



CITY OF PORTLAND

September 16, 1992

Mr. Arthur P. Thompson, AIA
Stevens Morton Rose & Thompson, Inc.
P.O. Box 618
Portland, ME 04104

RE: Cumberland County Detention Center
CSO Credits

Dear Mr. Thompson:

This letter is in response to your correspondence to Mr. Robert Ganley, City Manager dated August 25, 1992 regarding combined sewer overflow (CSO) credits for the Cumberland County Detention Center. As you stated in your letter, the net increase in sewage generated by the new facility will be 8,695 gallons per day (gpd). The resulting number of credits required by the facility is 43,475. I am attaching a copy of a memo from Mr. Ganley dated April 22, 1992 which states that credits may be awarded for this project. Therefore, please accept this letter as formally awarding 43,475 CSO credits for the Cumberland County Detention Center Project.

If we can be of further assistance, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Joseph E. Gray, Jr.".

Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Robert Ganley, City Manager
Richard Knowland, Senior Planner
✓ Sarah Greene, Senior Planner
Melodie Esterberg, Development Review Coordinator
Bill Boothby, Parks and Public Works
Bill Goodwin, Parks and Public Works
Donna M. Gilbert, Parks and Public Works

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair and Members of the Portland Planning Board

FROM: Sarah Greene, Planner

DATE: April 24, 1990

SUBJECT: Upper Fore River Transportation Park Sectional Recording

Portland Cargo Associates is requesting a rephrasing of the Upper Fore River Transportation Park. The Planning Board approved the transportation park on May 19, 1987. This approval included subdivision, shoreland, site plan, and flood hazard review in addition to a street discontinuance and street vacation. The subdivision approval will expire in mid-May, therefore, the application is returning to the Board for an extension in the form of a sectional recording.

The revised recording plat consists of two phases. Phase I would include Lots 1, 2, 3, and 4 and Phase II would include 5, 6, and 7. Phase I has frontage along Congress Street and is adjacent to the R-6 Residential zone. The development of this phase will entail the construction of Ogdensburg Street with a turnaround, installation of erosion controls and landscaping.

Phase II includes lots 5, 6, and 7. This phase encompasses 41.7 acres. The second phase is located on the Fore River and includes a public access easement with 20 public parking spaces and a 30 ft. high, 75 ft. wide landscaped berm to buffer the Fore River Estuary from the transportation park.

Approval of the original subdivision was based on several traffic related conditions. These conditions were agreed to by the applicant and include traffic signalization, pavement markings, and traffic study updates. In order to determine the improvements necessary for the first phase, an updated traffic study has been requested by the City Traffic Engineer.

Attachments

1. Letter from the Applicant
2. Phased Subdivision Plan

I Introduction

Portland Cargo Associates is requesting either a subdivision ^{approval} extension or a sectional recording of the Upper Fore River Transportation Park. The Planning Board approved the subdivision on May 19, 1987. This approval included subdivision, shoreland, site plan, and flood hazard review in addition to a street discontinuance and street vacation. The subdivision approval will expire on May 19, 1990, therefore, the applicant is returning to the Board for either an extension of the subdivision approval in the form of a waiver or a sectional recording of the subdivision. The Board must decide whether it has the authority to grant the waiver thereby extending the approval. If this authority is not realized, or the extent of hardship not sufficiently proven by the applicant, the Board ~~will~~ ^{may choose to} review a sectional recording of the subdivision.

II Summary of Findings

Zoning	I-2
Total Land Area	
Phase I	lots 1, 2, 3, and 4
Phase II	lots 5, 6, 7
Land Uses	Industrial, Commercial, Residential, Waterfront

III Staff Review

The plan has been reviewed for compliance with the I-2 Industrial Zone and subdivision Ordinance of the Land Use Code. The plan has been reviewed and approved by the Building Inspections, Traffic, Fire, and Public Works Departments. A memo from Associate Corporation Counsel is included with the Planning Board packet.

Subdivision Extension

Section 14-495(f)(4) states that unless a subdivision plat is recorded within 3 years of planning board approval, that subdivision approval shall become null and void.

Section 14-500(a) of the Subdivision Ordinance states that if the applicant can prove that extraordinary conditions exist or that ~~there is~~ undue hardship may result from strict compliance with the subdivision regulations, the Board may change the regulations.

If the Board finds that the public interest will be secured and justice done, the Board may grant this variance.

Sectional Recording

The Board also has an option of reviewing the ^{sectional recording of the} subdivision. The revised recording plat consists of two phases. The first phase would include Lots 1, 2, 3, and 4 and Phase II would include lots 5 and 6. Phase I has frontage along Congress Street and is located adjacent to the R-6 Residential zone. The development of this phase would entail the construction of Ogdenburg ~~and~~ with a turnaround, installation of erosion controls and landscaping.

Phase II includes Lots 5 and 6. This phase ~~includes~~ ^{encompasses} 41.7 acres and is located on the Fore River. The second phase includes a public access easement with 20 public parking spaces and a 30 ft high, 75 ft wide landscaped berm to buffer the Fore River Estuary from the transportation park.

IV Motions for the Board to Consider

On the basis of the recording plat submitted by the applicant, and on the basis of information contained in Planning Board Report -90 relevant to standards for subdivisions and/or other findings as follows:

1. that the Planning Board finds sufficient evidence of the existence of extraordinary conditions (and/or) that undue hardship may result from strict compliance with the 3 year approval requirement of the subdivision approval and therefore opts to waive this time frame as noted in Section 14-495 with the authority as granted in Section 14-506. The subdivision approval shall be extended for an additional 2 years.
- 2 that the ^{sectional plat} recording ^{or} of the subdivision is in conformance with the sectional recording requirements of the Land Use Code.

A Potential Conditions of Approval

- 1 (new*) that the applicant revise and update the traffic study for review by the City Traffic Engineer.

see app letter #1-11

That phase 2 must
be recorded ~~within 3~~
~~years~~ after the approval
to maintain subdivision
approval of the sectional
recordings.

Attachment

1. Letters from the applicant
2. phased subdivision map
3. Subdivision Approval Letter of May 21, 1987

CoA ↑

CITY OF PORTLAND, MAINE

PLANNING BOARD

May 21, 1987

Jack D. Humeniuk, Chairman
Barbara A. Vestal, Vice Chairman
John L. Barker
Joseph R. DeCoursey
Michael J. Fenton
Jadine R. O'Brien
Kenneth M. Cole, III

Mr. P.D. Merrill
Merrill Industries, Inc.
P.O. Box 739
Portland ME 04104

Dear Mr. Merrill:

On May 19, 1987 the Portland Planning Board voted on the following motions regarding the Portland Cargo Associates' Upper Fore River Transportation Park.

1. (6-0) That the plan was in conformance with the Subdivision Ordinance of the City Land Use Code with the following conditions:
 - i. That a storm drain easement be given to the City for that portion of the storm drain system which will extend outside the public street right-of-way.
 - ii. The Developer agrees to fund and install the necessary pavement markings and overhead lane signage for the northbound approach of St. John Street at the Park Avenue intersection. Signs and pavement markings shall conform to the 1978 MUTCD. Pavement markings shall be City of Portland approved thermoplastic.
 - iii. The Developer will obtain all rights from the Portland Terminal Company to fund and install traffic signal brackets on the R.R. bridge for the Park Avenue and northbound St. John Street approaches.
 - iv. The Developer agrees to update the Traffic Impact Statement prior to each site plan on lots within this subdivision. If traffic conditions at the St. John Street/Park Avenue intersection are found to be operating below L.O.S. "D" condition the Developer will be required to find alternate access to the site which will not negatively impact the intersection.
 - v. If MDOT dictates that a traffic signal becomes necessary at the Congress Street/Ogdensburg intersection the Developer will fund and install properly designed traffic signals.

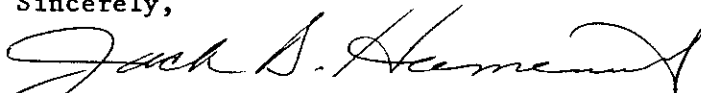
- vi. The Developer will be fully responsible for all costs associated with the installation of Railroad crossing controls, per MDOT hearing, on Ogdensburg Street.
 - vii. Items I and II must be completed prior to issuance of any Certificate of Occupancy.
 - viii. That the applicant receive approval of the Corporation Counsel's office regarding a public access easement deed which addresses maintenance, and that the easement deed is offered to the City Council for acceptance.
 - ix. That the approval of Lot 3 be subject to the applicant's successful petition regarding the discontinuance/vacation of Ogdensburg Street.
 - x. That the area of tidal flats controlled by the applicant are shown on the plans and approved by the Planning Board.
 - xi. That upon termination of the public access easement shown as Lot 7 on the recording plat, if the Developer, its heirs, successors or assigns sells or makes any different use of this lot, the lot and its use shall be subject to Planning Board review.
2. (6-0) Granting the request that the requirement of underground electric service be waived in this subdivision due to the difficulty of locating three-phase power underground.
 3. (5-1; DeCoursey) Granting the request that the requirement regarding the installation of sidewalk on both sides of the street be waived so that a sidewalk will be installed on the northerly side of the street only.
 4. (4-2; O'Brien, Fenton) Granting the request that the requirement regarding the installation of granite curbing on the southerly side of Ogdensburg Street below the private access road, along the frontage of Lot 4 be waived. Therefore granite curbing is required along the northerly side of Ogdensburg Street around the cul-de-sac and at the radii of all driveway entrances and at the intersection of Ogdensburg Street and Congress.
 5. (6-0) That the plan is in conformance with the Shoreland Zoning Regulations.
 6. (6-0) That the plan is in conformance with the Flood Plain Management Regulations with the condition that the project receive D.E.P. approval.
 7. (6-0) That the site plan of the bulk storage building on Lot 5 is in conformance with the Site Plan Ordinance of the City Land Use Code with the condition that the site plan receive D.E.P.

8. (6-0) Approval of the vacation of unaccepted portion of Ogdensburg Street with the following condition:
 - i. That all necessary documentation is provided to Corporation Counsel 2 weeks prior to the City Council Public Hearing.
9. (6-0) Recommendation of discontinuance of the accepted portion of Ogdensburg Street with the following conditions:
 - i. That all necessary documentation is provided to Corporation Counsel two (2) weeks prior to City Council Public Hearing.
 - ii. That adequate access to the proposed Ogdensburg Street is provided to the abutters of the existing Ogdensburg Street.

The approval is based on the submitted plans and the findings related to subdivision, site plan, flood hazard, shoreland, street discontinuance and street vacation review standards as contained in Planning Report #37-87, which is attached. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. In addition, a performance bond covering the public improvements must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.

If there are any questions regarding the Board's actions, please contact the planning staff.

Sincerely,



Jack D. Humeniuk, Chairman
Portland Planning Board

DK/eg

cc: Joseph E. Gray, Jr., Director of Planning & Urban Development
Alexander Jaegerman, Chief Planner
David Klenk, Planner
P. Samuel Hoffses, Chief of Building Inspections
Warren J. Turner, Zoning Administrator
George Flaherty, Director of Parks & Public Works
Acting City Engineer
William Boothby, Principal Engineer
Robert Roy, Planning Engineer
William Bray, City Traffic Engineer
Carmela Barton, City Arborist
James Katsiaficas, Associate Corporation Counsel
Michael Baillargeon, Supervisor of Delivery and Collection,
125 Forest Avenue, Portland, Maine 04101

7. Key Questions for the County Commissioners.

After extensive discussion, the following questions were identified by the members; Dan Boisot was asked to meet with the commissioners as soon as possible to secure responses.

