to the potential new owner for parking in front of the building, as there is only a right of way in front of the building for owner usage. This parcel would provide that opportunity. Also, it is clear that the railroad will extend through this area within five years, and this parcel will likely be "taken" to provide adjacent property for the line, making the property essentially useless to the County. In deciding on the building purchase, the County spent approximately \$14,000 in studies and legal fees. This would provide approximately \$1000 revenue for the sale, after prior expenses. The purchaser will pay all legal fees associated with the closing.

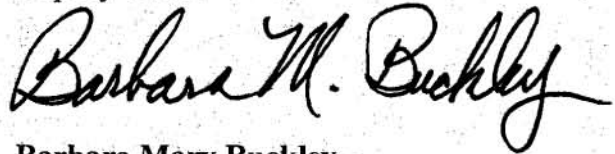
He is recommending the County accept the current offer to purchase the parcel of land for \$15,000 with these funds being returned to the facilities department, where the previous costs were deducted. A discussion followed.

Commissioner Cloutier made a Motion to pass the Item. Commissioner Feeney seconded the Motion. All voted unanimously.

There being no further business Commissioner Feeney made a Motion to adjourn the meeting at 7:00 PM. Seconded by Commissioner Cloutier. All voted unanimously.

Commissioner Feeney made a Motion to go into Executive Session at 7:05 PM

Deputy Clerk

A handwritten signature in black ink that reads "Barbara M. Buckley". The signature is written in a cursive style with a large, prominent initial "B".

Barbara Mary Buckley

The next regular Commissioners meeting will be held at 5:30 PM on Monday, November 9, 2009 in the Peter J. Feeney Conference Room, Cumberland County Courthouse Annex 1.