

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

COMMISSIONERS' MEETING

MINUTES

February 9, 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 January 26, 2009 and the Special Commissioners' meeting held on February 2, 2009 were read and were approved unanimously.

Comments from the County Manager:

The County Manager noted: 1) He recently attended a meeting at the State House that Bill Whitten, County Assistant Manager organized. The meeting went over very well and it is part of our unity for Cumberland County effort. We have been working with the town managers within the county, GPCOG, and the various Chamber associations within the county. The Delegation has been very responsive to this approach and they would like to have these meetings on a weekly basis with Mr. Whitten organizing and establishing an agenda. We are on the right track in what we are doing. 2) In regards to the Economic Stimulus proposal that has been submitted, Mr. Whitten has been working with communities on gathering information and we now need to talk with people at the State and Federal level to make sure people understand the items that are on the list.

Comments from the Commissioners:

Commissioner Feeney:

Commissioner Feeney noted the Cumberland County Civic Center hosted its 5,000th event on Saturday, January 31st with the Disney on Ice performance. The Civic Center's 5,000 events have included 700 concerts and 1,377 professional hockey games since the Cumberland County Center opened its doors on March 3, 1977 with a sold-out ZZ Top concert. Over 16.1 million people have attended events at the Civic Center in the last thirty two years. They are looking forward to several great concerts this coming year.

Commissioner Cloutier:

Commissioner Cloutier did not have comments.

Chairperson Shaughnessy:

Chair Shaughnessy noted: 1) The Board of Corrections is continuing to meet in order to create the new consolidated system of jails and prisons. She sits on the Corrections Working Group and they had a retreat last week to discuss creating a new system where they are trying to pull together all the resources from the State, Department of Corrections and the 15 county jails to create a unified system where there will be some inherent savings and some ways of doing business more efficiently. In the next biennium, they will have to ask for some strategic investment from the State into that new system. The Department of Corrections and the Board of Corrections will be meeting with Appropriations over the next two weeks and we will bring that message to them. 2) She chairs the State Sentencing and Corrections Practices Coordinating Council and they had their second meeting where they looked at sentencing practices and correction practices across the State and ways they need to unify and standardize the way things are happening around the State.

Comments from the Public:

Chairperson Shaughnessy asked if there were any comments from the public. She asked the County Manager to present the Informational item on the Certificate of Achievement for Excellence in Financial Reporting Award. The County Manager presented the plaque to our Finance Director Vic Labrecque. The County has received this award for the past twelve years. Director Labrecque indicated this is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting. He accepted the award and indicated this is an effort on many people's part.

Chairperson Shaughnessy asked for a Motion to go into Executive Session at 5:44 PM.

Commissioner Feeney made a Motion to go into Executive Session pursuant to Title 1 M.R.S.A. Sec. 405 (6) (D) to discuss the Teamster Law Enforcement Collective Bargaining Agreement. Commissioner Cloutier seconded the Motion. All voted unanimously.

Chairperson Shaughnessy asked that the regular meeting continue at 6:02 PM and the Action Items be presented.

Action Items:

09 – 009 Approval, Between Cumberland County Commissioners & Teamster Union Local #340 Law Enforcement Unit

Chair Shaughnessy asked for a Motion.

Commissioner Cloutier made a Motion that the Commissioners approve and sign the contract. Commissioner Feeney seconded the Motion. All voted unanimously.

09 – 010 Approval, Cumberland County Regional Communications Center – City of Westbrook Back UP MOU Agreement

Chair Shaughnessy asked Bill Holmes, Director of the Cumberland County Regional Communications Center (CCRCC) to present the item. The County Manager concurs with the recommendation.

Director Holmes reported the CCRCC currently uses several different locations as our back up facility in the event that we would need to evacuate the center. Our 9-1-1 calls are rerouted to the State Police in Gray, some radio communications go to Windham and others to Westbrook. Obviously, any emergency communications center will be best served by having all redundant services located at one facility. The City of Westbrook has been selected as the recommended backup facility for the CCRCC for several reasons:

- The facility is the closest PSAP to the CCRCC
- All 9-1-1 calls and radio transmissions can be rerouted to the same location
- Westbrook currently has all CCRCC radio frequencies installed at their facility
- Westbrook has the space to accommodate the emergency needs of the CCRCC

Under this agreement, the CCRCC will also serve as the back up for the City of Westbrook. A discussion followed.

