

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

COMMISSIONERS' MEETING

MINUTES

June 14, 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 5:30 PM and the following business was conducted.

Minutes of the Cumberland County Commissioners Special Meeting of June 7, 2010 and the Regular Meeting held on May 24, 2010 were read and approved unanimously in favor 2-0; Commissioner Cloutier had not arrived at the meeting yet.

Comments from the County Manager:

The County Manager deferred his time to Bill Whitten, Assistant County Manager, for an update on a recent meeting with the Cumberland County legislative delegation and some municipal officials. Mr. Whitten has been working at the State Legislature for the past couple of years and also has been working with the congressional delegation not only for Cumberland County but for the region. Mr. Whitten reported last week the York County Advocacy Group met with their legislators regarding similar issues Cumberland County is experiencing. Between the York County delegation and the Cumberland County delegation, we have in excess of 40-45% of the population in the State of Maine. We have collaborated on several different issues and were successful. We will continue this collaboration with York County. There was a great turnout at the Cumberland County meeting with over 30 delegates last week which will help the region move forward and enhance the value of working with York County. They will meet again after the election but will keep in touch by emails monthly. Mr. Whitten also is actively in contact with Senator Snowe's and Senator Collins' office to give them an update on what we are doing as a county and region by working collaboratively and making a difference in the State and Federal government.

Comments from the Commissioners:

Commissioner Shaughnessy:

Commissioner Shaughnessy reported on 2 items: 1) The Commissioner sits on the Cumberland District Public Health Council and reported recently there has been a very successful medical drop off program across the county. There were six locations where citizens dropped off their unused and outdated prescriptions to be destroyed so they do not fall into the wrong hands. Also through the CDPHC and PROP they have received a \$4.3 million grant for the city and the immediate area along with the 9 communities of the lake region for communities putting prevention to work. You may contact Commissioner Shaughnessy for more information.

2) Recently GPCOG has been hosting a series of meetings with various groups and individuals involved, including Elizabeth Trice from the County to prepare a plan based on Federal Legislation that will be coming down in the near future on the Livable Cities Act. The County would be a natural source to bring down some of those dollars, which is a new Obama initiative. She will have a resolution for the Commissioners to pass and get the county's special projects coordinator involved with this resolution.

Commissioner Cloutier:

Commissioner Cloutier had not arrived at the meeting yet.

Commissioner Feeney:

Chair Feeney indicated due to the length of the agenda he will not have any comments.

Comments from the Public:

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

Chair Feeney asked Register of Deeds Pam Lovley to present the second reading of Establishing a Fee for Bulk Electronic Copies of Registry of Deeds Documents.

Register of Deeds Lovley reported this is the second reading of Establishing a Fee for Bulk Electronic Copies of Registry of Deeds Documents. Ms. Lovley read the following into the record:

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.

I have spent considerable time researching how we could accommodate Mr. Simpson in a timely manner.

On December 7, 2009, a County Commissioner's Workshop was held. The Commissioners reviewed and discussed my presentation and recommendation to contract with our vendor ACS to provide bulk electronic records to Mr. Simpson. The volume of pages makes it technically impossible for the Registry of Deeds Office to provide this information itself.

In summary, in order to comply with Mr. Simpson's request, the Commissioners have requested that I develop with the assistance of the County Finance Director a cost per image for bulk electronic records of Registry of Deeds documents. The County Finance Director and I have used statistics that were reported for the period of November-January of 2008 and extrapolated out what the number of pages would be over a 12 month period. The formula we have used for the cost per image is consistent with the other 7 ACS county users and based on this, the cost per image, using this calculation is \$0.052 or 5.2 cents per image.

ISSUE:

Mr. Simpson has a choice of paying \$0.052 per image (approximately 8.6 million) and any additional costs that we or ACS would charge Mr. Simpson to create additional system capabilities.

The alternative would be to authorize ACS to provide Mr. Simpson with the requested data, except for daily updates.

ACS will charge MacImage the following pricing for county bulk rate transfers:

- Indexes to be placed in a text file = \$0.02 per document
- Images to be placed in standard file folders in single page TIFF file format = \$0.025 per image.
- ACS provides a monthly transfer of data with a minimum fee of \$450 at the same rates for indexes and images as stated above.

