

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

COMMISSIONERS' MEETING

MINUTES

November 30, 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.

The Commissioners unanimously approved the Minutes of the Cumberland County Commissioners Special meeting held on November 5, 2009 and the regular meeting held on November 9, 2009, by a vote of 3-0 in favor.

Comments from the County Manager:

The County Manager reported on the following items: 1) The final BAC meeting and the Capital Improvement Program workshop will be held on Wednesday, December 9, 2009 at 5:30 PM in the Peter Feeney Conference Room. 2) In regards to the County Jail Funding for FY11, the increase to the cost for the Jail beginning in 2009 is now the responsibility of the State as a result of legislation which was passed over a year ago. 3) Recently he and Sheriff Dion, Chief Joyce, Captain Goulet and Davis attended a meeting with the Board of Selectmen and town administrator in Harpswell to discuss the contracts with the County Captain's police service. It was a positive meeting.

Comments from the Commissioners:

Commissioner Feeney:

Commissioner Feeney read a letter from William D. Bushnell, President of Gurnet Landing Homeowners Association in Harpswell, expressing appreciation and thanks to Sheriff Dion for the help that Lieutenant Tom Williams demonstrated in coordinating Deputy Jay Ward as a guest speaker. Deputy Ward spoke to the membership about Neighborhood Watch and other law enforcement concerns in their community on his personal time.

Commissioner Cloutier:

Commissioner Cloutier indicated the 250th Anniversary of Cumberland County is upon us. In 2010, Commissioner Feeney will be assisting the committee along with Commissioner Shaughnessy. The County is requesting school aged children to send in their ideas for a logo that

will be used throughout the 2010 year. The winners will receive a cash prize of \$100. The grand prize winner receives special media recognition and a \$250 award. Please check the county website www:cumberlandcounty.org/250 for the particulars and deadline.

Chairperson Shaughnessy:

Chair Shaughnessy noted she has been involved with the 250th Anniversary committee along with the Assistant County Manager Bill Whitten and several other citizens. The Chair of the 250th Anniversary committee is Mary Lynn Engel from St. Joseph’s College and there are two student interns that are also assisting the committee. In regards to the logo contest from school children, she is hoping that the committee can take some of the themes that are submitted and have them professionally created for a revised County seal for the next 250 years. January 9th will be the kickoff event at the Cumberland County Courthouse. Please view the website for details.

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 – 126 Approval, Cumberland County Courthouse Slate Roof Repair

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

Mr. Tarbox reported the roof consists of a copper and slate construction, is 50+ years old, and is fatigued in a certain area that is leaking. It was agreed to be submitted as an emergency at a previous Commissioners meeting. The area of concern is over Chief Justice Saufley’s area in the older part of the courthouse. The work that needs to be done is to remove and replace slate roof shingles, copper flashing as shown on specs. This department, along with Allied Engineering, Inc., developed and presented for bid an RFP for the area that is leaking. There were five bidders:

		Alternate 1	Total
Custom Copper & Slate Ltd.	\$ 5,850.00	\$ 5,850.00	\$11,700
Glidden Roofing Corp.	\$ 5,516.50	\$ 6,516.50	\$12,033
Maine Restoration	\$16,850.00	\$18,410.00	\$35,260
Hahel Brothers Company	\$ 8,000.00	\$ 8,000.00	\$16,000
Delta Roofing Company	\$ 6,500.00	\$ 8,750.00	\$15,250

At the present time we have \$33,263 in the emergency fund – account # 11-141-5502. The request for this project is to be supported by this account. Based on his review, he is recommending Glidden Roofing Corp. in the amount of \$12,033. Glidden has done roof work for us in the past, they are a local company and he is familiar with the quality of their work. He has not been able to obtain any information on Custom Copper & Slate Ltd. A discussion followed.

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

09 – 127 Approval, Office of District Attorney – CRIMES Data Sharing Compatibility Project (Phase 3) VAWA STOP Grant Award

The Chair asked Tamara Getchell, Business & Communications Coordinator, to present the item. The County Manager concurs with the recommendation.

Ms. Getchell reported the Office of the District Attorney is currently upgrading their case management database system. Once this upgrade is complete, they will have the technology in place to create data-sharing interfaces to improve their access to information and create efficiencies in their business practices. However, there are additional costs associated with creating these interfaces. This VAWA STOP Grant Award represents a continuation of funding for Phase 3 of the CRIMES Data-sharing Compatibility Project.