Commissioner Feeney made a Motion that the Commissioners approve the contract and approve the Cumberland County Regional Communications Center Director Bill Holmes to sign the MOU with the City of Westbrook and have them as our backup facility and the CCRCC be their backup facility. Commissioner Cloutier seconded the Motion. All approved unanimously.

09 – 011 Approval, Cumberland County Regional Communications – Town of Raymond Communications Contract

Chair Shaughnessy asked Bill Holmes, Director of the Cumberland County Regional Communications Center (CCRCC) to present the item. The County Manager concurs with the recommendation

The Cumberland County Regional Communications Center (CCRCC) entered into an emergency communications contract with the Town of Raymond effective 01-01-09. That initial contract was provisional for a 90 day period based on Raymond's review of additional language

for all new contracts. The Town of Raymond has reviewed and approved the additional/new contract language. Subsequently, the Town of Raymond has approved and signed a five (5) year emergency communications contract with Cumberland County. Under the current contract pricing, the Town of Raymond agrees to pay Cumberland County for emergency communications services as follows:

- 2009 - \$25,118
- 2010 - \$25,898
- 2011 - \$26,679
- 2012 - \$27,460
- 2013 - \$28,287

The Town of Raymond in December approved a contract for emergency communication services with the CCRCC. In that contract they did not have the additional language that is being added to all new contracts and renewal contracts moving forward. Subsequently, the Town of Raymond within 90 days has signed the contract. This contract is a five year term and the new language under Section 2. TERM, subsection B #2 b) the town fails to abide by all Cumberland County RCC Policies and procedures; and c) the town fails to comply with the material terms of this agreement. Patricia Dunn, County Attorney has approved the language. A discussion followed.

Commissioner Cloutier made a Motion that the Commissioners approve the passage of this contract with the Town of Raymond and the Chair be authorized to sign the contract. All voted unanimously.

09 – 012 Approval, Cumberland County Regional Communications Center - Town of Gray Communications Contract

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

Director Holmes indicated this emergency communications contract is a renewal between the Town of Gray and Cumberland County. The initial contract with Gray was for a 2 year period. This contract is for a 5 year period. The new language for the Term will need to be added to this contract as well. The Town of Gray agrees to pay Cumberland County for emergency communications service as follows:

- 2009 - \$39,723
- 2010 - \$40,958
- 2011 - \$42,192
- 2012 - \$43,426
- 2013 - \$44,734

A discussion followed.

Commissioner Cloutier made a Motion that the Commissioners approve the passage of this agreement with the Town of Gray and add the amended language under Section 2. TERM, subsection B #2 b) the town fails to abide by all Cumberland County RCC Policies and procedures; and c) the town fails to comply with the material terms of this agreement. The Town of Gray has 90 days to sign the contract and the Chair is authorized to sign the contract. Commissioner Feeney seconded the Motion. All voted unanimously.

09 – 013 Approval, Cumberland County Regional Communications Center – Radio Maintenance Agreement (RCM)

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

Director Holmes indicated the County of Cumberland entered into a radio maintenance agreement with Horizon Communications in 2006 for a period of one year. At the end of the agreement, the CCRCC decided not to renew a written agreement but to continue working with Horizon on a month to month basis. It is critical for an emergency communications department to have a radio maintenance agreement with a radio company to maintain the current radio system, to conduct scheduled preventive maintenance and to be available on-call for emergency radio issues. Since the initial agreement, Horizon Communications has moved their office to Augusta and has recently merged with another radio company in Brunswick. He is recommending that the CCRCC transfer our emergency radio service to Radio Communications Management (RCM) for the following reasons:

- 1) The vast majority of the agencies served by the CCRCC, including the Cumberland County Sheriff's Office also use RCM as their radio vendor.
- 2) RCM is located a short distance from the CCRCC, Portland/Westbrook line.
- 3) RCM is the company chosen to install the Countywide Microwave radio project.
- 4) RCM submitted the lowest quote to connect other communities via microwave to the Countywide Microwave project.
- 5) RCM has a number of employees available to respond to the CCRCC in the event of an emergency.
- 6) The CCRCC will be best served having just one designated radio vendor working on all radio equipment located within the CCRCC.

