

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

COMMISSIONERS' MEETING

MINUTES

February 23, 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 Shaughnessey called the meeting to order at 5:30 PM and the following business was conducted.

Minutes of the Cumberland County Commissioners Regular meeting of February 9, 2009 and the Special Commissioners' meeting held on February 9, 2009 were read and were approved unanimously.

Comments from the County Manager:

The County Manager noted: 1) Our outside auditors are here reviewing our 2008 finances and unofficially the year end results look good. We had to take some steps before the end of the fiscal year to mitigate a drop in revenues for the Registry of Deeds. We should have the official report by the end of March. 2) In terms of 2009, we are watching revenues closely for the Registry of Deeds. We had adjusted the revenues downward anticipating the economy would slow, but we may have to make some further adjustments on the expenditure side of the budget going forward. We need to be fiscally responsible. 3) As an example of the dedicated employees we have at County Government, the County Manager mentioned that even though Jim Budway, the County Director of Emergency Management, has been attending a mandatory class funded by the Federal Emergency Management Agency regarding hurricanes he has called in several times to check in and monitor the weather situation in Cumberland County.

Comments from the Commissioners:

Commissioner Feeney:

Commissioner Feeney noted he recently attended the Civic Center Board of Trustees meeting and it was discussed that the upcoming Winter/Spring events are good. Some of the upcoming events are: the Disney On Ice show; the Globetrotters; the Annual Home Show; trade shows; the Pirates games; the Western Maine Boys and Girls Class "A" and "B" basketball tournaments and the National Synchronized Figure Skating Championships.

Commissioner Cloutier:

Commissioner Cloutier says he is looking forward to watching the teams compete at the Civic Center even though his team will not be playing in the finals.

Chairperson Shaughnessy:

Chair Shaughnessy noted the County emergency folks have done an excellent job with the heavy load of snow this season.

Comments from the Public:

Chair Shaughnessy asked if there were any comments from the public. Hearing none they moved on to the Action Items.

Action Items:

Chair Shaughnessy asked Richard Ranaghan, our financial advisor from the Gorham Savings Bank, to present the item. The County Manager concurs with the recommendation.

09 – 016 Approval, 2009 TAN

Each year the County needs to acquire a Tax Anticipation Note to create a financial bridge until county assessments begin to arrive on September 1st. In March, the County will have a cash deficit. Our financial advisor Dick Ranaghan from Gorham Savings Bank has been assisting us with a bid request for TAN funds. The Tan request is for \$9.8 million. Mr. Ranaghan indicated a month ago he started the TAX process and the municipal financial markets have changed. This year they went to Standard & Poor's to get the note rated which is now common place because of what has been happening with the national economy. He is pleased to report that the County received the highest rating from Standard & Poor's with an SP1+ which says to the marketplace that we have strong financial management and with very strong ability to repay the notes when they come due in the Fall. In short, it says to the underwriters who bid on the tax anticipation notes that this is a very strong credit. The County received five bids today. The lowest bidder is Eastern Bank from Boston, Massachusetts. Their coupon rate is 2% but they also pay a premium to the County that reduces the debt interest cost rate to 1.738 %. The other bidders were 1.809%, 1.89%, 2.1204% and 4.00%. It is recommended that the award be given to Eastern Bank at 1.738%. Paul Frinsko of Bernstein Shur provided the motion language as bond counsel to the County. A discussion followed.

Exhibit A motion is as follows:

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 \$9,800,000 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, 2009 and ends December 31, 2009.
- (2) Said Notes shall be dated March 6, 2009, shall mature on November 13, 2009, shall be signed by the Treasurer and countersigned by the Chairman of the Board of Commissioners, shall bear interest at the rate of 2.000 % per annum, shall be payable at Gorham Savings Bank, Portland, Maine, Paying Agent, 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 Eastern Bank pursuant to the terms of its offer to purchase dated February 23, 2009.
- (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 Cloutier made a Motion that the Commissioners adopt the text in Exhibit A and award the bid to Eastern Bank and in accordance with the recommendation of Mr. Ranaghan and the County Manager. Commissioner Feeny seconded the Motion. All voted unanimously.