- (1) When will an option be secured for the site? (Timing is getting very tight for the fall referendum)
- (2) Can the County secure an option for the additional five acres adjacent to the site? (Subcommittee urges an option to be negotiated).
- (3) What funds are available for the juvenile detention facility construction? (Are there designated funds that were set aside for the consent agreement?)
- (4) Funding "outside" the bond issue.....
 - a. Can Community Corrections funds (all or part) be earmarked for this project in 1990-1992?
 - b. Can CC funds be used for non-fixed equipment and furnishings? (Do you want to bond items that have a short life?)
 - c. Can CC funds be used for construction inspection and/or architects' fees?
 - d. Can the "extra" CC funds that will be allocated during construction be earmarked for the project? (These are brought in because of the per diem formula and the costs of construction)
- (5) Can the modules that are being used for interim expansion be used for the new jail or can the revenue from their sale be allocated to the project?

Dan has been asked to bring the responses to these questions to the next meeting of the Subcommittee, which has been scheduled for:

5:30 p.m.

Wednesday, August 16

Paul Eggert's Office-- 97 State Street, Portland
(775-3101)

The meeting adjourned at 7:15 p.m.

SAMPLE HOURLY COUNT, Cumberland County Jail

HOUR.....	Mid				6 a.m.				Noon				6 p.m.				Mid.							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
FRI 6/9/89...	DOES NOT INCLUDE 15 male weekend sentences; 3 female weekenders																							
STM (NET)	5	4	3	4	3	3	3	3	4	5	6	5	4	4	4	4	2	2	3	5	5	6	7	8
LTM	7	7	7	7	7	7	7	7	8	9	10	10	10	10	10	10	10	10	10	10	10	10	10	10
STF (NET)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LTF	△1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
SAT, 6/10																								
STM (NET)	8	12	13	10	9	8	8	8	8	8	5	5	5	5	5	4	5	5	5	7	8	9	10	12
LTM	11	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	13	13	△14	14	14
STF (NET)	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	0	0
LTF	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
SUN, 6/11																								
STM (NET)	9	12	13	13	14	△15	14	13	12	11	12	10	8	9	10	10	9	8	9	7	9	10	8	10
LTM	14	14	14	14	14	13	13	13	12	11	11	10	10	10	9	9	9	9	9	9	9	9	9	9
STF (NET)	0	0	1	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	4	4	4	4	△5	4
LTF	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0
MDN, 6/12																								
STM (NET)	11	10	9	10	12	12	12	12	14	11	11	10	10	10	10	8	7	8	9	10	9	8	8	8
LTM	9	7	7	7	7	7	7	7	8	6	7	7	6	6	6	6	6	6	6	6	6	7	7	7
STF (NET)	4	4	3	3	3	3	4	4	5	4	4	4	4	4	4	3	2	3	4	4	4	4	2	2
LTF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

KEY STM = Short-term Male (under 72 hours stay) STF = Short-term Female
 LTM = First 72 hours of longer term male LTF = first 72 hrs LT female

MEETING SCHEDULE AS OF: August 8, 1989

NEXT FULL COMMITTEE MEETING

TO BE ANNOUNCED

A

ARCHITECTURAL SUBCOMMITTEE MEETINGS:

NEW SITE--- 97 State Street- Mittel and Hefferan

Wednesday, August 16, 1989 5:30 p.m.

SYSTEMS/ALTERNATIVES

At Rick Romanow's Office-- 465 Congress Street

Tuesday, August 29, 4:00 p.m.

PUBLIC INFORMATION SUBCOMMITTEE

Wednesady, August 16, 1989

4:00 p.m.

97 State Street

Portland (Paul Eggert's Office)

Jail Industry Conference

August 31, 1989

All day, in Portland

SUMMARY CALENDAR: Cumberland County Jail Committee

As of August 8, 1989

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
AUGUST						
13	14	15	16 Public Info 4:00 p.m.	17	18	19
			Architectural 5:30 p.m.			
20	21 Legislature (..they're back...)	22	23	24	25	25
27	28	29 Systems 4:00 p.m.	30	31 Jail Indus. Workshop	1	2

NOTES FROM THE PUBLIC INFORMATION SUBCOMMITTEE
Cumberland County Jail Committee

Meeting, August 1, 1989
3:15 - 4:30 p.m.

Present:

Linda Johnson
Gary Plummer
Cush Anthony
Paul Eggert
Rod Miller

1. Jail Site.

Gary reported that the county commissioners have hired an attorney to negotiate an option on the Merrill site; members expressed concerns about the timing of this efforts and urged continued progress.

2. Media Coverage.

Members discussed recent media coverage of the jail, and decided not to pursue "damage control" measures--at this time.

3. Prioritizing of Groups/Organizations.

Most of the meeting was spent discussing nearly 50 different groups and organizations that have been identified as potential speaking sites. Rod was instructed to make arrangements for the "high priority" groups first, and to schedule the others as possible.

4. Jail Staff.

Rod offered to meet with all jail staff, along with Steve Johnson, to discuss this project. Members expressed concern about some staff members' statements about the need for a new jail.

5. Next Meeting.

The Subcommittee will meet:

4:00 p.m.
Wednesday, August 16
Paul Eggert's Office (97 State Street)

The meeting adjourned at 4:30 p.m.

C

NOTES FROM THE ARCHITECTURAL SUBCOMMITTEE
Cumberland County Jail Committee

Meeting, August 7, 1989
4:30 - 7:15 p.m.

Present:

Daniel Boisot	Arthur Thompson
Paul Eggert	Curtiss Pullitzer
Brad Buck	Rod Miller
Peter Manning	

1. Project Budget.

Members discussed budget implications for the architectural program that was submitted (copies available on request.). Although the program called for over 140,000 square feet, Paul moved and Brad seconded that: the architectural program be adopted as submitted with the understanding that it will be reduced to 132,000 square feet (6.4% reduction) when schematic design begins after the referendum. The motion passed unanimously.

2. Designs.

Arthur and Curtiss presented preliminary drawings for the facility, showing its orientation on the site and proposed layout. Reductions of these drawings are attached to these notes. Members generally supported the approach and asked the architects to further develop these for the next meeting.

3. Short-Term Holding.

Rod distributed copies of a brief study of short-term holding populations (attached). Members agreed that this research supported the need for the spaces as described in the program.

4. Schedule.

Peter Manning asked about the overall schedule--when work will actually begin on the site. Arthur responded that construction will begin in late Fall, 1990, and will continue through the Winter; however, substantial pre-construction site work will be undertaken in the Summer of 1990.

5. Jail Site.

All present expressed serious concerns about the acquisition of an option for the new site. They asked Dan Boisot to carry those concerns to the county commissioners.

6. Juveniles.

Rod explained a new state law that will further complicate the County's efforts to comply with the federal court consent agreement. Peter suggested the need to amend the law in the next session and offered his assistance.

CALENDAR OF EVENTS/PRESENTATIONS

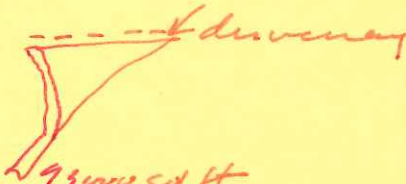
To date, the following events are scheduled. * denotes presentors to confirm

<u>DATE</u>	<u>TIME</u>	<u>ORGANIZATION</u>	<u>LOCATION</u>	<u>PRESENTORS</u>
COMPLETED:				
9/17	7:30 p.m.	C. Co. Democratic Comm	Franklin Towers	Anthony, Manning
9/19	5:30 p.m.	Scarborough Rotary	Dunstan School	Anthony, Boisot
9/20	8:00 a.m.	Yarmouth Chamber Comm	Town Meeting	Miller, Johnson
9/20	8:00 a.m.	County Bar Association	10 Free Street	Eggert, Sanders
9/20	7:30 p.m.	Scarborough Town Cncl	Town Hall	Anthony, Bonney
TO DO.....:				
9/25	7:30 p.m.	Falmouth Town Council	Town Hall	Bonney, Eggert, Sanders
9/26	7:30 p.m.	Windham Town Council	Community Center	Plummer, Boisot Strout
9/26	8:30 p.m.	Freeport Town Council	Town Hall	Bonney, Sanders
9/26	7:00 p.m.	Harrison Selectmen	Elementary School	Brad Buck
9/27	12:45 p.m.	Salvation Army	297 Cumberland Av	L. Johnson, Sanders
10/1	3:00 p.m.	Amer. Legion- Peaks Island		
10/2	5:00 p.m.	PIZZA MEETING/BRIEFING Review/Learn Slide Show	Commissioners' Conference Room	All Pub Info and Presentors
10/2	p.m.	South Portland City Council	Council Chambers	Linda Johnson Anthony, *Hewes
10/5	9:00 a.m.	Town/City Managers Assoc.	Grey (Cole Farms)	Miller, _____
10/6	11:45 a.m.	Portland Rotary	156 State Street	Anthony, Sanders
10/11	Noon	Portland Chamber of Commerce	142 Free Street	Paul Eggert Wade Sanders
10/11	7:30 p.m.	Cape Elizabeth Town Council	Town Hall	Bill Jordan * Panakas, Anthony
10/11	7:00 p.m.	Cumberland Town Council	Town Hall	
10/16	7:00 p.m.	Brunswick City Council	City Hall	Bonney, Sanders Miller
10/23	7:00 p.m.	New Gloucester Town Council	Town Hall	Brad Buck Gary Plummer
10/26	6:00 p.m.	S. Portland Lions	Lions Club	Linda Johnson Gary Plummer

11-30-90

ll / mt / ...

Purchased lot 4 + Ogdenburg St.



total = 100,000 sq ft - + pre-rehab center 9,000 sq ft
225 cars

75 visitors
150 - employees

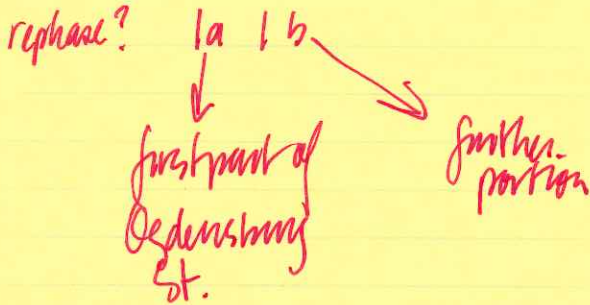
frontage on Congress St.