The CCRCC Board of Directors have reviewed and unanimously approved the recommendation to transfer to RCM. The County Attorney, Patricia Dunn, has reviewed and approved the contract language. The fiscal impact with RCM they will cost more than the agreement with Horizon. Horizon was charging \$375 per month and RCM will charge \$600 per month, an increase of \$2,700 per year. The CCRCC radio repair budget, Acct. #11-110-6231 will cover the costs for 2009 but will have to be increased by \$2,700 in FY 2010 to include spare parts. (\$2,500 for 2009). Despite the \$2,700 increase, for the reasons listed above, the Board of Directors and he agrees that the CCRCC will be best served by transferring to RCM for our radio maintenance service. A discussion followed.

Commissioner Cloutier made a Motion for the adoption of the contract and authorized the Chair to sign the contract. Commissioner Feeney seconded the Motion. All voted unanimously.

09 – 014 Approval, Cumberland County Sheriff’s Office – Asset Forfeiture in the case of, State of Maine v John Dana, Richard Hudson and Vickie LeBlanc

Chair Shaughnessy asked Chief Deputy Kevin Joyce to present the item. The County Manager concurs with the recommendation.

Chief Joyce reported on 11/05/2007 the Sheriff’s Deputies went to a residence in Naples assisting Waterville Police Department in a Domestic Violence Investigation. Once on the property the Deputies discovered a substantial amount of marijuana that was being processed and distributed from this property. The subsequent investigation lead to the arrests of: John Dana, Richard Hudson and Vickie LeBlanc who were charged with, Aggravated Trafficking of Scheduled Z Drugs. The State’s Attorney General has moved for the forfeiture of the monies in this case. The State’s Attorney has moved to forfeit \$7,169.00, that Dana, LeBlanc and Hudson have claim to, another \$3, 540.00 against Hudson and another \$677.00 against Dana to be forfeited to the Cumberland County Sheriff’s Office upon approval by the Cumberland County Commissioners. A total of \$11,386 to be deposited in the Sheriff’s Office Asset Forfeiture Account, **31-231-4100**. Additionally, the Chairperson of the Board of Commissioners sign and Seal the Approval Of Transfer, court paperwork (attached) in order that the States Attorney General can finalize the Currency transfer. A discussion followed.

Commissioner Cloutier made a Motion that the Commissioners approve the transfer of monies in the amount of \$11,386.00 to be deposited in the Sheriff’s Office Asset Forfeiture Account, 31-231-4100. Commissioner Feeny seconded the Motion. All voted unanimously.

09 – 015 Approval, Cumberland County Sheriff’s Office – MOU (Tactical team)

Chair Shaughnessy asked Chief Deputy Kevin Joyce to present the item. The County Manager concurs with the recommendation.

Chief Joyce reported they received a telephone call from Windham Police Chief Rick Lewsen asking if the County would be willing to sign a Memorandum of Understanding with the Town of Windham to provide mutual aid assistance when a tactical team was needed to resolve a critical incident. The Cumberland County Sheriff’s Office has had a tactical team for approximately 15 years. During that period of time, the Sheriff’s Office has received requests from various towns in and adjacent to Cumberland County for the Cumberland County Sheriff’s Office Emergency Services Unit (ESU) to respond to quell a critical incident. The Windham Police Department wants to sign a formal agreement with the Cumberland County Sheriff’s Office, so that if a critical incident occurs, the Police Department can request the services of the Cumberland County Sheriff’s Office ESU team. Signing the MOU will not incur any financial impact. Any deployments of the team at the Town of Windham’s request will incur a cost, but will be absorbed in the current overtime budget appropriated for the Sheriff’s Office. Patricia Dunn, County Attorney has reviewed the agreement. A discussion followed.

Commissioner Cloutier made a Motion that the Commissioners approve the MOU and the Chair is authorized to sign the agreement. Commissioner Feeny 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 Chair Shaughnessy. All voted unanimously.

ATTEST:

**Barbara M. Buckley
Deputy Clerk**

The next regular Commissioners meeting will be held at 5:30 on Monday, February 23, 2009 in the Peter J. Feeney Conference Room, Cumberland County Courthouse Annex 1.