**09 – 017 Approval, Vendor for Implementation of Countywide
Microwave System**

Chair Shaughnessy asked the County Manager for comments. The County Manager indicated Communications Director Bill Holmes will present the report. He concurs with the recommendation and noted the citizens approved a Bond Referendum to upgrade our 30 year old radio interoperability system which was in the amount of \$1.7 million.

Director Bill Holmes noted the Bond Referendum is for \$1.7 million which has been awarded to Comtronics of Massachusetts. This staff report request is to award the County's Microwave Radio Grant project to a local company that will tie into the \$1.7 million project. The project is designed to support a completely new radio system for the Cumberland County Sheriff's deputies and to build out two additional public safety frequencies for use by all communities in Cumberland County during emergency situations. In addition to the County project, the CCRCC applied for and was awarded Homeland Security grant funding in the amount of \$359,310 to connect 10 of the Communities served by the CCRCC to the countywide microwave system. Approximately \$17,000.00 of these funds will go to support training on the system.

The communities included in the homeland security grant connection project are:

Baldwin
Cumberland
Freeport
Gorham
Gray
Harpwell
New Gloucester
Long Island
Chebeague Island
Frye Island

The County solicited quotes to complete this project from two local radio vendors frequently used by Cumberland County as follows:

- 1) Horizon Communications \$55,691.55 per community
- 2) RCM \$34,220.00 per community

After receiving the enclosed quote, the CCRCC negotiated with the lowest bidder, RCM, to include all IT department costs for routers and switches for this project. These costs are estimated to be approximately \$20,000.00. Because this project is funded by Homeland Security grant funding, there are no costs associated to Cumberland County.

The Emergency Communications Director recommends the Commissioners' approval of the bid from RCM in the amount of \$342,200 to serve as the vendor to connect the before mentioned communities to the countywide microwave system. A discussion followed.

Commissioner Feeney made a Motion that the Commissioners approve the bid from RCM in the amount of \$342,200 to serve as the vendor to connect the ten communities in Cumberland County to the countywide microwave system and that the Communications Director be assigned to sign the contract. Commissioner Cloutier seconded the Motion. All voted unanimously.

09 – 018 Approval, Radio Tower Lease Agreement – Litchfield Towers

Chair Shaughnessy asked Director Holmes to present the report. The County Manager concurs with the recommendation.

Director Holmes noted, as mentioned previously, that the citizens of the County approved a bond in the amount of \$1.7 million to fund the County's Microwave Radio Project. Essential to the success of the project is our need for microwave equipment on 6 radio towers throughout the County.

L. R. Kimball & Associates, the consultant firm hired by the County for this project and Comtronics, the firm hired to build the project, have both confirmed that locating the microwave equipment on a tower site in the Town of Gray is critical to the system. Kimball and Comtronics

recommend that the County use Litchfield Towers in Gray as the Hub for the entire radio system. The tower will house three of the 6 foot microwave dishes and associated equipment. Inclusive in the agreement is owner maintained electrical service, emergency generator capability and air control system.

The County has reviewed other options to house our equipment in Gray such as co-locating on Maine State towers, however that tower is full to capacity and unavailable. The County attorney, Pat Dunn, and the County Insurance representative, Malcolm Ulmer, have both reviewed and approve of the Litchfield Tower contract.

The cost to lease Litchfield Tower in Gray to serve as the Hub of the Countywide Microwave system for one year is \$41,400, (\$3,450 per month). The County budgeted for this cost in the 2009 CCRCC account # 11-110-6230. The CCRCC continues to negotiate with the State of Maine to locate this equipment on a new State owned tower to be built in Gray. Officials estimate the tower will be constructed within one year. Should we be able to locate on the new tower, this cost would decrease substantially.

The Communications Director recommends the Commissioners' approval of the 5 year Radio Tower Lease Agreement with Litchfield Towers for five one-year terms at the rate of \$41,400 for the first year plus 5 % for each additional year. A discussion followed.

Commissioner Cloutier made a Motion that the Commissioners approve the Radio Tower Lease agreement as provided in our Commissioner packets and the Chair of the Commissioners be authorized to sign the contract. Commissioner Feeney seconded the Motion. All voted unanimously.