create private driveway // to RR tracks

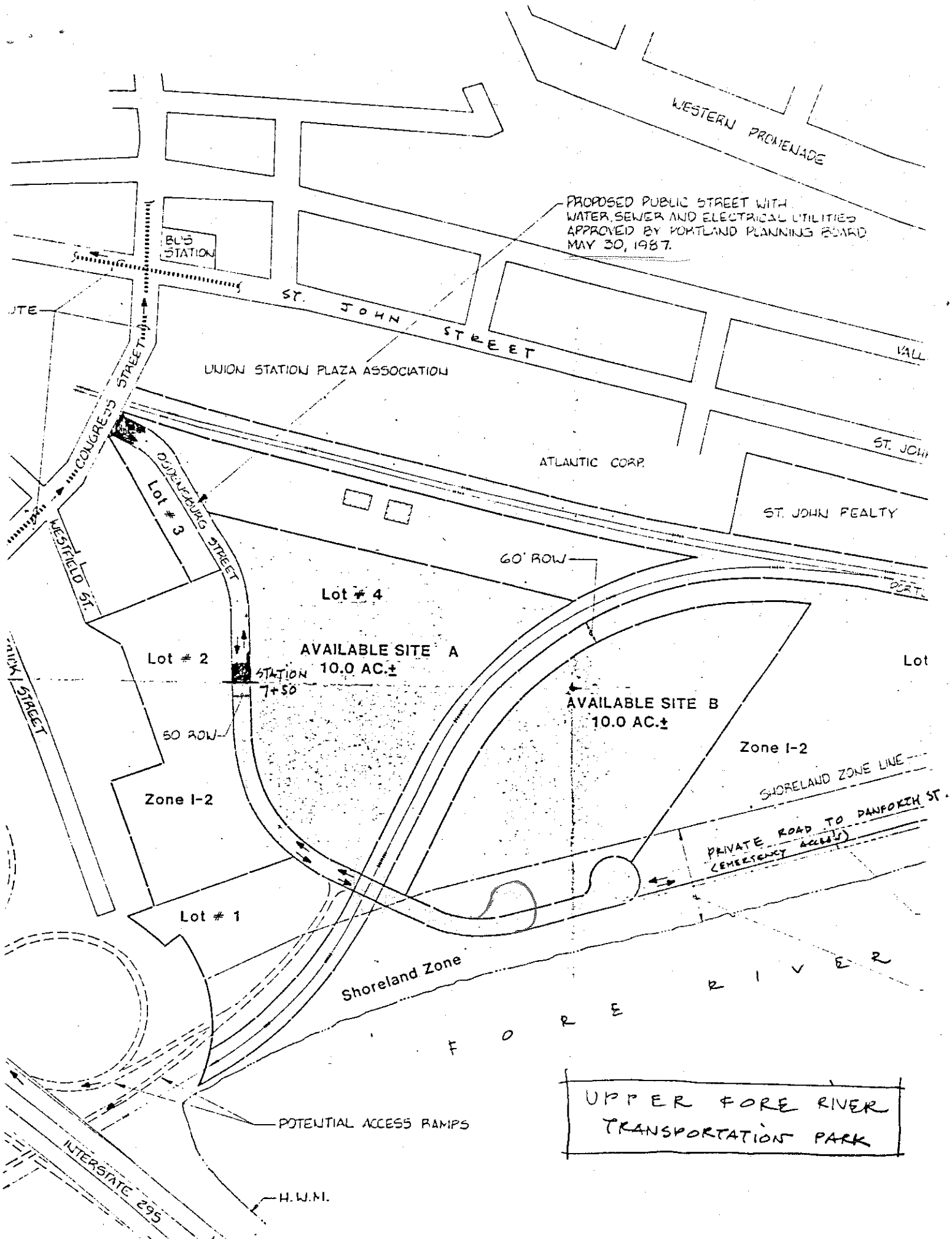
includes blocks.

New access rd - ^{driveway.} not on subdivision - rev. to site plan.

creating a subdivision? - cutting off access.



5:1 req'd



WESTERN PROMENADE

PROPOSED PUBLIC STREET WITH WATER, SEWER AND ELECTRICAL UTILITIES APPROVED BY PORTLAND PLANNING BOARD MAY 30, 1987.

BL'S STATION

ST. JOHN STREET

UNION STATION PLAZA ASSOCIATION

ATLANTIC CORP.

ST. JOHN FEALTY

Lot # 3

Lot # 4

Lot # 2

AVAILABLE SITE A
10.0 AC.±

AVAILABLE SITE B
10.0 AC.±

Zone I-2

Zone I-2

SHORELAND ZONE LINE

PRIVATE ROAD TO DANFORTH ST.
(EMERGENCY ACCESS)

Lot # 1

Shoreland Zone

FORE RIVER

UPPER FORE RIVER
TRANSPORTATION PARK

POTENTIAL ACCESS RAMPS

H.W.M.

INTERSTATE 295



ARCHITECTURE ENGINEERING SURVEY

STEVENS MORTON ROSE & THOMPSON
39 Forest Avenue P.O. Box 518
Portland, Maine 04104
Tel 207.772-3846 Fax 207.772-1070

file - County Jail
Call Mark Arnes
we need today 4/95

Re. COST ESTIMATE FOR PARTIAL INFRASTRUCTURE
UPPER FORE RIVER INDUSTRIAL PARK

At the request of the County Commissioners, SMRT prepared a cost estimate for the development of that portion of the infrastructure of the Upper Fore River Transportation Park necessary to provide access and use of lot 4 (site A) of the approved subdivision. This estimate is based on a technical interpretation of the approved plans. SMRT did not investigate whether a partial development of the plans is acceptable by the applicable regulatory authorities.

For the operation of lot 4 the following infrastructure improvements are required:

1. BUILDING REMOVAL

Two existing structures are located near the Congress Street entrance in the planned Ogdensburg Street R.O.W.. Development of Ogdensburg Street requires the removal of those structures. (The planned centerline of the street hits the first structure about dead center.

2. OGDENSBURG STREET

Development of Ogdensburg Street will be required for approximately 750 feet. The approved section calls for 32 feet of pavement, granite curbing both sides, sidewalk one side, plus underdrains.

3. WATER SERVICE

The approved plans indicate a new 12" loop through the subdivision connecting an existing main in Congress Street to another under Veteran's Bridge. The Portland Water District will allow the following reduction in the scope of work for a partial development of the subdivision: upgrading of an existing 6" main in Congress Street from St. John Street to Ogdensburg Street (approximately 400 feet) to a 12" main; installation of a 12" main for a distance of 750 feet in Ogdensburg Street; installation of

one hydrant.

4. SANITARY SEWER

The approved plans indicate a new 8" gravity sewer in Ogdensburg to Congress Street. Approximately 650 feet needs to be installed, as well as 5 manholes to serve lot 4.

5. STORM DRAINAGE

A system of field inlets, catchbasins, manholes and piping is indicated on the approved plans. Where Ogdensburg Street will be built (i.e. paved) a "full" system needs to be installed. From here to the outfall (close to the Fore River) construction of the trunk of the system can suffice. The construction estimate is based on 8 manholes, 7 catchbasins, and approximately 1300 feet of piping of various sizes.

6. ELECTRICAL SERVICE

We assumed construction of (above ground) 3 phase electrical highline service from Congress Street for a distance of 750 feet.

7. EROSION CONTROL

All disturbed surfaces need to be treated for adequate erosion control. We allowed a lump sum amount to do this work.

8. EMERGENCY ACCESS

The subdivision was approved with a 24 foot wide paved private road connecting the end of Ogdensburg Street to Danforth Street, under Veteran's Bridge. For purposes of this estimate we have assumed that emergency access will be required from station 7+50 in Ogdensburg Street along the original centerline to Danforth Street. This is a distance of approximately 5000 feet. We assumed an 18 foot gravel road would suffice and that little grading would be involved in constructing this road. At an assumed cost of \$50 per foot the cost of this is a significant portion of the total estimate. A firmer handle on the actual work involved here (or in alternative arrangements which are equally acceptable from a safety point of view) could greatly reduce this cost.

9. TRAFFIC IMPROVEMENTS

Two conditions of approval imposed by the Planning Board are: overhead lane signage of St. John Street at the Park Avenue intersection and traffic signal brackets on the railroad bridge

at St. John and Park (condition ii and iii). We have consulted the Portland traffic engineer for an estimate of the cost for these improvements, including condition v (a traffic signal at Congress and Ogdensburg Streets). Conditions iv and vi have not been included in this estimate.

EXCLUSIONS

Not included in the estimate is the following:

- infrastructure improvements on lot 4 (site A) *- county*
- construction of a berm along the Fore River *with million dollar berm \$2m*
- any landscaping
- any street lighting *- not on plat.*
- any hazardous waste mitigation
- any unsuitable materials from subgrade
- telephone and cable TV services
- gas service

COST ESTIMATE

	COST
1. Building/Pavement Removal	\$ 100,000
2. Ogdensburg Street	187,500 <i>17.50 = 250</i>
3. Water Service	81,500
4. Sanitary Sewer	47,500
5. Storm Drainage	100,000
6. Electrical Service	10,000 <i>increase for</i>
7. Erosion Control	10,000 <i>(gravel)</i>
8. Emergency Access	250,000
9. Traffic Improvements	50,000
Total:	\$ 836,500

STEVENS MORTON ROSE AND THOMPSON, INC.

December 5, 1989



CUMBERLAND COUNTY JAIL COMMITTEE

L. Daniel Boisot, Chairman
telephone 207/879-4000
Cushman Anthony
Edward M. Bonney
Brad Buck
Richard N. Bryant
A. L. Carlisle
Donnell Carroll
Michael Chitwood
Paul Coleman
James Conley
Gary C. Cooper
Lyle B. Cramer
G. William Diamond
John Dovinsky
E. Paul Eggert
John Flaherty
Joan Gauche
Edward Googins
Hamilton Grant
Nancy Grayson
Virginia Hildreth
Alan Hybers
Russ Immarigeon
Linda B. Johnson
Stephen Johnson
William Jordan
Stephen Parker
Peter Manning
Paul McCarthy
William McLaughlin
Pierre Shevenell
Barbara Strout

c/o Cumberland County Commissioners
142 Federal Street
Portland, Maine 04101

CUMBERLAND COUNTY JAIL COMMITTEE

MAILING of August 8, 1989

The following items are enclosed (coded in the upper right-hand corner of the first page of each document):

- A. SCHEDULE AND CALENDAR. A summary of all upcoming meetings and a calendar.
- B. NOTES FROM PUBLIC INFORMATION SUBCOMMITTEE MEETING
- C. NOTES FROM ARCHITECTURAL SUBCOMMITTEE MEETING

DYER, GOODALL AND LAROUCHE

Attorneys at Law
Casco Northern Bank Building
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Augusta, Maine 04330

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April 20, 1990

HAND DELIVERED

Joseph E. Gray, Jr., Director
Planning & Urban Development
Portland City Hall
389 Congress Street
Portland, Maine 04101

Re: Portland Cargo Associates/Upper Fore River Transportation
Park

Dear Joe:

As you know, Portland Cargo Associates has requested that their May 19, 1987, subdivision permit be extended beyond its three year approval. After discussing this matter with staff, they have submitted a request for a sectional recording under Section 14-495(h) of the Portland Code. If this request is granted, it will permit partial recording of the subdivision and extend for two years the remaining approval for recording and may require a bond. This request for sectional recording is on the Planning Board workshop agenda of April 24.

It is the purpose of this letter, on behalf of Portland Cargo Associates, to propose a simpler alternative to extending the 1987 permit. We request that the Planning Board consider this on April 24, 1990.

Our objective, however, is to achieve an extension for two years and we want to avoid the outcome of having the permit expire on May 19. In order to avoid that expiration, we need to have something recorded in the Registry by that time, under the sectional recording or extension provisions of the code.

The extension alternative for the entire project requires that the Planning Board modify, for this project, the three year limitation Section 14-495(g)(4). The authority for modifying that provision to five years is contained in Section 14-506(a), which states that:

The Planning Board, if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations, may vary the regulations so that substantial justice may be done and the public interest secured; provided such variation will not have the affect of nullifying the intent and purpose of the land development plan and regulations of this article.