These prices do not include "USB transfer media". ACS requests 50% payment before data transfer media is provided.

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

May 24, 2010. Deputy Register of Deeds, Nancy Lane, gave this staff report it's first reading.

A second reading and subsequent vote by Commissioner's to accept this staff report is scheduled for June 14, 2010.

Ms. Lovley also mentioned it is the consensus of other ACS Maine Registers of Deeds users that we request ACS to make the bulk transfer of data. These other ACS counties are:

Knox County

Oxford County

Piscataquis County

Waldo County

Washington County

Somerset County

Chair Feeney asked for the Action Items to be presented.

Action Items:

10 – 058 Approval, Cumberland County Register of Deeds – Establishing A Copy Fee for Electronic Land Records

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

Ms. Lovley presented the staff report, there was a discussion, and it was agreed to review all the fees before the next Budget process.

Commissioner Cloutier made a Motion for bulk transfers of images and copies of indexes that the County establish a fee which will mirror the costs and terms which we received from our vendor. We will require any buyer to deal with the vendor with our approval as follows: Indexes to be placed in a text file of \$0.02 per document, Images to be placed in standard file folders in single page TIFF file format of \$0.025 per image. A monthly transfer of data with a minimum fee of \$450 for the indexes and images to be updated. The prices are not inclusive of “USB transfer media” or any other transfer of media that would entail an extra charge from the vendor. The payment term requirements of a 50% payment before media is provided in the terms and conditions to include: 3rd party access to the client web portal is not allowed. Extraction of data images and indexes is not allowed. FTP access to database is not allowed. No transfer of proprietary information or intellectual property rights through the extract process will take place. Commissioner Shaughnessy seconded the Motion. All Commissioners voted unanimously in favor, 3-0.

10 – 059 Approval, Cumberland County Agreement on Schools Technical Consultant

Chair Feeney asked the County Manager to present the item.

The County Manager presented the staff report and concurs with this item. He indicated recently there was a Commissioners Workshop regarding our schools demonstration project to discuss this exciting and innovative project. This project dates back to the County’s 2006-2010 Strategic Plan when a series of recommendations were made on the back office operations for schools in Cumberland County. Following this process, it was decided with the governor’s school consolidation plan that we should put this project on hold until a later date. This past February the Cumberland County Advisory Council met with the Commissioners and the county staff to review the implementation of our strategic plan and there was agreement to move forward with the schools recommendations. A meeting was then held on March 18th with Portland School Superintendent Jim Morse to discuss the schools demonstration project and specifically the schools back office recommendations. This meeting was attended by Commissioner Cloutier, Wes Bonney, Chair of our Strategic Plan Schools Subcommittee; Stan Sawyer, a member of the subcommittee and the former Superintendent of Schools for the City of Westbrook; our facilitator consultant Valerie Landry; county staff Elizabeth Trice; HR Director Wanda Pettersen and himself. Stan Sawyer has recommended an excellent person to serve as our technical consultant. He is Larry Littlefield, the current Kittery Schools Superintendent. The County Manager has met with Mr. Littlefield a couple of times. He is impressed with his credentials and qualifications and, equally important, his enthusiasm for this innovative project. He will be retiring on July 1st and will be available to devote sufficient time with Valerie Landry and the assistance of the county staff to move this project forward in an organized and effective

manner. The funding for this is coming from the Strategic CIP Fund (up to \$15,000) and it doesn't affect the assessment on the municipalities and the citizens. He will deliver a work plan within 60 days of his start date of August 2010. A discussion followed.

Commissioner Cloutier made a Motion to approve this item for \$15,000 for a 6 month contract. Commissioner Shaughnessy seconded the Motion. All Commissioners voted unanimously in favor, 3 to 0.

**10 – 060 – Approval, Cumberland County Regional Communications Center –
Town of Cumberland – Communications Contract**

Chair Feeney asked the County Manager to present the item. He concurs with the report.

The County Manager reported on behalf of the Director Bill Holmes of CCRCC. Cumberland County has provided emergency communications service for the past several years to the Town of Cumberland. The current contract expires June 30, 2010. This contract is a renewal for a period of two years through June 30, 2012. The Town of Cumberland has agreed to a 2 year contract with an automatic 3% yearly escalator. This pricing structure has been reviewed and approved by the Cumberland County Regional Communications Center Board of Directors with support of the County for use through June 2012. A discussion followed.