09 – 019 Approval, Reallocation of 2007 “Carry Over” CDBG Program Funds

Chair Shaughnessy asked CDBG Director Aaron Shapiro to present the item. The County Manager concurs with the recommendation.

Director Shapiro noted the County receives an annual allocation of Community Development Block Grant (CDBG) funds from HUD of approximately \$1.4 million. \$38,380.61 in “carry-over” funds from 2007 remains unallocated. The vast majority of the funds, \$33,722.75 were the result of administrative costs savings. These funds must be allocated to project activities for which the Commissioners make the final determination.

The Municipal Oversight Committee (MOC) identified three 2008 projects that lacked sufficient funds. All three projects received grant awards at lower levels than their initial requests. The projects were scaled back in recognition of available funds but even as reconstituted have faced financial challenges.

The MOC at its February 12, 2009 meeting unanimously endorsed the following distribution of funds:

Gorham: Ecumenical food pantry building relocation & renovations - \$8,380.61
Naples: Community center renovations - \$10,000
Gray: Downtown revitalization project - \$20,000

There is no fiscal impact to the County. All funds are derived from the HUD Community Development Block Grant (CDBG) program. It is recommended that the Commissioners:

- 1) Approve the recommendation of the Community Development Municipal Oversight Committee (MOC) to reallocate unexpended 2007 CDBG funds to supplement three 2008 grant awards: Town of Naples, community center renovations, \$10,000; Town of Gray, downtown revitalization \$20,000; Town of Gorham, food pantry renovations \$8,380.61
- 2) Authorize the County Manager to execute contract amendments consistent with the additional allocation of funds.

A discussion followed.

Commissioner Cloutier made a Motion that the Commissioners approve the request. Commissioner Feeny seconded the Motion. All voted unanimously.

09 – 020 Approval, HUD Neighborhood Stabilization Program

Chair Shaughnessy asked Director Shapiro to present the item. The County Manager concurs with the recommendation.

Director Shapiro noted the Neighborhood Stabilization Program (NSP) is a special allocation of CDBG funds available in our region to only the cities of Portland, South Portland and Westbrook. The funds are allocated to the State Dept. of Economic & Community Development (DECD) for redistribution to 15 cities and the Maine Housing Authority. DECD has requested that Cumberland County serve as the administrative agent for NSP program funds and activities in South Portland & Westbrook.

In late September 2008, HUD allocated \$3.92 billion to all states and particularly hard hit areas to respond to the effects of home foreclosures. Funds are provided through HUD's CDBG program under the *Housing & Economic Recovery Act of 2008*. The NSP will provide assistance to state and local governments to acquire and redevelop foreclosed and blighted properties that might otherwise become abandoned. The objective is to rehabilitate, resell or redevelop these properties to stabilize neighborhoods and stem the decline of property values of neighboring homes.

The State of Maine (DECD) received the minimum allocation - \$19.6 million with no municipalities reaching the threshold to receive a direct allocation. DECD is distributing the funds to 15 municipalities and the Maine Housing Authority. The City of South Portland's

allocation is \$805,851 and Westbrook's allocation is \$936,414 with up to 10% of funds available for program administration.

DECD requested that the 15 municipalities form groupings for administrative efficiency with an existing CDBG Entitlement Jurisdiction, if one was available, serving as the lead entity. Thus Lewiston & Auburn; Saco, Biddeford & Old Orchard Beach; Bath, Brunswick & Lisbon, have formed single administrative entities for the purposes of the NSP program.

In our region, the City of Portland, the largest municipal NSP grantee did not want to administer the program funds for Westbrook and South Portland. DECD has asked that Cumberland County and its Community Development Office serve as the administrative agent and provide program oversight for these two communities. A memorandum of understanding (MOU) will be developed between South Portland, Westbrook and Cumberland County concerning program management and operations. The two cities will manage the program in their communities and be responsible for meeting all program regulations. The County will submit required documentation to receive the funds from DECD, complete the programmatic environmental review, and request funds from DECD for distribution to the communities.