In September of '07, they received VAWA STOP grant funding for their CRIMES Data-sharing Compatibility project to upgrade their database system to one that is JXML compliant and meets the federal government requirements. These funds were exhausted in November of 2009 and they expect to “go live” on their new database system before the end of the year. One of the benefits of this JXML platform is the ability to interface and share information with other law enforcement agencies. In September of '09, they applied for and were awarded \$77,700.00 in additional VAWA STOP grant funds for Phase III of this project. Phase III will fund the creation of 4 one-way interfaces with the Cumberland County Sheriff's, Portland Police Department, South Portland Police Department and the Maine Prosecutor Consortium. These interfaces will allow them to access data in these agencies and import that data directly into their database system thus eliminating a lot of repetition and redundancy in their data entry processes. It is recommended that the County Commissioners give the District Attorney permission to accept the 2009 VAWA STOP grant award and finalize the contract with the State of Maine Department of Public Safety.

The matching funds required under the grant agreement call for County's contribution of \$33,000.00 of cash or in-kind contributions, which is 30% of the total of the project cost of \$111,000.00. The other 70% consists of the \$77,700.00 in grant funds. There is already an allocation in the District Attorney McJustice Capital Improvement Account that will cover this match obligation. A discussion followed.

Commissioner Cloutier made a Motion to approve the item. Commissioner Feeney seconded the Motion. All Commissioners voted unanimously in favor.

09 – 128 Approval, Office of District Attorney – Copier Lease Agreement

The Chair asked Tamara Getchell, Business & Communications Coordinator, to present the item. The County Manager concurs with the recommendation.

Ms. Getchell reported the 36 month lease for the office copier housed in District Attorney Anderson's office on the second floor expires 12/09. The current copier has fax capabilities which allowed them to eliminate one piece of equipment saving space and money. This summer they networked their office copiers to their computer system for printing and scanning documents both useful and money saving functions. Unfortunately, they were unable to network the copier in District Attorney Anderson's office as the current copier does not have the capability to be

networked as a printer or scanner. Per the proposal submitted to this office by IKON Office Solutions, Inc, toner is included in the monthly rental fee. As such, printing to the copier versus printing to a personal desktop laser printer or inkjet printer is more cost effective. The scanning function will afford the District Attorney and her assistant the ability to electronically store documents that they receive and communicate those electronically if they need to without making additional copiers or paying for postage. They have been satisfied with the service level provided by IKON on their copier machines and would like to continue our relationship with them.

They are recommending the Cumberland County Commissioners direct the Purchasing Agent to proceed with finalizing the new five year lease for the Commissioners signature. According to the Proposal submitted to this office by IKON Office Solutions, Inc., a new 60 month lease agreement would result in a minimal cost increase of \$9.29/mth. Their current lease payment for the copiers is \$142.00/mth plus \$.00449¢ per page. Under the contract with IKON and as outlined in the attached proposal documents, the copier machine replacement with the additional capabilities of faxing, printing and scanning is \$151.29/mth plus .00449¢ per page. Under the new contract, we will not incur insurance or property tax charges. A discussion followed.

Commissioner Cloutier made a Motion to approve the item. Commissioner Feeney seconded the Motion. All Commissioners voted unanimously in favor.

09 – 129 Approval, Cumberland County Sheriff’s Office Underage Drinking Enforcement Mini-Grant Application Offered by Medical Care Development, Inc.

The Chair asked Captain Shawn O’Leary to present the item. The County Manager concurs with the recommendation.

Captain O’Leary reported this is the 4th round of underage drinking enforcement grants to be offered by Medical Care Development, Inc. In 2006, 2007 and 2008 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 apply in the Medical Care Development’s 2009-2010 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, 2009 to June 30, 2010. 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 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. A discussion followed.

Commissioner Cloutier made a Motion to approve the item. Commissioner Feeney seconded the Motion. All Commissioners voted unanimously in favor.

09 – 130 Approval, Cumberland County Sheriff’s Office – Donated Vehicle Acceptance Request

The Chair asked Captain Shawn O’Leary to present the item. The County Manager concurs with the recommendation.

Captain O’Leary reported in 2008, the Cumberland County Sheriff’s Office initiated a Volunteer in Police Service (VIP’s) program. This program is intended to use volunteers from the community who are at least 18 years old to augment the patrol deputies in the field. These volunteers will be used in such capacities as filing reports, historical research of the Sheriff’s Office, photography or property checks. Although the program is still in its infancy stages, we are in the process of building a program that will benefit the community, the volunteer and the Sheriff’s Office. In late 2008, the Gorham Police Department was interested in our program and decided to partner with the Gorham Police Department in our VIP efforts. In September 2009, a group of 15 citizens graduated from our 13 week VIP academy which was co-taught by members of the Cumberland County Sheriff’s Office and the Gorham Police Department. The Gorham Police Department under the leadership of Chief Ronald Shepard, has offered to donate a 2001 Chevrolet Impala to the Cumberland County Sheriff’s Office to be used by VIPs in order to perform functions that require transportation. The vehicle has been checked out by the County and is described to be in very good condition with 142,000 miles on it. A discussion followed.