ALSO

The County Manager also reported on the Town of Harrison – Communications Contract. Cumberland County has provided emergency communications service for the past two years to the Town of Harrison. The current contract expires June 30, 2010. This contract is a renewal for a one year period. The Town of Harrison has agreed to a 1 year contract with an automatic 3% yearly escalator. This pricing structure has been reviewed and approved by the Cumberland County Regional Communications Center Board of Directors with support of the County for use through June 2011. A discussion followed.

Commissioner Shaughnessy made a Motion to pass both contracts; two year contract with the Town of Cumberland and a one year contract with the Town of Harrison to be signed by the Chairperson. Commissioner Cloutier seconded the Motion. All Commissioners voted in favor, 3-0.

10 – 062 Approval, Cumberland County Sheriff's Office – COPS Grant

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

Chief Joyce reported in May of 2009, the Cumberland County Sheriff's Office submitted a COPS Hiring and Recovery Program (CHRP) grant to the Department of Justice (DOJ) in order to replace the two new positions that were granted in the 2009 budget. The two positions were "frozen" before they were filled in February of 2009 due to a projected revenue shortfall. Since the 2009 COPS CHRP grant was designed by the Department of Justice to replace lay-offs or potential lay-offs, we felt that our circumstances met the necessary requirements. In July of 2009, we were informed that we did not get the COPS grant. Since July 2009, the two new positions have been filled. A deputy position was filled during the summer of 2009 and a new Sergeant's position was approved for the 2010 budget and filled in February 2010. Even though the Sheriff's Office gained two new positions in the general fund budget, the CSO lost the

School Resource Officer (SRO) contract at the Gray-New Gloucester High School. The SRO was then assigned to a vacant general revenue law enforcement position to avoid a lay-off. Therefore, there is no manpower to fill the summer contract position on Chebeague Island. In the past the SRO has been used to cover various summer law enforcement contracts. The Sheriff's Office is proposing that we apply for the 2010 COPS Hiring Program grant based on these facts. There is no fiscal impact to the County of Cumberland for the first three years. The CHP covers entry level salary and benefits for the first three years with no matching requirement. After the 36 months, the County would have to retain the position and its costs of salary and benefits for at least 12 months. A discussion followed.

Commissioner Shaughnessy made a Motion to approve the recommendation to apply for the COPS Hiring Program grant. Commissioner Cloutier seconded the Motion. All Commissioners voted unanimously in favor, 3-0.

10 – 063 Approval, Cumberland County Sheriff's Office Commissions

Commissioner Cloutier made a Motion to move passage of the item. Commissioner Shaughnessy seconded the Motion. All Commissioners voted unanimously in favor, 3-0.

10 – 064 Approval, Cumberland County Courthouse – Witness Stand

Chair Feeney asked Bruce Tarbox, Facilities Manager, to present the item. The County Manager concurs with the recommendation.

Mr. Tarbox reported the existing witness stand in Courtroom 12 is not ADA compliant. The State has received a grant dedicated to correcting ADA issues throughout all the courthouses in the State of Maine. This request for a new witness stand is generated from this grant. A specification and bid packet was put together for the request of a new ADA compliant witness stand. The packet was issued following Cumberland County's bid process. The project will follow the County/State reimbursement procedure. There were three companies that bid on this request: Andrukaitis – Mosher for \$9,750; Selmore Mgr., Inc. for \$8,744; and Doten's Construction for \$5,200. The money to pay for this project will come from the agreement through the State of Maine reimbursement policy with no fiscal impact on the County. They are receiving funding from an ADA grant. Mr. Tarbox is recommending the lowest bidder for \$5,200, Dolten's Construction. A discussion followed.

Commissioner Shaughnessy made a Motion to move passage of this item. Chair Feeney seconded the Motion. Commissioner Cloutier recused himself from the vote because of a conflict of interest with one of the bidders on another matter. Commissioners voted in favor, 2-0.

10 – 065 Approval, Cumberland County Courthouse – Wheelchair Lift

Chair Feeney asked Bruce Tarbox, Facilities Manager, to present the item. The County Manager concurs with the recommendation.