We are requesting that the three year deadline for recording a plan be extended to five years. The reasons why this is being requested have already been explained and can be elaborated upon at the workshop. In brief, because of the complexity of this project, the extent of infrastructure, construction, etc. which need to be done and the marketing limitations, the plan simply has not been recorded because the new street has not been dedicated and constructed. Such construction will not take place until we have a definite buyer for all or part of the site and, hence, the three year time limit for recording the plan is about to run out, and we cannot record the plan until the street has been constructed and approved. There have been no changes to the plan, therefore, the plan still meets all of the criteria for approval and will still secure the public's interest. Portland has all of its DEP permits which are being extended.

It is my understanding from a discussion with Natalie Burns that the modification Section 14-506(a) has not been interpreted in the past as permitting extensions of the three year recording provision. The extensions, I understand, have not been given because the Planning Board has not wanted to open up an opportunity for old substandard subdivisions to come back for a resurrection under this provision. That cannot happen because of recent decisions of the Maine Supreme Judicial Court.

The Court has ruled that extensions can be granted by a Planning Board, only if the request for the extension is made before a permit expires. See Ballard v. City of Westbrook, 502 A.2d 476, 480 (Me. 1985) and Burr v. Town of Rangely, 549 A.2d 733, 734 (Me. 1988).

The Court went on to say that "to construe the extension provision otherwise, would allow a developer to be protected from zoning changes for an indefinite period greater than the ... period provided for in the ordinance." Ballard, id at 480. In other words, in the City of Portland if a subdivider does not record the plan within three years or does not request an extension within three years, the plan is null and void and he is prohibited from asking for or receiving an extension under Section 14-506.

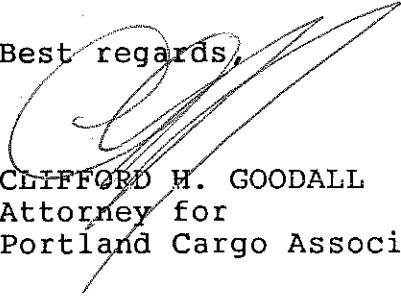
Portland Cargo Associates is asking for this extension before its permit expires. Therefore, we request that the three year time limit for recording the subdivision plan for this subdivision be extended to five years, which will be May 19, 1992.

Mr. Joseph Gray, Jr.
April 20, 1990
Page 3

If the Planning Board chooses not to interpret the modification provisions of the ordinance to permit such an extension or decides not to grant the extension, then we request that it process the sectional recording application and grant that to achieve a similar result through a more complicated and expensive process.

We look forward to discussing these issues with the Planning Board on April 24, at its workshop.

Best regards,



CLIFFORD H. GOODALL
Attorney for
Portland Cargo Associates

CHG/kbm
cc: Natalie Burns, Esq.
Marsha Blythe-Brown
P.D. Merrill
WP+kbm.298

City of Portland, Maine
IN THE CITY COUNCIL

(15) 155-11/6/89

AMENDMENT TO PORTLAND CITY CODE
§§14-491, 14-493, 14-495, 14-496, 14-497 (SUBDIVISION ORDINANCE)
RE: SUBDIVISION REVIEW TECHNICAL AMENDMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
AS FOLLOWS:

1. Section 14-491 is hereby amended as follows:

Sec. 14-491. Authority and purpose.

This article is adopted pursuant to the terms and provisions of ~~30-M.R.S.A. Sections 1917 and 4956~~, 30-A M.R.S.A. Sections 3001 and 4403, as amended. The purpose of this article is to provide for the harmonious and economic development of the city; for the orderly subdivision of land and its development; for the orderly development of the general area surrounding such subdivision; for the coordination of streets within the general area; for adequate provisions for drainage, flood control, light, air and other public purposes; for the adequate and proper installation of streets, drainage, sanitary sewers, water and other utilities and facilities; for the dedication to the city of land for streets, alleys or other public purposes or the transfer to the city of easements or other rights or privileges; for the reservation for the city of land to be acquired for public facilities; and to protect public safety.

2. Section 14-493 is hereby amended as follows:

Sec. 14-493. Definitions.

Freshwater wetland shall mean freshwater swamps, marshes, bogs and similar areas which are:

- a. inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- b. not considered part of a great pond, coastal wetland, river, stream or brook.

14-491SS.002, SUBDIVISION
10.02.89

others, the following review criteria and before granting approval shall determine that the proposed subdivision:

- (1) Will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; the conformity to the applicable state and local health and water resources regulations;
- (2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- (3) Will not cause unreasonable burden on an existing water supply;
- (4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- (5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;
- (6) Will provide for adequate sanitary waste and storm water disposal; and will not cause an unreasonable burden on municipal services if they are utilized;
- (7) Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;
- (8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or by the City, or rare and irreplaceable natural areas; or any public rights for physical or visual access to the shoreline;
- (9) Is in conformance with the land development plan or its successor;
- (10) The subdivider has adequate financial and technical capacity to meet the above--stated standards of this section;

- (11) Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty (250) feet of any pond, lake, river or tidal waters wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;
- (12) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
- (13) Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- (14) All potential freshwater wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of those wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district; and
- (15) Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38 M.R.S.A. section 480-B, subsection 9.

CITY OF PORTLAND, MAINE
M E M O R A N D U M

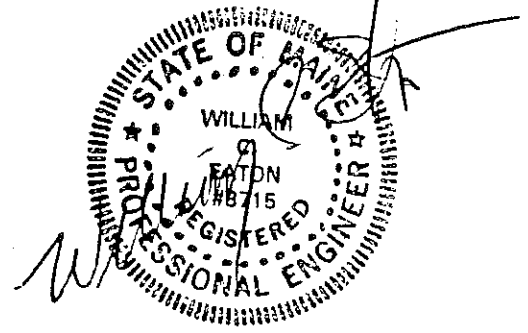
TO: Chair and Members of the Planning Board
FROM: Natalie L. Burns, Associate Corporation Counsel
DATE: May 2, 1990
RE: Upper Fore River Transportation Park

At its last meeting the Board requested a copy of the revised subdivision review standards. These are located in S14-497, a copy of which is attached. Also included are the other amendments to the subdivision ordinance passed by the Council.

The Board also requested information about the public access easement which was required as a condition of the subdivision approval. This easement has not yet been submitted to the City in an acceptable final form. The last correspondence on this item was a letter from Jim Katsiaficas to counsel for the applicant dated December 15, 1987. As far as I can determine, the City did not receive a response to this letter, which asked for some specific changes to and some clarifications of the proposed language. The proposed duration of the easement is twenty-five years from the date of the easement. The subdivision approval requires a berm as part of the public access area, which will need to be included in the performance guarantee for the project. If the Board chooses to approve a sectional recording for the subdivision, it should specify which phase shall contain the construction of this improvement.

Natalie L. Burns

Natalie L. Burns
Associate Corporation Counsel



ADDENDUM
TO THE REPORT ON
TRAFFIC IMPACT STUDY

TRANSPORTATION AND INDUSTRIAL PARK
PORTLAND, MAINE

PREPARED FOR
PORTLAND CARGO ASSOCIATES
PORTLAND, MAINE

PREPARED BY
T. Y. LIN INTERNATIONAL/HUNTER-BALLEW ASSOCIATES
CONSULTING ENGINEERS
5 FUNDY ROAD
FALMOUTH, MAINE

APRIL 1990



TRAFFIC IMPACT STUDY ADDENDUM
TRANSPORTATION AND INDUSTRIAL PARK
PORTLAND, MAINE

INTRODUCTION

In response to a request by Portland Cargo Associates in April of 1990, the original Transportation and Industrial Park's Traffic Study (dated March 1987) is hereby updated to reflect current traffic volumes and the development's impact upon them.

DATA COLLECTION

- o John L. Murphy, P.E. provided T. Y. Lin International/Hunter-Ballew Associates (TYLI/HBA) with a traffic impact study completed in December of 1989 for a development on St. John Street, Portland. Traffic volumes, accident data, and signal timing parameters were used from this study.
- o TYLI/HBA conducted an on-site field review.

BASE CONDITIONS

Turning movement count data was collected for the study intersections, Park Avenue/St. John Street and Congress Street/St. John Street, for the years 1986 and 1989 during the PM peak hour only. These volumes were adjusted using Maine Department of Transportation's (MDOT) Weekly Group Mean Factors to represent 1986 and 1989 Design Hour Volumes respectively (see Figure 1).

In the original traffic study, a 2% annual growth rate was assumed to increase the existing traffic volumes to those expected to occur during the 1988 Build year condition. To check the accuracy of this assumption, an analysis of the change in traffic volumes at the study intersections was done using the 1986 and 1989 turning movement count data.

Design hourly volumes (typically used for traffic analysis) were used because they represent the traffic volume patterns during the same period year after year. Only the PM peak hour traffic volumes were analyzed during both years. Table 1, below, details the changes in traffic volume characteristics over the 3 year study period at the study intersections:

TO I-295



116(134)
171(230)
38(50)

84(135)
714(672)
167(148)

PARK AVENUE

594(653)
316(378)
249(206)

294(325)
44(35)

225(306)
79(129)

CONGRESS STREET

341(262)
406(446)
268(268)

591(599)
62(34)

OGDENSBURG STREET

PROPOSED SITE

ST. JOHN STREET

VALLEY STREET

NOT TO SCALE

TRANSPORTATION & INDUSTRIAL PARK
PORTLAND, MAINE

1986 & 1989
DESIGN HOUR VOLUMES

FIGURE 1

APRIL 1990

XXX - 1986 D.H.V.
(XXX) - 1989 D.H.V.

T. Y. LIN INTERNATIONAL/HUNTER-BALLEW ASSOCIATES

TABLE 1: COMPUTATION OF GROWTH RATES

<u>Intersection/ Turning Movement</u>	<u>1986 DHV</u>	<u>1989 DHV</u>	<u>Annual Growth per Movement</u>	<u>Annual Growth per Approach</u>
Park Ave./St. John St.				
SB-RT*	116	134	+ 5.2%	+ 9.1%
SB-TH	171	230	+11.5%	
SB-LT	38	50	+10.5%	
WB-RT	84	135	+20.2%	0.3%
WB-TH	714	672	- 2.0%	
WB-LT	167	148	- 3.8%	
NB-LT	594	653	+ 3.3%	+ 2.2%
NB-TH	316	378	+ 6.5%	
NB-RT	<u>249</u>	<u>206</u>	- 5.8%	
TOTAL	2449	2606		
Congress St./St. John St.				
SB-TH	294	325	+3.5%	+ 2.1%
SB-LT	44	35	-6.8%	
WB-RT	225	306	+12.0%	+14.4%
WB-LT	79	129	+21.1%	
NB-TH	591	599	+ 0.5%	- 1.0%
NB-RT	62	34	-15.1%	
WB-LT	341	262	- 7.7%	- 1.3%
WB-TH	406	446	+ 3.3%	
WB-RT	<u>268</u>	<u>268</u>	0.0%	
TOTAL	2310	2404		

* SB-RT is southbound-right-turn, etc.

The annual average growth for the study intersections by intersection are as follows for the 3-year period:

	<u>Annual Average Growth per Intersection</u>
Park Ave./St. John St.	+2.1%
Congress St./St. John St.	+1.4%
Combined	+1.8%

The Transportation and Industrial Park is scheduled to be completed in the year 1991. Accordingly, to estimate the 1990 and 1991 Base year traffic volumes, the 1989 traffic volumes at the study intersections were increased by annual growth rates per approach to reflect differential growth and then adjusted to balance related traffic movements (see Figures 2 and 3).



