

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

## COMMISSIONERS' MEETING

### MINUTES

March 9, 2009

The Board of Cumberland County Commissioners Richard J. Feeney and James F. Cloutier convened a meeting at the Cumberland County Courthouse in the Peter J. Feeney Conference room. Commissioner Shaughnessy, who is on the Board of Directors for the National Association of Counties, was attending the NACo Legislative Conference in Washington, DC.

Commissioner Feeney called the meeting to order at 5:30 PM and reported he would be the Acting Chairperson for the meeting because Chairperson Shaughnessy was not present. The following business was conducted.

Minutes of the Cumberland County Commissioners Regular meeting of February 23, 2009 were read and were approved unanimously.

#### **Comments from the County Manager:**

The County Manager noted: 1) Regarding the NACo Conference that Commissioner Shaughnessy is attending in Washington, the Maine County Commissioners Association is paying for the trip to Washington, DC. She is participating in several meetings, one of which is to try and organize the Northeast Counties Caucus so that county government in Maine can have more opportunities to bring back funding that benefits our citizens and communities. 2) Assistant County Manager Bill Whitten has been working in Augusta and meeting with the legislative delegation on a weekly basis. He has been talking about a number of issues that are important to Cumberland County as a region, including more economic development for the region and the communities such as our stimulus proposal for the Cumberland County region. Unfortunately, it appears the package is falling on a lot of deaf ears, not with the delegation, but the people who will make the decisions on how the funds will be distributed. 3) Pam Lovley, the Cumberland County Register of Deeds, with the assistance of Angela Berube-Gray, our County Web Master, has created a directory that will be helpful to citizens with information on Cumberland County Government, our 28 municipalities, organizations we work with like GPCOG, the various Chamber associations, and our legislative delegation.

## **Comments from the Commissioners:**

### **Commissioner Cloutier:**

Commissioner Cloutier noted: 1) On March 5<sup>th</sup>, we had a very successful employee recognition luncheon. At the luncheon, he congratulated one of his old friends Coleman Green, who has served the County for 35 years. He indicated it was good to see him being honored for all his hard work over the years. 2) He acknowledged that the County will have to do something about the County budget and try to develop some working ideas on how we might make some changes that will economize some of the revenues that are not coming in very strongly.

### **Commissioner Feeney:**

Commissioner Feeney noted: 1) At the Charter Commission meeting held last week, which was taped and will be televised, they did formulate a Mission Statement that will be on the County website. 2) Regarding the County budget, he reported that he serves as liaison to the Board of Trustees of the Cumberland County Civic Center and they recently booked additional upcoming events (New Kids on the Block and Celtic Thunder) which looks much better for the revenue stream. Steve Crane, Civic Center Manager, has done an outstanding job.

### **Chairperson Shaughnessy:**

Chair Shaughnessy was not at the meeting.

## **Comments from the Public:**

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

## **Action Items:**

**09 – 024      Approval, Tax Abatement Decision for Malcolm S. Buchanan – Town of Casco**

Commissioner Feeney asked Commissioner Cloutier to read the decision and findings of facts into the record.

**Commissioner Cloutier read the following facts and decision into the record. The Commissioners had a hearing on February 20<sup>th</sup> at the Town of Casco. Present at the hearing were Commissioners Dick Feeney, Commissioner Jim Cloutier, and Commissioner Chair Malory Shaughnessy. Also present for Cumberland County was legal council John Wall. Present for the Town of Casco were Town Manager Dave Morton and Assessor Paul Binette. Present for the Appellant were Patricia and Malcolm “Stan” Buchanan.**

**Findings of Facts:**

**Mr. & Mrs. Buchanan are requesting an abatement of \$38,810. They contend that their property was initially over valued due to a mistake on the part of the town which had the measurement of acreage listed as 1.51 acres when in fact it was only .64 acres. The town did amend the tax bill to reflect the actual acreage of .64 and approved an abatement of the tax bill by \$5,200. The Buchanan's contend that this amount was not an appropriate adjustment and are seeking additional abatement.**