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

09 – 131 Approval, Cumberland County Commissioners Decision on Poverty Tax Abatement for Melody Lavers – Town of Pownal

Chair Shaughnessy asked for a Motion.

Commissioner Cloutier reported following the filing of a timely appeal from a decision of the Selectmen of the Town of Pownal, Maine, this matter was heard before the Board of Commissioners of Cumberland County as an appeal of the denial of a poverty abatement of real estate taxes for Melody Lavers on November 5, 2009. The instant property is the principal family home of the taxpayer, and is identified as Map 3, Block and Lot 29-01. It has a street address of 784 Lawrence Road, Pownal, Maine.

The record before the Board of Commissioners is voluminous and will not be reviewed extensively here. The taxpayer was represented by counsel and the town appeared through its three Selectmen. Relevant factual matters in the course of proceedings between the taxpayer and Town prior to appeal were reviewed extensively. Following receipt of additional materials related to taxation amounts and the assessment periods pertinent to this appeal, which were forwarded with the consent of both parties, a majority of the Board of Commissioners finds as follows:

- 1. Although the parties have devoted considerable attention to matters such as federal household poverty standards related to such matters as eligibility for federal or state subsidized poverty alleviation programs, these are not the standards which apply to a property tax abatement proceeding. The Board of Commissioners is called upon by state**

law to evaluate whether the taxpayer's resources and reasonable and necessary living expenses exclusive of property tax are such that the taxpayer is unable to contribute to public support through the property tax.

2. In the present case, all parties have access to sufficient financial records and are aware that the taxpayer has a limited income of less than \$15,000 per year from a state pension. She has not been employed for a number of years and reports, with some medical support in documentation provided, that her physical and emotional state makes her unsuitable for many employment opportunities. This appears to be a genuinely held belief by the taxpayer, who has resorted to selling some of her few personal belongings on an episodic basis in the last two years to raise small additional sums of money.

3. Objectively, the taxpayer's housing expense obligations have fluctuated upwards to an untenable extent as a result of an escrow account overdraft with her mortgage lender, who has added additional monthly sums to the taxpayer's housing expense through a demand for repayment of security advances related to property taxation for the taxpayer's home. As a result, well in excess of half of all of the taxpayer's income is required for mortgage payments exclusive of current property tax payment obligations. In the event abatement results in repayment of these security advances by the taxpayer, mortgage expense would fall to some degree, but not to the extent that a property tax abatement would not be necessary. With or without this upward fluctuation, over half of the taxpayer's income is devoted to mortgage expense, and her remaining budget for food, fuel, utilities, medicine, transportation and other required minimal expenses reflects a person in very necessitous circumstances.

4. Given the taxpayer's physical and emotional limitations and the current economic conditions prevailing in Southern Maine, a majority of the Board of Commissioners is unable to conclude that the taxpayer has been shown to be willfully refusing to engage in otherwise available gainful employment. In the appropriate case, the Board of Commissioners might well need to determine upon which party and based on what manner of proof, if any, would fall the burden of proof in considering the denial of an abatement to an impoverished taxpayer, where the circumstances showed that the taxpayer's household included persons who were capable of work but declined to engage in gainful employment. Given our conclusion that the taxpayer is not in that circumstance here, we have no reason to weigh that issue in determining that this taxpayer is entitled to a poverty abatement.

5. During the course of proceedings, the parties agreed that the appeal before the commission included review of an abatement request to include a six-month transitional period that concluded on June 30, 2008, as well as the assessment for the full fiscal year period ended June 30, 2009. By agreement of the parties, the commission received, following the hearing, written confirmation from the town outlining the details of these assessments. Those details are as follows:

Assessment for Period ended June 30, 2008	\$1,575.14
Assessment for Period ended June 30, 2009	\$2,729.80

The 2008 assessment had an unpaid balance at the time the taxpayer sought relief from the town of \$1,381.94.

Based on the foregoing, the Board of Commissioners now finds that Melody Lavers, by virtue of impoverishment which renders her unable to contribute to support of the public, is granted an abatement of taxes assessed by the Town of Pownal on real estate as shown on Assessor's Maps as

Map 3, Block and Lot 29-01, owned by her and used as her personal residence, for assessment periods ending June 30, 2008 and June 30, 2009, in the total amount of \$ 4,111.74.

Commissioner made a Motion to accept the item. Commissioner Feeney seconded the Motion. All Commissioners voted unanimously in favor.

There being no further business Commissioner Feeney made a Motion to adjourn the meeting at 6:00 PM. Seconded by Commissioner Cloutier. The Commissioners voted unanimously in favor.

Deputy Clerk

Barbara Mary Buckley

The next regular Commissioners meeting will be held at 5:30 PM on Monday, December 14, 2009 in the Peter J. Feeney Conference Room, Cumberland County Courthouse Annex 1.