TO I-295
←

146
245
55

135
672
148

PARK AVENUE

667
386
211

338
36

349
147

CONGRESS STREET

252
428
257

593
34

OGDENSBURG STREET

PROPOSED SITE

ST. JOHN STREET

VALLEY STREET

NOT TO SCALE

TRANSPORTATION & INDUSTRIAL PARK
PORTLAND, MAINE

1990 ESTIMATED
DESIGN HOUR VOLUMES

XXX - 1990 ESTIMATED D.H.V.

FIGURE 2

APRIL 1990

TO I-295
←



158	↖	135
262	→	672
59	↗	148

PARK AVENUE

↖	682
→	395
↗	215

354

36

↖	392
↗	168

CONGRESS STREET

↖	241
→	410
↗	247

↖	587
↗	33

ST. JOHN STREET

VALLEY STREET

OGDENSBURG STREET

PROPOSED SITE

NOT TO SCALE

TRANSPORTATION & INDUSTRIAL PARK
PORTLAND, MAINE

1991 ESTIMATED BASE
DESIGN HOUR VOLUMES

FIGURE 3

APRIL 1990

T. Y. LIN INTERNATIONAL/HUNTER-BALLEW ASSOCIATES

XXX - 1991 ESTIMATED BASE D.H.V.

SITE GENERATED TRAFFIC

Because the size and definition of the project have not changed since the original traffic study was issued, the trip generation and distribution have remained unchanged (see Figure 4).

The site generated traffic combined with the 1991 Base year traffic are illustrated in Figure 5 as 1991 Build Year Traffic Volumes.

CAPACITY ANALYSIS

To evaluate traffic operations and check intersection geometric requirements, signalized intersection capacity analyses were performed on the study intersections for the 1990 Existing, 1991 Base Year, and 1991 Build Year conditions under both pre-timed and actuated signal systems. The capacity analyses were performed using a computer program, CINCH, that models procedures found in Chapter 9, Signalized Intersections, in the 1985 Highway Capacity Manual (Special Report 209, Transportation Research Board). Summaries of the CINCH capacity analyses are shown below in Table 2 (refer to the original traffic study for an explanation of LOS and how it relates to intersection delay).

Figure 6 illustrates the lane assignments used under the 1991 Build condition to facilitate the indicated Levels of Service (LOS).

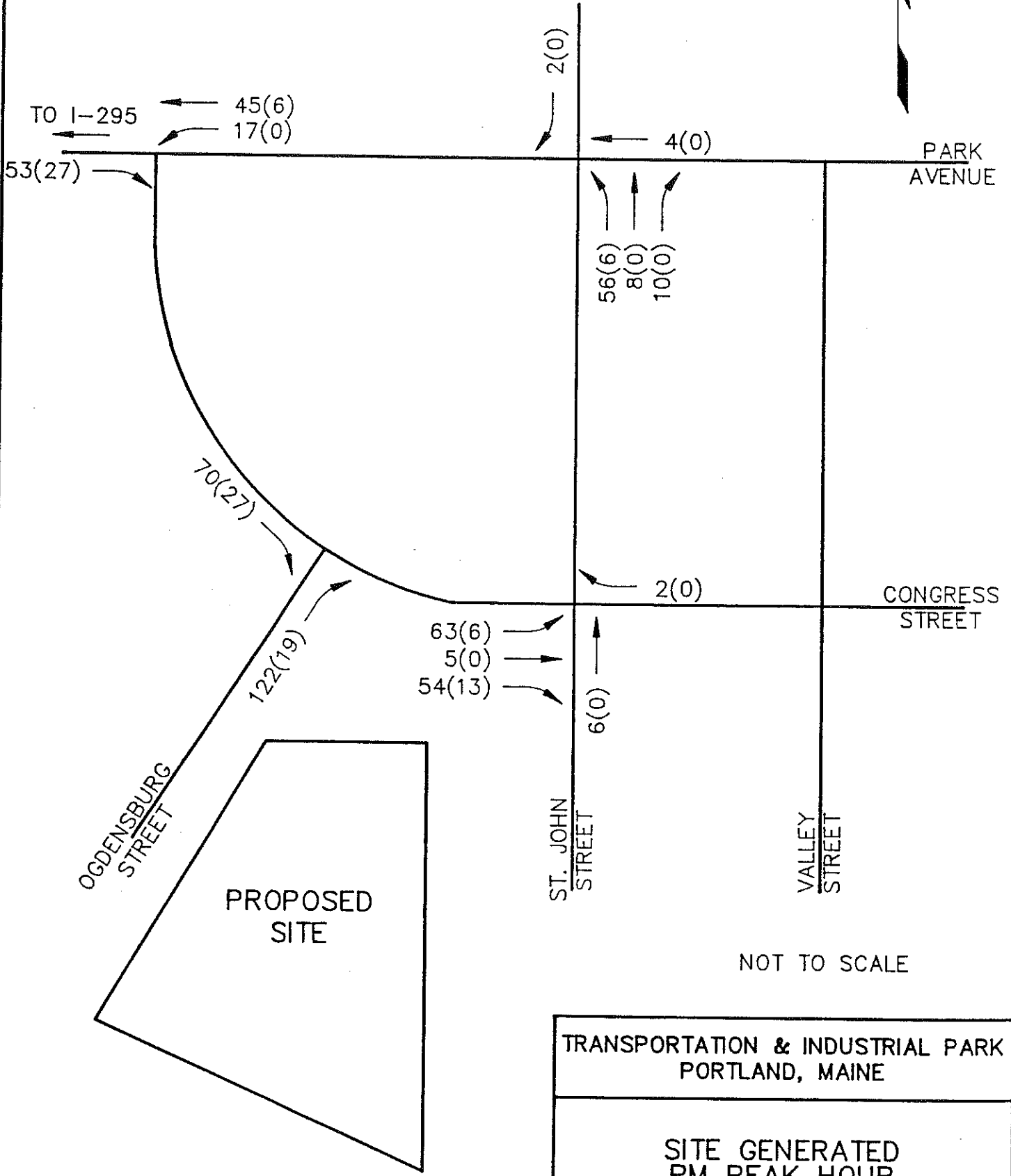
TABLE 2: SUMMARY OF CINCH CAPACITY ANALYSES

DESCRIPTION	PARK AVE.		CONGRESS ST.	
	LOS	Delay (Seconds)	LOS	Delay (Seconds)
1990 Existing, Pre-Timed	D	40.21	B	13.41
1991 Base, Pre-Timed*	D	43.90	B	9.92
1991 Build, Pre-timed*	D	45.69	B	9.98
1991 Build, Actuated				
Cycle = 60 sec	D	60.47	B	8.01
Cycle = 70 sec	D	49.80	B	8.87
Cycle = 80 sec	D	44.19	B	9.76
Cycle = 90 sec	D	41.25	B	10.67
Cycle = 100 sec	D	39.84	B	11.59
Cycle = 110 sec**	D	39.37	B	12.51
Cycle = 120 sec	D	39.49	B	13.43

* Timings of signalized intersections are not coordinated.

** Optimum cycle length for intersection coordination.

Queue lengths (95th percentile) were analyzed for constructability. The largest queue found was for the northbound left-through lane having 18 vehicles at 20 feet per queued vehicle requires 360 feet of storage length. Available storage length for this queue is approximately 900 feet.



NOT TO SCALE

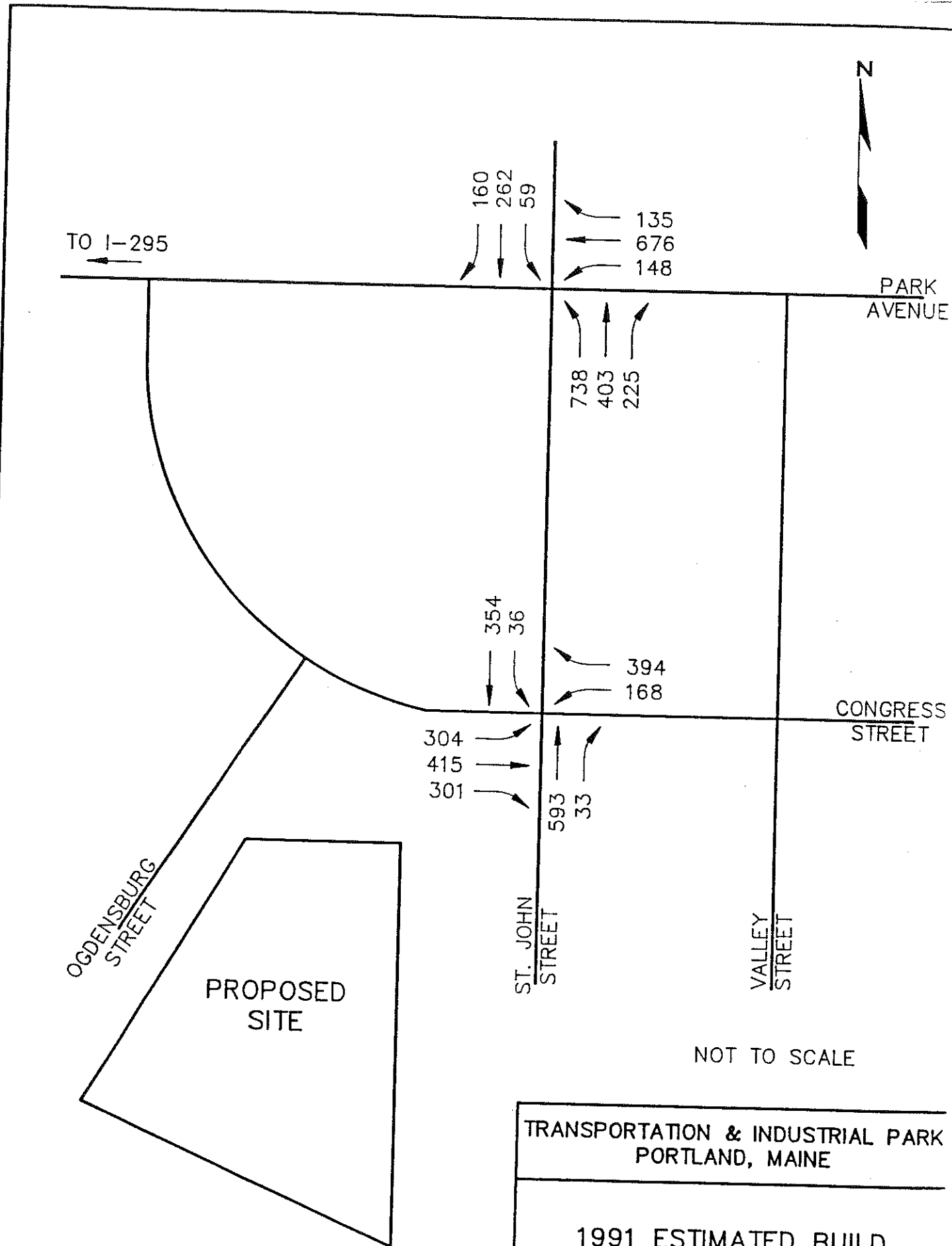
TRANSPORTATION & INDUSTRIAL PARK
PORTLAND, MAINE

SITE GENERATED
PM PEAK HOUR
TRAFFIC VOLUMES

FIGURE 4

APRIL 1990

XXX - TOTAL VOLUME
(XXX) - TRUCK VOLUME



NOT TO SCALE

TRANSPORTATION & INDUSTRIAL PARK
PORTLAND, MAINE

1991 ESTIMATED BUILD
DESIGN HOUR VOLUMES

FIGURE 5

APRIL 1990

T. Y. LIN INTERNATIONAL/HUNTER-BALLEW ASSOCIATES

XXX - 1991 ESTIMATED BUILD D.H.V.