**The town contends that the adjustment was appropriate and calculated in a manner consistent with other similar assessments. The water frontage was the same regardless of the total acreage and the base lot acreage assessment was corrected to reflect the actual .64 acreage.**

**Decision:**

**After reviewing all the documentation and testimonies by Appellants & Appellee it was determined that after correcting the actual acreage the Town assessed the property with the same methodology as other assessed property in similar circumstances and condition.**

**Thus, we find no unfair discrimination in this assessment and therefore deny the appeal.**

**Commissioner Cloutier made a Motion that the Commissioners deny the appeal of Malcolm S. Buchanan. Commissioner Feeney seconded the Motion. All voted unanimously.**

**09 – 025      Appeal, Tax Abatement Decision for Paul V. Daley – Town of Casco**

Commissioner Feeney asked Commissioner Cloutier to read the decision and findings of facts into the record.

**Commissioner Cloutier read the following facts and decision into the record. The Commissioners had a hearing on February 20<sup>th</sup> at the Town of Casco. Present at the hearing were Commissioners Dick Feeney and Jim Cloutier, and Commission Chair Malory Shaughnessy. Also present for Cumberland County was legal council John Wall. Present for the Town of Casco were Town Manager Dave Morton and Assessor Paul Binette. Present for the Appellant were William P. Daley, James P. Daley, Louise C. Daley and calling in via phone was Paul V. Daley.**

**Findings of Facts:**

**Mr. and Mrs. Daley are requesting an abatement of \$127,673. They contend that their property is not square like the others along their road as it abuts the County Line. It is cut off and therefore not sub-dividable. They feel the cottage itself is over valued as it is in serious disrepair and has no heating source beyond the fireplace. Their road is seasonal**

only unlike the road on the other side of the lake. They feel that these factors contribute to their property having less value.

The town contends that the assessment was appropriate and calculated in a manner consistent with other similar assessments. The water frontage has a set valuation based on standards, as does the base lot. They state that they have acknowledged the limitations to the house and assessed its valuation properly.

**Decision:**

After reviewing all the documentation and testimonies by Appellants & Appellee it was determined that the Town assessed the property with the same methodology as other assessed property in similar circumstances and condition.

Thus, we find no unfair discrimination and find that the property is appropriately valued in this assessment and therefore deny the appeal.

Commissioner Cloutier made a Motion to strike the sentence that inadvertently was inserted into the letter indicating Appellant Daley had river front property and the sentence should be removed and amended. The amended paragraph was read into the record as noted above. Commissioner Feeney seconded the Motion. All voted unanimously.

**09 – 026      Approval, Tax Abatement Decision for Trevor Tidd – Town of Casco**

Commissioner Feeney asked Commissioner Cloutier to read the decision and findings of facts into the record.

Commissioner Cloutier read the following facts and decision into the record. The Commissioners had a hearing on February 20<sup>th</sup> at the Town of Casco. Present at the hearing were Commissioners Dick Feeney and Jim Cloutier, and Commission Chair Malory Shaughnessy. Also present for Cumberland County was legal council John Wall. Present for the Town of Casco were Town Manager Dave Morton and Assessor Paul Binette. Present for the Appellant was Trevor Tidd.

**Findings of Facts:**

Mr. Tidd is requesting an abatement of \$86,751. He contends that his property was overvalued as several factors were not taken into consideration by the town. His property has gasoline contamination and the house has asbestos siding. It is in close proximity to the public beach and near a busy intersection. Also the view of the lake is obstructed by a house between his and the lake.

The town contends that the assessment was appropriate and calculated in a manner consistent with other similar assessments. They state that the contamination has been accounted for with all the houses along that road that have similar contamination. They have also accounted for the asbestos siding in a factor reduction on the house valuation.

