

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

COMMISSIONERS' MEETING

MINUTES

May 24, 2010

The Board of Cumberland County Commissioners, Richard J. Feeney, Malory O. Shaughnessy and James F. Cloutier convened a meeting at the Cumberland County Courthouse in the Peter J. Feeney Conference room.

Chair Feeney called the meeting to order at 5:25 PM and the following business was conducted.

Minutes of the Cumberland County Commissioners Regular Meeting of May 10, 2010 were read and approved unanimously in favor 3-0.

Comments from the County Manager:

The County Manager was not in attendance. The Assistant County Manager Bill Whitten reported on three items: 1) He recently met with the Western Cumberland County Town Managers some of whom have recently joined Cumberland County Regional Communications Center. They have since reported how great the dispatch service is and how glad to have joined Cumberland County Dispatch and be able to save money and the service is beyond expectations. Also it is an improvement from what they had previously and providing fantastic service. 2) In regard to the PUC, the State will have to decide and recommend by November 10th, who the 16 or 17 PSAPS will be. William Holmes, Director of the Cumberland County Regional Communications Center will be on the committee that is being formed. 3) He & Sheriff Dion met with Senator Collins' Office today and Sheriff Dion also met with Senator Snowe's Office last week regarding Federal prisoner inmate rates. This issue has been moved forward to negotiate with the US Marshall Service for rates.

Comments from the Commissioners:

Commissioner Cloutier:

Commissioner Cloutier reported on two items. The County Manager Peter Crichton has already started to work on the FY11 Budget and has met with the Department Heads. 2) We are closing in on the time when the Charter Commission for the County will have the written Charter for the Commissioners to review. The deadline is September 2, 2010, two months before it will be voted on in November. There is a draft of the Charter for the public to review on the Cumberland County website: www.cumberlandcountychartercommission.org.

Commissioner Shaughnessy:

Commissioner Shaughnessy indicated she had no comments.

Commissioner Feeney:

Chair Feeney indicated he had no comments.

Comments from the Public:

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

Chair Feeney asked Nancy Lane, Assistant Register of Deeds to present the Informational on the First Reading to Consider Establishing a Copy Fee for Electronic Land Records be read into the records. The County Manager concurs with the first reading.

Bill Whitten indicated if there were any questions from the Commissioners to hold them until the next reading on June 14, 2010, when the Register of Deeds Pam Lovley will be available to answer the questions.

Nancy Lane, Assistant Register of Deeds, read into the public records the following:

In a letter dated September 25, 2009, MacImage of Maine, LLC made a request through the Freedom of Access Act (FOAA), to inspect and copy all electronic land records in the Registry's possession. MacImage of Maine, LLC then intends to add the copies of our land records to his website and sell them for profit.

In December 2009 MacImage of Maine, LLC filed a civil action in Superior Court requesting bulk access to electronic databases of land records from most of Maine county Registries of Deeds. On December 9, 2009 several of the county attorneys met with Judge Warren to try to meet consensus on how to proceed with the MacImage bulk sales request.

The Maine Registers of Deeds Association drafted legislation for the second regular session of the 124th Legislature dealing with changes to Sec. 1.33 MRSA §651 and Sec.2. 33 MRSA §751, sub-§14 which would include language dealing with bulk transfers of copies. Judge Warren granted a stay which would expire 10 days after the Legislative adjournment.

ISSUE:

In my previous presentation to the County Commissioner's Meeting it became very clear that because of the volume of land record images and indexes (8,538,624 image pages and 2,689,160 document indexes) it would be technically impossible for the Registry to meet this request. Our vendor, ACS has been contacted and we can authorize ACS to provide the requested data, except for daily updates. ACS will charge the following in order to provide a full copy of the index data base and all document images:

Indexes to be provided in a CSV text file = \$0.02 per document

Images will be provided as single page TIFF files in standard Windows folders = \$0.025 per image.

Total charges for a complete one time transfer of land images and document indexes will be :

Indexes: \$ 53,783.20

Images: \$213,465.60

\$267,248.80

After completion of the bulk transfer ACS can provide updates to the data on a weekly, monthly, or annual basis. A minimum charge of \$450 per delivery will apply.

ACS terms and conditions include:

ACS will not allow 3rd party access to client web portal for screen scrapping application

ACS will not allow clients to extract data images and indexes

ACS will not allow FTP access to database

ACS will not transfer proprietary information or intellectual property rights during these extracts

RECOMMENDATION:

It is the consensus of other ACS Maine Registers of Deeds users that we request ACS to make the bulk transfer of data and I concur. These other ACS counties are:

Knox County

Oxford County

Piscataquis County

Waldo County

Washington County

Somerset County

A discussion followed.

Chair Feeney asked for the Action Items to be presented:

10 – 056 Approval, Recovery Zone Facilities Bond County Allocation

Chair Feeney asked Bill Whitten to present the item. The County Manager concurs with the recommendation.

Bill Whitten reported as part of the Economic Stimulus package, Maine Counties were assigned over \$265 million in bond funding at special rates. These were broken into two categories, facilities bonds, which are for private development and economic development bonds for public entities. Legislation was passed to take these funds and give to the state, but a compromise was reached, giving the counties until June 1 on facilities bonds and July 1 on economic development bonds to provide our recommended allocations. Although these recommendations surpass our 50% allocation of \$39 million (\$19.5 million), He has been told by FAME we should recommend the total amount, as they have received NO requests for the total facilities bond of \$135,000,000. These recommendations must be provided to FAME by June 1 to have top priority as per legislation. After that date, FAME can essentially do whatever they wish with all unallocated funds. This does NOT put us in a form of responsibility, it only helps these applicants with possible economic development ideas, one of which we may use for energy and electricity for the jail eventually. The private entity is totally responsible for bond payment and other than time gathering this together for county wide economic development, which is part of our commitment to our citizens, there is NO FISCAL IMPACT to the County. The Bonds have to be issued by 12/31/2010.