TO I-295



PARK AVENUE

CONGRESS STREET

OGDENSBURG STREET

PROPOSED SITE

ST. JOHN STREET

VALLEY STREET

NOT TO SCALE

TRANSPORTATION & INDUSTRIAL PARK
PORTLAND, MAINE

LANE ASSIGNMENTS
ASSUMED DURING
1991 BUILD YEAR

FIGURE 6

APRIL 1990

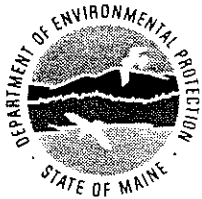
SAFETY ANALYSES

Accident data and collision diagrams were collected from John L. Murphy, P.E. by way of his December 1989 traffic study entitled, St. John Street Realty Trust, Medical Office Building, St. John Street, Portland. Accident data was collected for the most recent 3 year period (1986-1988) along St. John Street from Congress Street to Park Avenue. There were over 30 lane changing accidents, over 30 angle accidents, over 40 turning accidents, over 30 rear-end accidents, 7 pedestrian accidents, and several miscellaneous accidents.

- o Lane Changing - Many of these accidents were due to the numerous curb cuts and confusion at the signalized approaches. The City of Portland has already instituted measures (overhead signs, pavement markings, etc.) to alleviate the confusion at the approaches.
- o Angle - Most of these accidents occurred at the intersections during the night-time hours when the signals had operated on flash-mode. The City of Portland has since changed the signals to 24-hour operation.
- o Turning - Again many of these accidents were due to confusion as to lane assignments on the signalized approaches and to the numerous curb cuts. Overhead signing by the City of Portland has reduced this confusion.
- o Rear-End - These accidents appear mostly at the curb cuts (those waiting to enter a driveway are rear-ended) and in the intersections (those waiting to turn are rear-ended). Improved lane assignments and/or overhead signs can be used to increase the efficiency of the intersection approach lanes.

CONCLUSIONS AND RECOMMENDATIONS

1. The project site remains unchanged, insofar as location and scope of development, from the original traffic study.
2. Annual growth rates by intersection approach were used because they tend to represent actual growth trends more accurately.
3. The capacity analyses revealed acceptable levels of service in the 1991 Build year under an actuated signal system. An actuated signal system will provide a better level of service and thus less delay, than the current pre-timed system.
4. The only safety issue not currently under modification, is the abundance of curb cuts in the study area. However, since the project's site generated trips have only an indirect relationship to these accident types (the size and number of gaps used by vehicles using the private driveways are decreased), it is assumed that through actuation of the signals at the study intersections, that more/larger gaps can be created for the vehicles turning into or out of the private driveways.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

Rick Fyfe

town

RECEIVED

DEPARTMENT ORDER

APR 01 1991

IN THE MATTER OF

PORTLAND PLANNING OFFICE

MERRILL INDUSTRIES, INC.) SITE LOCATION OF DEVELOPMENT
Portland, Maine)
FORE RIVER BULK CARGO TERMINAL) AMENDMENT
L-6592-26-H-A (APPROVAL)) FINDINGS OF FACT AND ORDER

Pursuant to the provision of Title 38 M.R.S.A. Section 481 et seq., the Department of Environmental Protection has considered the application of MERRILL INDUSTRIES, INC. with its supportive data, staff summary, agency review comments, and other related materials on file and finds the following facts:

1. PROJECT DESCRIPTION:

A. History of Project: In Board Order #03/44-6592-05170, dated February 11, 1981, the Board approved the development of the Fore River Bulk Cargo Terminal. Various other additions and revisions to the Fore River Bulk Cargo Terminal since that time have been considered in 14 different Department and/or Board Orders.

In Department Order #L-14033-39-A-N, dated March 10, 1988, the Department approved the development of the Fore River Transportation Park-Phase I. The 7 lot commercial subdivision is located on a 78.8 acre parcel of land along the easterly shore of the Fore River in Portland, from U.S. Route One to Interstate 295. In Department Order #L-014032-39-B-M, dated February 9, 1989, the Department issued a modification acknowledging that lot 5 of the project was being used by Merrill Industries for bulk storage. The Department also found that this use constituted an unapproved expansion of Merrill's Fore River Bulk Cargo Terminal.

Department Order #L-014032-39-B-M also modified Special Conditions 3, 8 and 9 of Department Order #L-14033-39-A-N. Condition 3 was modified to prohibit commencement of development of the subdivision prior to submittal of an after-the-fact application for approval of the cargo terminal expansion and to prohibit construction on Lot 5 until after-the-fact approval for the expansion was obtained.

This application originally proposed the handling of shredded rubber tires. The applicant has revised the application to eliminate the proposed handling of scrap tires.

MERRILL INDUSTRIES, INC.
Portland, Maine
FORE RIVER BULK CARGO TERMINAL
L-6592-26-H-A (APPROVAL)

2 SITE LOCATION OF DEVELOPMENT
)
) AMENDMENT
) FINDINGS OF FACT AND ORDER

B. Summary: The applicant has applied for after-the-fact approval for storage of bulk materials and equipment on a portion of lot 5 of the Fore River Transportation Park (Department Order #L-14033-39-A-N). This use constitutes an expansion of the Fore River Bulk Cargo Terminal (Board Order #03/44-6592-05170, dated February 11, 1981). The applicant is also proposing to install an air supported cover that will cover 30,000 square feet. Approximately 1 acre of grading will be required as a base for this cover.

The total area of lot 5 to be used is 7.5 acres. 6 acres will be open storage. Office and warehouse facilities existed on the site prior to the applicant's use of the site. The area of lot 5 included in this approval, and all facilities are shown on one plan entitled "Proposed Site Plan, Merrill Industries Inc., Bulk Storage Facilities Improvements" drawn by T. Y. Lin International/Hunter-Ballew Associates, dated February 14, 1989, and last revised May 8, 1989. Material handled and stored at this site will be the same as those approved for the cargo terminal with the exception of scrap metal, no scrap metal is to be stored or handled on this site.

C. Current Use of Site: The existing facilities on the site include a 3800 square foot wood structure used for office space and a 6800 square foot metal and wood structure used as a warehouse and distribution facility. The site contains internal roadways, gravel areas, a one acre paved apron and a parking lot for office personnel.

2. FINANCIAL CAPACITY:

The financial capacity of the applicant to develop the transportation park was approved in Department Order #L-14033-39-A-N. The total cost of this project is considerably less than the transportation park and was included in the transportation park estimate.

3. TECHNICAL ABILITY:

The applicant has extensive experience in constructing and operating bulk cargo storage and distribution facilities. The applicant has also retained the services of T. Y. Lin International/Hunter-Ballew Associates, a professional engineering firm, to assist in the design and engineering of the project.

4. SOLID WASTE:

The existing uses generate 20 cubic yards of general office solid waste per year. No increase in solid waste generation is anticipated. All general solid wastes from the proposed project will be disposed of at Regional Waste Systems (RWS). RWS is currently in substantial compliance with the solid waste regulations of the State of Maine.

The proposed project will not generate stumps, grubblings or construction or demolition debris.

MERRILL INDUSTRIES, INC. 3 SITE LOCATION OF DEVELOPMENT
Portland, Maine)
FORE RIVER BULK CARGO TERMINAL) AMENDMENT
L-6592-26-H-A (APPROVAL)) FINDINGS OF FACT AND ORDER

5. WATER SUPPLY:

The existing project uses 200 gallons per day of water. Water is supplied by the Portland Water District. No increase in water usage is anticipated.

6. TRAFFIC MOVEMENT/ROADWAYS:

The proposed project is accessed via Ogdensburg Street. Ogdensburg Street is a paved, 2 lane road with 12 foot wide travel surface and 2 shoulders of 3 foot width.

The interior road will be paved with a 20 foot wide travel surface and 2 shoulders of 3 foot width. The road is approximately 2500 feet long.

No increase in traffic above existing levels is anticipated as a result of this approval.

7. NATURAL DRAINAGE WAYS:

The project site abuts the Fore River, no streams exist in the project area. The site is fairly flat gradually sloping to the Fore River. No significant changes in drainage pattern are proposed.

8. STORMWATER RUNOFF:

The applicant has submitted an analysis of stormwater based on estimates of the pre-development and post-development runoff flows for the 2, 10, and 25 year storms using the methodology outlined in "Urban Hydrology for Small Watersheds", Technical Release #55, U.S.D.A., Soil Conservation Service. No increase in stormwater is anticipated as a result of this project.

9. EROSION AND SEDIMENTATION CONTROL:

The applicant has submitted an Erosion and Sedimentation Control Plan as exhibit 20 of the application. This plan and plan sheets containing erosion control details have been reviewed by, and revised in response to the comments of the Bureau of Land Quality Control's Technical Services Unit which has found the revised plans to be in accordance with Departmental standards for erosion and sediment control.

10. SURFACE WATER QUALITY:

The proposed project is not within the watershed of a lake or great pond. No discharges to surface waters are proposed.

MERRILL INDUSTRIES, INC.
Portland, Maine
FORE RIVER BULK CARGO TERMINAL
L-6592-26-H-A (APPROVAL)

4 SITE LOCATION OF DEVELOPMENT
)
) AMENDMENT
) FINDINGS OF FACT AND ORDER

11. GROUNDWATER QUALITY:

The project site is not located over a sand and gravel aquifer or a fractured bedrock aquifer. The project does not propose any withdrawal from groundwater.

Sewage will be disposed of by an existing subsurface wastewater disposal system. No problems with the operation of this septic system have been identified. No increase in wastewater flows are proposed.

12. BUFFER STRIPS:

No disturbance of natural vegetation is proposed within 100 feet of any surface water on the site.

13. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The project site has been reviewed by the Maine Historic Preservation Commission which has found that the proposed project will have no effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

There is no record of any known rare or unusual features on the property. This is based on a review of the Maine Natural Heritage Program data base.

14. SCENIC CHARACTER:

No unreasonable adverse impact on the scenic character of the area has been identified.

15. WILDLIFE AND FISHERIES:

The proposed project has been reviewed by the Maine Department of Inland Fisheries and Wildlife (IF&W). In its comments IF&W stated that they found no records of any known deer wintering areas, mapped wetlands, or other special wildlife habitats associated with this site. No fisheries concerns were identified.

16. SOILS:

The applicant has submitted a high intensity soil survey of the project site and a summary of soils limitations prepared by a certified soils scientist. This summary indicates that the soils on the site present no limitations to the proposed project which cannot be overcome through standard engineering practices.

17. WASTEWATER DISPOSAL:

Sewage will be disposed of by an individual subsurface wastewater disposal system. No problems with the functioning of this system have been identified.

MERRILL INDUSTRIES, INC.
Portland, Maine
FORE RIVER BULK CARGO TERMINAL
L-6592-26-H-A (APPROVAL)

5 SITE LOCATION OF DEVELOPMENT
)
) AMENDMENT
) FINDINGS OF FACT AND ORDER

18. OPEN SPACE:

No unreasonable adverse impacts on open space have been identified.

19. FLOODING:

The proposed project is not located within the 100 year floodway of any river or stream and is not anticipated to cause or increase flooding or cause an unreasonable flood hazard to any structure.

20. MAINTENANCE OF COMMON FACILITIES:

No common facilities are proposed.