Mr. Tarbox reported the State and County has agreed to provide an employee entrance at the Pearl Street entrance. The entrance will need to be ADA compliant; therefore a wheelchair lift will be installed. There were three companies that bid on this lift: Pine State Elevator for \$23,560; Otis Elevator for \$21,525; and Maine Elevator for \$20,400. The money to pay for this project will come from our agreement through the State of Maine reimbursement agreement with

the County. Therefore, there will be no fiscal impact. Mr. Tarbox is recommending the lowest bidder Maine Elevator for \$20,400. This company presently inspects the elevators and lifts. A discussion followed.

Commissioner Shaughnessy made a Motion to move passage of this recommendation. Commissioner Cloutier seconded the Motion. All Commissioners voted unanimously in favor, 3-0.

10 - 066 Approval, Cumberland County Implementation of the Energy Efficiency & Conservations Block Grant (EECBG) Grant

Chair Feeney asked Bruce Tarbox, Facilities Manager, to present the item. The County Manager concurs with the recommendation.

Mr. Tarbox reported in the preparation of securing this grant, a plan was presented and developed consisting of an Energy Audit. The audit looked at all Cumberland County owned property. During February and March, 2010, Siemens Industry, Inc. conducted this survey and assessment. Siemens then prepared the EECBG Activity Worksheets with calculations of energy savings and assorted cost savings. They also identified additional leverage funding and rebates to be applied for each project. Mr. Tarbox is recommending designing and installing recommended projects for energy savings and submitting additional leverage funding and rebates that will help to financially support these projects. He is recommending a Design Build concept. Allied Engineering has many years of experience working in this courthouse and he has extreme confidence recommending them for the design. He is recommending Siemens Industry for the installation. They are both outstanding companies for the Design Build Team. A discussion followed.

Commissioner Cloutier made a Motion to pass the item. Commissioner Shaughnessy seconded the Motion. All Commissioners voted unanimously in favor, 3-0.

10 – 067 Approval, Recovery Zone Facilities Bond County Allocation

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

Mr. Whitten reported this is a follow up to the bi-monthly Commissioners' meeting held on May 24th when the Commissioners voted unanimously to endorse the projects for potential FAME/RZFB funding. Since the previously approved Recovery Zone Facilities bonds, other groups have requested through FAME bonding for additional projects. FAME has asked for approval by the County, as well as the municipality of the project, a written "endorsement" of these projects. This funding has nothing to do with the original amounts endorsed by the Commissioners; this is money from the state-wide allocation of RZFB funds. The previously approved projects are SIGCO of Westbrook in the amount of \$2,750,000 and Maine Renewable Energy of South Portland in the amount of \$20,000,000. A discussion followed.

Commissioner Cloutier made a Motion to move passage of the item. Commissioner Shaughnessy seconded the Motion. All voted unanimously in favor, 3-0.

10 – 068 Approval, Resolution Opposition to the Great Maine forest Initiative,

Chair Feeney asked for a discussion. After a thorough examination of the information and checking with appropriate authorities, the Commissioners did not agree with the resolution that there is a movement to create a secretive Maine forest initiative in Northern Maine. They indicated if there ever is a discussion on this subject again, both sides of this issue will need to be addressed by the Commissioners.

Commissioner Cloutier made a Motion that this item be TABLED. Commissioner Shaughnessy seconded the Motion. All Commissioners voted unanimously in favor, 3-0.

10 – 069 Approval, Cumberland County Tax Abatement Hearing for Ronald and Carol Zenaro – Town of Bridgton

Chair Feeney asked for a Motion.

Commissioner Shaughnessy made a Motion to accept the Appeal of Ronald and Carol Zenaro of the Town of Bridgton, place it on file, and directed the Deputy Clerk to send out all the appropriate paperwork for a hearing at a later date. Commissioner Cloutier seconded the Motion. All voted unanimously in favor, 3-0.

There being no further business Commissioner Cloutier made a Motion to adjourn the meeting at 6:45 PM. Seconded by Commissioner Shaughnessy. 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 28, 2010 in the Peter J. Feeney Conference Room, Cumberland County Courthouse Annex 1.