**Decision:**

**After reviewing all the documentation and testimonies by Appellants & Appellee it was determined that the Town assessed the property with the same methodology as other assessed property with similar contamination and condition. However, the Commissioners find that the assessment by the town understates the effect of a blocked and limited view of the water which is a circumstance different than the adjoining parcels.**

**Thus, we grant an abatement to allow for this factor in the amount of \$7,763. As abated in this manner, we find no unfair discrimination and find that the property is appropriately valued in this assessment.**

**Commissioner Cloutier made a Motion to grant an abatement of \$7,763 to Appellant Trevor Tidd. Commissioner Feeney seconded the Motion. All voted unanimously.**

**09 – 027      Approval, Cumberland County Courthouse – Table Modifications for ADA**

Commissioner Feeney asked the County Manager for comments.

The County Manager indicated staff report 027 and 028 are American Disability projects that the Facilities Manager is overseeing. These items are brought forth under the State reimbursement policy that was established a few years ago. He concurs with the recommendation.

Mr. Tarbox reported in late December 2008, he brought forth the opportunity to administer a grant that was based upon our ADA deficiencies for the County. There were a couple of deficiencies on the checklist. The first is the table modifications for the courtrooms.

The Facilities Department is coordinating the modification of ±20 tables located in the courtrooms. These tables need to be adjusted in order to meet ADA guidelines in order for people in wheelchairs to slide under the tables comfortably.

Tables will be removed from each courtroom and modified per specifications.

Mr. Tarbox reiterated we are participating in a grant initiated by the State that will cover the cost thru our reimbursement policy as of the Commissioners Meeting on December 8, 2008. We had six bidders:

- Mosher Andrukaitis                      \$270.00 per table
- David Klenk Furniture                      \$365.00 per table
- Phillips & Berry                              \$385.00 per table
- Townsend Cabinetmakers, Inc.              \$400.00 per table
- Wright-Ryan Construction                  \$403 .00 per table
- Down East Refinishing                      \$500.00 per table

We will follow the State – Cumberland County Reimbursement Policy that states that Cumberland County will initially pay all invoices thru account # 51-281-6950 and be totally reimbursed by the State with no cost to the County. Mr. Tarbox indicated the bid from Mosher Andrukaitis was originally bid at \$250 and has been amended to reflect the modification of having a min-wax cherry finish which amends their bid to \$270, and still makes them the lowest bidder. A discussion followed.

**Commissioner Cloutier made a Motion the Commissioners approve the amended bid of \$270 per table from Mosher Andrukaitis. The contract is to be signed by the County Manager. Commissioner Feeney seconded the Motion. All voted unanimously.**

**09 – 028      Approval, Cumberland County Courthouse – ADA  
Bathroom Renovation**

Commissioner Feeney asked Bruce Tarbox, Facilities Manager to present the report. The County Manager concurs with the recommendation. He noted for the past several years the County has completed a number of projects under the State – Cumberland County Reimbursement Policy.

Mr. Tarbox reported the Facilities Department is participating in a grant initiated by the State which is directed at the accessibility in both the old and new addition of the courthouse. The Facilities Department will execute all RFP's, bids and construction of the designated areas in need of compliance. This department will follow all ADA, MHRA and Section 504 of the Rehabilitation Act requirements. The areas of concern are listed in the accessibility survey and evaluation of the courthouse. The cost has an overall estimate of \$72,000. The State of Maine has received a grant for this project. We will follow our State – County Reimbursement Policy that states that Cumberland County will initially pay all invoices and be totally reimbursed by the State with no cost to the County. A walk-thru was required in order to bid. Because of the urgency of this project, the bids were not due until Friday, March 6, 2009 @ 2:00pm. The following bids were received:

Doten's Construction, Inc.	\$31,150
Pizzagalli Construction Co.	\$33,900
Great Falls Construction	\$35,040
HardyPond Construction	\$41,896
SR General Contractor	\$42,000
Benchmark	\$55,992

All six bidders have met all requirements. We will follow the State – Cumberland County Reimbursement Policy that states that Cumberland County will initially pay all invoices thru account # 51-281-6950 and be totally reimbursed by the State with no cost to the County. The bid went to the lowest bidder Doten's Construction, Inc. for \$31,150.