21. NOISE:

No scrap metal will be handled at this site. The noise impact of this project is considerably less than that of the other portions of the existing Bulk Cargo Terminal and is further from protected locations than the Cargo Terminal.

BASED on the above findings of fact, the Department makes the following conclusions pursuant to 33 M.R.S.A. Section 481 et seq.:

A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area. Any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in Portland or in neighboring municipalities.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal, roadways and open space required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities, roadways and open space in Portland or the area served by those services or open space.

MERRILL INDUSTRIES, INC.
Portland, Maine
FORE RIVER BULK CARGO TERMINAL
L-6592-2^cH-A (APPROVAL)

6 SITE LOCATION OF DEVELOPMENT
)
) AMENDMENT
) FINDINGS OF FACT AND ORDER

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

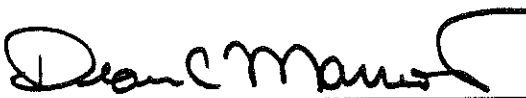
THEREFORE, the Department APPROVES WITH THE ATTACHED CONDITIONS the application of MERRILL INDUSTRIES, INC. to expand the FORE RIVER BULK CARGO TERMINAL in Portland, Maine, in accordance with the following conditions:

1. The Standard Conditions of Approval, a copy of which is attached.
2. In addition to any specific erosion control measures described in Finding 9 of this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils on the site during the construction and operation of the project covered by this approval.

DONE AND DATED AT AUGUSTA, MAINE, THIS 18th DAY OF March 1991.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:



DEAN C. MARRIOTT, COMMISSIONER

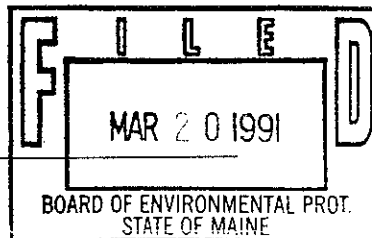
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date Of Initial Receipt of Application March 1, 1989

Date Of Application Acceptance January 31, 1991

Date filed with Board of Environmental Protection

MH:MERRILDO



LAND SPREADING AGREEMENT FORM

Stephen G. Brezinski, OHMS I has inspected the proposed land spreading
(Name of Inspector)

site at Proposed Cumberland County Jail site, Congress & St. John St. area.
(Location of Site)

in the Town of Portland, Maine.
(Name of Town)

The site named above has been found satisfactory for land spreading in accordance with Department Land Spreading Guidelines (attached). Limitations to this agreement are listed below. :

- a) Petroleum Contaminated Soil (PCS) estimated to be approximately 1000 to 3000 cubic yards contaminated with virgin gasoline leakage from EPA regulated motor fuel UST facility (now abandoned).
- b) PCS is to be Landfarmed under conditions described in revised remediation plan of R. W. Gillespie & Assoc., August 5, 1991; Guidelines described on the back of page 1. of this agreement; and conditions described below:
- I. Soil (PCS) is to be excavated and remediated as contaminated when found to be 100 ppm and above, using the field scening method described in DEP UST Regulations, Chapter 69I (Sept. 16, 1991), and ~~MAXIMUM~~ a field scening instrument approved by the Commissioner.
- II. Soil is to be composite sampled and laboratory analyzed on or about time of spreading and again on or about April 1, 1992. A representative shall then ccontact the DEP investigator for further guidance.
- III. PCS shall be analyzed in the laboratory for BETX compones and for Total Gasoline Hydrocarbons (TGH, notTPH). Soil shall be officialy clean at BDL, lab analysis.
- IV. The PCS shall be spread and farmed on bare soil, with no poly liner underneath required.
- V. Three copies of a remediation repot shall be submitted upon closure.

I, Joseph R. Morrill of Cumberland County
(Company Representative) (Company Name)

agree to abide by the attached guidelines and limitations outlined above in spreading oil contaminated soil on the site identified above. I further agree to abide by all Local, State and Federal codes, regulations, and laws. The site will be open to inspection by DEP personnel for the duration of the Land Treatment process. I further acknowledge that my company bears the full responsibility for all operations on and at this site and that my company will notify the town of our operation by sending them the PINK copy of this Agreement Form within seven (7) days.

Joseph R. Morrill
Company Representative

11/8/91
Date signed



ARCHITECTURE ENGINEERING SURVEY

STEVENS MORTON ROSE & THOMPSON

39 Forest Avenue P.O. Box 618
Portland, Maine 04104

Tel 207/772-3846 Fax 207/772-1070

November 8, 1991
Project: 89006.21-2.2

Stephen G. Brezinski, OHMS I
Department of Environmental Protection
312 Canco Road
Portland, ME 04103

RE: Cumberland County Jail, Land Spreading

Dear Stephen:

Enclosed please find a signed copy of the Land Spreading Agreement Form for the above project.

Cumberland County is planning to perform this activity as soon as possible. R.W. Gillespie & Associates of Sanford has prepared of the remediation plan and will oversee the actual land spreading work. Gillespie will contact you on or about April 1, 1992, per condition II of the Agreement.

If you have any further questions or comments regarding this process, please do not hesitate to contact me. As SMRT will oversee the construction administration of the jail itself, we will make sure the proper parties get informed as soon as possible.

Thank you for your time and assistance with this project. It was much appreciated.

Sincerely,

STEVENS MORTON ROSE AND THOMPSON, INC.

Theo Holtwijk *Theo Holtwijk*

enc.

cc. Joseph Mazziotti, Esq., County Commissioner
Sarah Greene, Senior Planner, City of Portland
Robert Gillespie, Gillespie & Associates
Peter Wiley, Esq., Robinson Kriger et al

Real Estate
7 Executive Park Drive
Merrimack, N.H. 03054
603 429 3100
603 429 3120 FAX

GUILFORD TRANSPORTATION INDUSTRIES, INC.

Writer's New Number (603)429-1115
New Facsimile Number (603)429-1755

August 5, 1992

RECEIVED

AUG 06 1992

PORTLAND PLANNING OFFICE

Joseph E. Gray, Jr., Director
Planning and Urban Development
Planning Department
City Hall
389 Congress Street
Portland, ME 04101

Re: Cumberland County Jail
Ogdensburg Street
Portland, Maine

Dear Mr. Gray:

I am writing on behalf of Portland Terminal Company. Portland Terminal sold property to Cumberland County. This property is the site of the now under construction Cumberland County Jail.

In connection with the County's development of the jail, it is my understanding certain Planning Board approvals were necessary. With respect to an ongoing dispute between the County and Portland Terminal, I am requesting copies of all submissions made by the County regarding this project as well as all written evidence of communications between the Planning Department and the County or its representatives, including tape recordings of meetings.

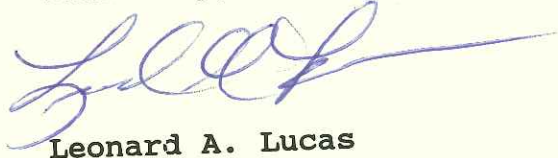
Portland Terminal Company is willing to pay the reasonable cost of reproduction or provide a staff member to perform the reproduction.

If you, for any reason, refuse to provide any document requested hereby, please identify it in your response.

Joseph E. Gray, Jr.
August 3, 1992
Page Two

Please contact me if you have any questions or concerns with respect to this request.

Sincerely,



Leonard A. Lucas

LAL:img
cc: Marsha Blythe-Brown

7 Executive Park Drive
Merrimack, N.H. 03054
603 429 1665

Writer's Direct Number (603) 429-3100

GUILFORD TRANSPORTATION INDUSTRIES, INC

April 11, 1990

VIA FACSIMILE TRANSMISSION
207-874-8649

City of Portland
Planning Board
City Hall - Room 209
Portland, Me 04101
Attention: Ms. Barbara A. Vestal, Chair

Dear Ms. Vestal and Members of the Planning Board:

Portland Cargo Associates, a joint venture between Guilford Transportation Industries, Inc. and Merrill Industries, Inc., received definitive subdivision approval from the Portland Planning Board for the Upper Fore River Transportation Park on May 19, 1987.

Portland Cargo Associates is eagerly marketing this development site to potential users and anticipates that it will shortly succeed in placing potential users on the site. However, in order for Portland Cargo Associates to proceed, we have revised our development plan and request that the Portland Planning Board consider for review the Upper Fore River Transportation Park as a phased development, allowing us to sectionally record the subdivision plat.

The revised development strategy provides for a phased development consisting of Phase I and Phase II, as outlined on Portland Cargo Associates Recording Plat of H. I. and E. C. Jordan-Surveyors dated April 26, 1988 and submitted by T. Y. Lin International.

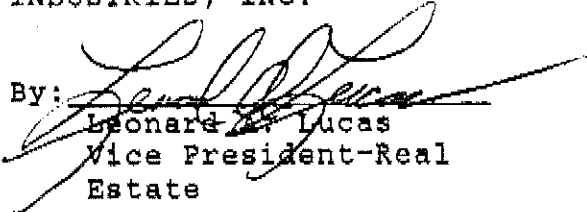
Phase I would comprise Lots 1, 2, 3 and 4 and would require the installation of roads for traffic, circulation, utilities and grading. Phase II would comprise Lots 5, 6 and 7 and would require the construction of a service road, extension of utilities, grading and earthen berm.

Ms. Barbara A. Vestal
April 11, 1990
Page Two

It is our belief that this development strategy will facilitate the marketing and development of the site and ask that the Portland Planning Board consider this request favorably.

Very truly yours,

GUILFORD TRANSPORTATION
INDUSTRIES, INC.

By: 
Leonard A. Lucas
Vice President-Real
Estate

LAL:ing
cc: Marsha Blythe-Brown



Site Evaluation

CUMBERLAND COUNTY JAIL

April 3, 1989

STEVENS MORTON ROSE & THOMPSON
Architecture Engineering Survey

73 Oak Street
P.O. Box 618
Portland, Maine 04104
207.772.3846



ARCHITECTURE ENGINEERING SURVEY

STEVENS MORTON ROSE & THOMPSON

73 Oak Street
Portland, ME 04101
207/772-3846

April 3, 1989

L. Daniel Boisot, Chairman
Cumberland County Jail Committee
142 Federal Street
Portland, Maine 04101

Re: Site Selection Process

Dear Dan:

At the Committee's request SMRT has evaluated three of the proposed sites for a new Cumberland County Jail in greater detail. These sites are:

- A. a 10 to 15 acre parcel in the Upper Fore River Transportation Park;
- B. a 10 acre parcel in the Upper Fore River Transportation Park;
- C. a 10 acre parcel on Ledgewood Drive.

SMRT hereby presents our Site Evaluation Report for your review. Our recommendation is that site A, although the most expensive to acquire, offers the greatest potential.

We will present our findings in greater detail at the Architectural Sub-Committee meeting of April 3.