There is no fiscal impact to the County. All funds are derived from the new Neighborhood Stabilization, a special allocation of the HUD Community Development Block Grant (CDBG) program. The County will receive administrative fees commensurate with work performed. It is recommended that the Commissioners:

- 1) Approve the County serving as the administrative agent for the Cities of Westbrook and South Portland for the purposes of participation in the NSP program.
 - 2) Authorize the County Manager to execute all required documentation to be submitted to DECD enabling receipt of NSP program funds.
- A discussion followed.

Commissioner Feeney made a Motion to endorse supporting the participation of the Cities of South Portland & Westbrook by serving as the administrative agent for the HUD NSP program. Commissioner Cloutier seconded the Motion.

Voted: 3 – 0 Unanimously

Commissioner Feeney made a Motion to authorize Peter Crichton, County Manager, to execute all required certifications, contracts, agreements and documents in conjunction with the HUD Neighborhood Stabilization Program. Commissioner Cloutier seconded the Motion.

Voted: 3 – 0 Unanimously

Commissioner Feeney made a Motion to accept and receive \$1,742,265 on behalf of the Cities of South Portland & Westbrook to facilitate their participation in the HUD NSP program. Commissioner Cloutier seconded the Motion.

Voted: 3 – 0 Unanimously

09 – 021 Approval, Renewal of Hunt Insurance Agreement

Chair Shaughnessy asked the County Manager for comments. He explained that Finance Director Vic Labrecque will present the staff report and concurs with the recommendation. He further noted this staff report is related to the inmate medical costs at the jail. Hunt Insurance helps our liability with our inmate medical expenses. Finance Director Labrecque has worked with our consultant Phil Hoelscher of Alliance Medical Management since 2001 to monitor our inmate medical expenses.

Mr. Labrecque noted the County has a medical contract that is cost plus. To protect the County and the Board of Corrections from catastrophic inmate medical exposure, we purchase an insurance policy to protect us from excess hospital/medical costs. This year, Hunt Insurance (broker) has found an underwriter called Unimerica Insurance Company of Minnesota to insure the excess losses beyond the \$55,000 deductible. The cost is now at \$17,579.00 which is less than the budgeted amount of \$40,000. It is recommended the Commissioners sign the binder with Unimerica Insurance Company. A discussion followed.

Commissioner Feeney made a Motion that the Commissioners approve the recommendation to sign the binder with Unimerica Insurance Company. Commissioner Cloutier seconded the Motion. All voted unanimously.

09 – 022 Approval, Interest on Delinquent County Taxes for 2009

Chair Shaughnessy asked the County Manager for comments. He noted this is governed by a State statute that requires an interest rate be set by the Board of Commissioners on delinquent taxes. This is something we have never had to implement. He concurs with the recommendation.

Mr. Labrecque noted as per Title 36 Section 892-A “Interest shall accrue on all unpaid balances of the County tax that are then due, beginning on the 60th day after the date for payment set by the County Commissioners under Title 30-A, Section 706. County taxes not paid prior to the 60th day after the date for payment, are delinquent”. The rate of interest shall be specified by vote of the County Commissioners and a notification of this rate shall be included in the warrant to assessors required under Title 30-A Section 706. The rate of interest may not exceed the rate of interest established by the State Tax Assessor under Section 186. The Maine Revenue Service advises the County that the 2009 rate set by the tax assessor is 8%. It is recommended that the Commissioners vote to set the delinquent tax interest rate at 8%. A discussion followed.

Commissioner Cloutier made a Motion that the Commissioners approve the recommendation to set the delinquent tax interest rate at 8%. Commissioner Feeney seconded the Motion. All voted unanimously.

**09 – 023 Approval, Cumberland County Sheriff’s Office Commissioners –
New and Renewals**

Chair Shaughnessy asked for a Motion.

Commissioner Feeney made a Motion that the names submitted by Sheriff Dion for new and renewals be approved. Commissioner Cloutier seconded the Motion. All voted unanimously.

There being no further business Commissioner Cloutier made a Motion to adjourn the meeting at 6:30 PM. Seconded my Commissioner Feeney. All voted unanimously.

ATTEST:

**Barbara M. Buckley
Deputy Clerk**

**The next regular Commissioners meeting will be held at 5:30 on Monday,
March 2, 2009 in the Peter J. Feeney Conference Room, Cumberland County Courthouse
Annex 1.**