Commissioner Cloutier had to abstain from the voting because one of the bidders is a client of his, which is a conflict of interest. The County Manager asked Mr. Tarbox about the timeline issue. He indicated the State asked for a decision tonight because it has to be awarded tomorrow, March 10, 2009. It was decided to go into recess and to call Commissioner Shaughnessy at the NACo Conference in Washington for her vote.

**Commissioner Cloutier made a Motion to go into recess. Commissioner Feeney seconded the Motion. All voted unanimously.**

**Commissioner Cloutier made a Motion to come out of recess. Commissioner Feeney seconded the Motion. All voted unanimously.**

Commissioner Feeney spoke with Commissioner Shaughnessy at the NACo Conference. Commissioner Feeney asked Commissioner Cloutier for a Motion that we can get a vote via the telephone.

**Commissioner Cloutier made a Motion that it shall be deemed proper procedure for a member of the Commission for the present meeting to discuss a pending item and vote by telephone. Commissioner Feeney seconded the Motion. All voted unanimously.**

A discussion followed.

**Chairperson Shaughnessy made a Motion to accept the lowest bid from Dolten's Construction for \$31,150. Commissioner Feeney seconded the Motion. 2 Yes and 1 abstention.**

**09 – 029                      Approval, CCRCC Tower Lease Agreement (Back Bay Towers)**

Commissioner Feeney asked the County Manager for comments. The County Manager noted this is part of the \$1.7 million Bond Referendum to upgrade our radio interoperability system that was approved by the citizens of Cumberland County. He asked the County Emergency Regional Communication Center Director Bill Holmes to present the staff report. He concurs with the recommendation.

Director Holmes reported in FY 2008, the citizens of Cumberland County approved a Bond in the amount of \$1.7 million to fund the Counties Microwave Radio 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. Working with our hired consultants, Kimball and Associates, and our hired vendor, Comtronics, we have identified the need for a tower location in Portland. We have identified Back Bay Towers as an ideal location for our equipment. We have negotiated with Back Bay Towers to locate at 401 Cumberland Ave. Portland. The County Attorney, Pat Dunn, and the County Insurance representative, MCCA, have reviewed and approved the enclosed contract with Back Bay Towers.

The lease agreement calls for the County to pay \$390.00 per month to locate our equipment on their tower. The agreement is for a 10 year period with a 5% increase each year. Funding for this project has been included in the FY 2009 budget Acct # 11-110-6230. The agreement with Back Bay Towers is substantially lower than other agreements the County has committed to and / or may be committing to.

Director Holmes recommends the Commissioners' approval of the enclosed leasing agreement with Back Bay Towers in the amount of \$390.00 per month for a period of 10 years with a 5% increase each year. A discussion followed.

**Commissioner Cloutier made a Motion to approve the Back Bay Towers Agreement and it will be signed by Bill Holmes, the Emergency Communications Director. Commissioner Feeney seconded the Motion. All voted unanimously.**

**09 – 030      Approval, Cumberland County Sheriff's Office Commissions  
New and Renewals**

Commissioner Feeney asked for a Motion to approve the commissions.

**Commissioner Cloutier made a Motion to approve the renewal Commissions for Michael Brown and Philip Greenwood. Commissioner Feeney seconded the Motion. All voted unanimously.**

**There being no further business Commissioner Cloutier made a Motion to adjourn the meeting at 6:15 PM. Seconded by Commissioner Feeney. All voted unanimously.**

**ATTEST:**

*Barbara M. Buckley*

**Barbara M. Buckley  
Deputy Clerk**

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