

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

COMMISSIONERS' MEETING

MINUTES

March 8, 2010

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. Malory O. Shaughnessy was absent from the meeting.

Chair Feeney called the meeting to order at 5:00 PM and the following business was conducted.

Minutes of the Cumberland County Commissioners Regular Meeting of February 22, 2009 were read and were approved unanimously in favor 2-0.

Comments from the County Manager:

The County Manager was absent from the meeting. He was attending the National Association of Counties (NACo) Annual Legislative Conference and meetings of the National Association of County Administrators in Washington, D.C.

Comments from the Commissioners:

Commissioner Shaughnessy:

Commissioner Shaughnessy was absent from the meeting. She was attending the NACo Conference in Washington, D.C. as Maine's representative to the NACo Board of Directors.

Commissioner Cloutier:

Commissioner Cloutier reported recently in the news there has been talk about the Cumberland County Civic Center and the Portland Pirates hockey league's renewal contract. He informed the public that the Civic Center is run by the Board of Trustees, not the County Commissioners. Hopefully, we will all reach an agreement with this team. But if we don't, we still want to be a good place for another hockey team in that league to consider the Civic Center as their home base.

Chair Feeney:

Chair Feeney noted Portland is certainly a hockey town. Neal Pratt, who is the lead negotiator with the Pirates, has done an outstanding job and has made it perfectly clear in his discussions that anything above and beyond what is on the table now would be born by the Cumberland County taxpayers. The ball is now in the court of the Pirates and we should hear

their decision his week whether they will be staying or leaving Portland.

Comments from the Public:

Chair Feeney asked if there were any comments from the public. Hearing none we moved onto the Actions Items.

Action Items:

10 – 033 Approval, Release of Claims Against New England Motor Freight

Chair Feeney asked Jim Budway, Emergency Management Agency Director, to present the item. The County Manager concurs with the recommendation.

Mr. Budway reported on August 7, 2006, Hazardous Material (HazMat) Teams from Cumberland County responded to a Hydrochloric Acid (HCL) spill at New England Motor Freight, Inc. (NEMF) in the Town of Scarborough. Over the next three and one half years, responding Municipalities and the County attempted to collect reimbursement from NEMF of \$37,034.33 for response services rendered on that date, without success. In September, 2009, the Cumberland County Commissioners authorized the law firm of Jensen Baird Gardner and Henry to file a lawsuit for the County on behalf of the Towns of Gorham and Scarborough and the Cities of Portland and South Portland, against NEMF, to recover costs incurred by those Municipalities in their response to the spill. Prior to the case going to trial, alternative dispute resolution via mediation by a neutral third party was employed in hopes of settling the matter. Through an afternoon long process, both sides came to agreement that \$25,000.00 in reimbursement costs would be paid by NEMF to the responding Municipalities. Cumberland County participants in the mediation included County Attorney Pat Dunn, Emergency Management Agency Director Jim Budway, Scarborough Fire Chief Mike Thurlow, and Gorham Fire Chief Bob Lefebvre. The \$25,000.00 settlement will be pro-rated to reimburse Municipalities as follows: Scarborough \$5,500.00, Portland \$5,375.00, South Portland \$9,000.00 and Gorham (on behalf of the Presumpscot Valley HazMat Team) \$5,125.00. The County Attorney fees are not incorporated in the settlement and the County is responsible for County Attorney fees. Ms. Dunn indicated “in order to finally resolve the matter, it is necessary for each party to execute a Release of Claims against New England Motor Freight. Each of our participating Municipalities has signed the same document. Because the County Commissioners were required to authorize the filing of the lawsuit, it is necessary for the County Commissioners to authorize the execution of the Release.”

Mr. Budway indicated the settlement of this claim ends nearly 4 years of dispute over the matter and potentially eliminates months or years of future court proceedings. The majority of the reimbursement sought is made immediately available to Municipalities. The precedent has been established that failure to reimburse for HazMat services in Cumberland County will lead to a potentially costly lawsuit. A discussion followed.

Commissioner Cloutier made a Motion to authorize Mr. Budway to sign the Release on behalf of the County to conclude the litigation. Chair Feeney seconded the Motion. All Commissioners voted unanimously in favor 2-0.

10 – 034 Approval, Cumberland County Registry of Deeds – Records Management Workflow and Imaging System Contract

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

Ms. Lovley reported ACS is our current vendor providing hardware, software implementation and internet services for Cumberland County. The ACS contract with the Registry of Deeds expired on December 31, 2009. In September 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. At their October meeting, the Commissioner's voted unanimously that our current vendor, ACS, would be awarded the contract for the Registry of Deeds. Ms. Lovley is requesting that the County continue the working partnership of the Registry of Deeds and ACS by signing the contract. The contract based on an all inclusive price of \$1.75 per document plus \$1,500 internet hosting and 5% administrative monthly fee. The effective date would be January 1, 2010 through December 31, 2014. A discussion followed.

Commissioner Cloutier made a Motion to approve the contract and authorized the Chairman of the Board of County Commissioners to sign the contract. All Commissioners voted unanimously in favor 2-0.

10 0 035 Approval, Tax Abatement Hearing for John Johnson, Town of Naples

Chair Feeney asked for a Motion.

Commissioner Cloutier made a Motion to accept the Appeal of John Johnson, place it on file, and directed the Deputy Clerk to send out all the appropriate paperwork for a hearing at a later date.

There being no further business Commissioner Cloutier made a Motion to adjourn the meeting at 5:10 PM. Seconded by Chair Feeney. All voted unanimously in favor 2-0.

ATTEST:

**Barbara M. Buckley
Deputy Clerk**

The next regular Commissioners meeting will be held at 5:30 PM on Monday, March 8 2010 in the Peter J. Feeney Conference Room, Cumberland County Courthouse Annex 1.