Mr. Whitten is recommending the Cumberland County Commissioners endorse the following Recovery Zone Facilities bonds to be passed along to FAME for action. The total of these requests is \$35,174,400. This exceeds our 50% of the \$39,174,000 (\$19,587,000) allocated to the county, FAME has said they had no other applications throughout the state as of a week ago, and the funds from other areas could be allocated to our projects if not used in other areas.

Naturally, all of this is contingent on the applicant's ability to fulfill the FAME requirements, having the proper credentials, financing, etc. This endorsement only provides a "stakeholder position" for the applicants, but gets the ball rolling for them in the right direction. They will need to follow-up with FAME to continue this process. These represent ALL of the applications we received, and in the case of Freeport, represent estimated costs. It is required by legislation, that we get these to FAME by June 1, 2010. More specific concepts for each project are attached separately to this request.

The break out of allocations by county for each type is listed below.

Warren Green Biomass: \$21,739,400

to develop and operate a 2.2 MW biomass driven distributed combined heat, power and cooling (CHP) energy plant to service public and private customers. This project may be in conjunction with the county and Mercy Hospital to provide CHP needs to our facilities.

Bow Street Market and School Street Ext Project: \$3,500,000

This would be to expand the current privately owned Bow St. Market and provide roadways and parking. A general contractor has been chosen, bids for the project are out and this is "shovel ready".

Freeport Business Park: \$1,000,000.

The town is working with a private developer to build the town's first business park targeted to light manufacturing businesses. Construction could begin in the fall of 2010

Freeport Village Station: \$2,100,000

As part of the Freeport Village Station, opened in 2008, this project would provide an opportunity for the developer to fill a portion of that project with a cinema. Due to the differences in design from the original intent of the proposed space, substantial construction retro-fitting is required. Construction on this could begin in the summer of 2010.

Indoor/Outdoor Athletic Facility: \$7,000,000

The Town of Freeport is working with the owner of indoor and outdoor athletic facilities to build fields and an indoor facility on town owned property. This will be ready for construction starting in the fall of 2010, with completion in spring of 2011.

TOTAL DOLLARS REQUESTED FOR BONDING: \$35,239,400

Total dollars allocated to Cumberland County for RZFB: \$39,174,000
50% allocation: \$19,587,000

Mr. Whitten reported since this Staff Report was written; FAME reported as of last Wednesday, the only applications that they were aware of throughout the state, were the ones we had presented . There maybe others coming as of June 1st or the deadline for any applications outside the county allocation would be the July 1, 2010 deadline in order to get it in the process for this year. The Bonds have to be sold as of December 31, 2010. He is recommending that we

set a priority for Warren Green BioMass in the amount of \$21,739,400 to develop and operate a 2.2 MW biomass driven distributed combined heat, power and cooling (CHP) energy plant to serve public and private customers. The other projects listed above should be listed as secondary recommendation.

Commissioner Cloutier indicated he will abstain from voting on this item because he represents Warren Green BioMass, not on this project, but on other similar projects. A discussion followed.

Commissioner Shaughnessy made a Motion to endorse the request with an emphasis on a priority for the Warren Green BioMass facility and the Freeport request as a secondary. The Chair is authorized to sign the paperwork. Chair Feeney seconded the Motion. Commissioners voted 2-0, with Commissioner Cloutier abstaining.

10 – 057 Approval, 7th Member to the Board of Assessment Review

Chair Feeney asked for a Motion to accept Elizabeth McFadden as the 7th member to the BAR. The County Manager concurs with the recommendation.

The County has the authority to appoint a Board of Assessment Review to hear tax abatement appeals. The Commissioners voted at the May 10th meeting to appoint a 5 or 7 person board. Tonight the Commissioners will be voting on the 7th member, Elizabeth McFadden, an appraiser working privately in Portland. She will fulfill the statutory requirements to have a certified real estate appraiser on board. The other members of the BAR are: Jarry Daigle, Assessor of Waterboro; Bob Konzal, Assessor of Freeport; Peter Coyne, Portland Real Estate Broker and Zoning Board of Appeals; Ned Kitchel, former Falmouth town council and local businessman; James Mason, Portland businessman, Land Use and Liability Attorney, Adjunct UNE professor and Carly Smith, Portland independent title attorney. A discussion followed.

Commissioner Cloutier made a Motion to appoint Elizabeth McFadden, who has the qualifications as an appraiser and will be an appropriate member for the Board of Assessment. Commissioner Shaughnessy seconded the Motion. All Commissioners voted unanimously, 3-0.

There being no further business Commissioner Shaughnessy made a Motion to adjourn the meeting at 5:45 PM. Seconded by Commissioner Cloutier. All voted unanimously in favor, 3-0.

ATTEST:

**Barbara M. Buckley
Deputy Clerk**

The next regular Commissioners meeting will be held at 5:30 PM on Monday, June 14, 2010 in the Peter J. Feeney Conference Room, Cumberland County Courthouse Annex 1.