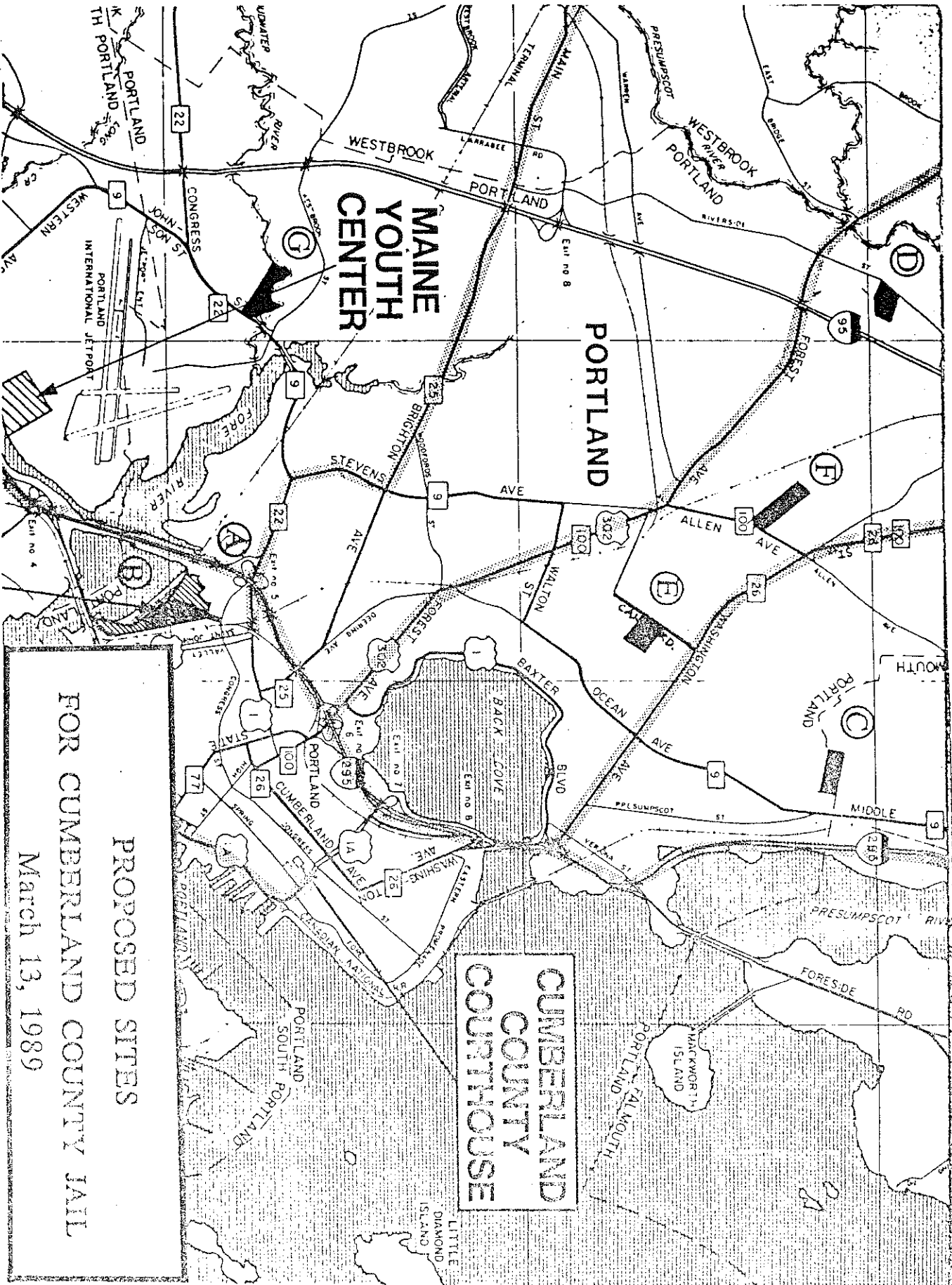
Sincerely,

STEVENS MORTON ROSE AND THOMPSON, INC.

A handwritten signature in dark ink, appearing to read 'Theo Holtwijk', is written over a horizontal line. A large, thin, hand-drawn oval or loop extends from the end of the signature line across the page.

Theo Holtwijk, APA, ASLA

enc.



**MAINE
YOUTH
CENTER**

PORTLAND

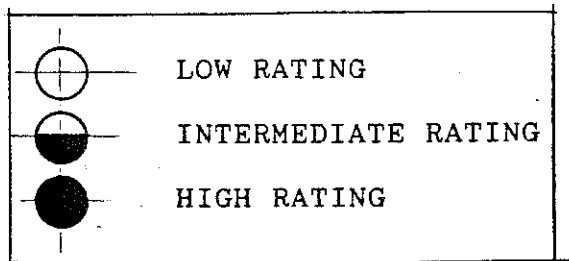
**CUMBERLAND
COUNTY
COURTHOUSE**

**PROPOSED SITES
FOR CUMBERLAND COUNTY JAIL**

March 13, 1989

SITE EVALUATION MATRIX

	<u>SITE A</u>	<u>SITE B</u>	<u>SITE C</u>
SITE SIZE CONFIGURATION	●	◐	○
UTILITIES	●	●	○
DRAINAGE STORMWATER MANAGEMENT	◐	◐	○
ACCESSIBILITY TO COUNTY COURTHOUSE	●	●	◐
AVAILABILITY OF PUBLIC TRANSPORTATION	●	●	○
SOILS AND TOPOGRAPHY	◐	◐	◐
ZONING AND REGULATORY ISSUES	◐	◐	○
NEIGHBORHOOD IMPACT	◐	◐	○
ACQUISITION COST	○	○	●



SITE SIZE/CONFIGURATION

SITE A



- * 10 acres with a possibility to expand to 15 acres
- * triangular shape (roughly 600 by 700-900 feet)
- * roomy site
- * little unusable land
- * no frontage limitations (1000-1400 feet frontage)
- * Ogdensburg Street extension yet to be built

SITE B



- * 10 acres with no expansion potential
- * ellipsoidal shape (roughly 1000 by 400-500 feet)
- * fairly roomy site
- * some unusable land
- * no frontage limitations (600 feet frontage)
- * Ogdensburg Street extension yet to be built

SITE C



- * 10 acre site with no expansion potential
- * rectangular shape (roughly 1500 by 380 feet)
- * so narrow a site as to affect building configuration
- * 3-4 acres of unusable land
- * limited frontage on Ledgewood Drive (350-375 ft)
- * site distance concerns

AVAILABLE SITE UTILITIES

SITE A



- * present at site frontage (when Ogdensburg Street construction is completed):
 - water
 - electric (three phase)
 - sanitary sewer
 - gas
 - storm sewer

SITE B



- * present at site frontage (when Ogdensburg Street construction is completed):
 - water
 - electric (three phase)
 - sanitary sewer
 - gas
 - storm sewer

SITE C



- * present at site frontage:
 - water
 - electric (single phase)
- * not present at site frontage:
 - electric (three phase)
 - sanitary sewer
 - gas
 - storm sewer

SITE DRAINAGE/ STORMWATER MANAGEMENT

SITE A



- * either minimal regrading or very extensive regrading
- * no on-site detention of stormwater required

SITE B



- * very extensive regrading
- * no on-site detention of stormwater required

SITE C



- * very extensive regrading
- * on-site detention of stormwater required

ACCESS TO COUNTY COURTHOUSE

SITE A

- * Commercial Street route:
 - distance: 3.0 miles
 - travel time: approx. 7 minutes
 - traffic lights: 3 to (4 from) courthouse (Congress/St.John, Pearl/Fore, Pearl/Middle; St.John/Park upon return)
- * Interstate 295 route:
 - distance: 3.2 miles
 - travel time: approx. 8 minutes
 - traffic lights: 7 to (5 from) courthouse (Congress/St.John, St.John/Park, Franklin at Marginal Way, Somerset, Cumberland and Congress, Congress/Pearl)

SITE B

- * Commercial Street route:
 - distance: 3.2 miles
 - travel time: approx. 7.5 minutes
 - traffic lights: 3 to (4 from) courthouse (Congress/St.John, Pearl/Fore, Pearl/Middle; St.John/Park upon return)
- * Interstate 295 route:
 - distance: 3.4 miles
 - travel time: approx. 8.5 minutes
 - traffic lights: 7 to (5 from) courthouse (Congress/St.John, St.John/Park, Franklin at Marginal Way, Somerset, Cumberland and Congress, Congress/Pearl)

Site C:

- * Presumpscot Street/Washington Ave/I-295 route:
 - distance: 3.6 miles
 - travel time: approx. 9.5 minutes
 - traffic lights: 7 (Presumpscot/Washington, Washington/Veranda, Franklin at Marginal Way, Somerset, Cumberland and Congress, Congress/Pearl)

ACCESSIBILITY TO PUBLIC TRANSPORTATION

SITE A



- * Metro busstop at Congress/Frederick Street, inbound busses only (Metro is considering relocating this busstop for safety reasons)
- * inbound and outbound busstop available one block from Congress at St. John Street
- * Greyhound bus service available at Congress/St. John Streets

SITE B



- * Metro busstop at Congress/Frederick Street, inbound busses only (Metro is considering relocating this busstop for safety reasons)
- * inbound and outbound busstop available one block from Congress at St. John Street
- * Greyhound bus service available at Congress and St. John Streets

Site C



- * closest Metro bus line on Washington Avenue (1.4 miles)
- * Metro does not consider extending a bus route onto Ocean Avenue or Presumpscot Street (the Veranda Street bus route was discontinued recently because of lack of ridership)

SOILS/TOPOGRAPHY/LAND COVER

SITE A



- * general character:
 - 0-10 feet: refuse and fill
 - 10-60 feet: soft silt clay over 10 feet of sand
 - 80 feet: refusal
- * little or no useful topsoil
- * some hazardous waste likely to be present
- * very poor bearing capacity: special and expensive construction methods required
- * topography: high ground, but former man-made dump
- * cover: overgrown field, with some nice trees along Fore River and Westbrook railroad edge

SITE B



- * general character:
 - layers of stiff clay, soft silt clay and sand to refusal at 50 feet
- * little or no useful topsoil
- * hazardous waste:
 - seller to deal with known hazardous waste; other finds considered likely
- * bearing capacity: poor to fair
 - special construction methods required, but not as expensive as site A
- * topography: worked over land, 20 foot bankings, major earth movement required to create buildable site
- * cover: regrading required will remove all vegetation currently present

SITE C



- * general character:
 - shallow (16") ablation till over bedrock
- * some good topsoil
- * hazardous waste: probably none on site
 - large landfill abutting may have impact on groundwater quality
- * bearing capacity: excellent
 - no special construction methods required, but very high regrading and earthwork costs
- * topography: site is crowned with high point roughly in center
 - many ledge outcrops
- * cover: wooded, mixed second growth

ZONING/REGULATORY ISSUES

SITE A



- * Industrial I-2 zone
- * interpretation appeal at Zoning Board of Appeals necessary to allow use as a jail, before submission to Planning Board (I-2 does not allow "residences", but neither specifically prohibits jails)

SITE B



- * Industrial I-2 zone (90%), Shoreland zone (10%)
- * interpretation appeal at Zoning Board of Appeals necessary to allow use as a jail, before submission to Planning Board (I-2 does not allow "residences", but neither specifically prohibits jails)

SITE C



- * Residential R-3 zone
- * interpretation appeal at Zoning Board of Appeals necessary to allow jail to be included as "municipal use"
- * conditional use permit needed from Zoning Board of Appeals for a "municipal use" in an R-3 zone
- * review by Falmouth Planning Board required with entrance onto Ledgewood Drive

NEIGHBORHOOD IMPACT

SITE A



- * current land uses in the area are a mix of industrial (Hutchins Trucking), medium-density residential (Frederick Street/West Field Street) and commercial (Union Station Plaza)
- * abutting land uses are/will be (after development):
 - north/west: Congress Street/Ogdensburg Street, lots 1 and 2 of Transportation Park, lot 3 (lease to Hutchins Trucking)
 - east: Maine Central Railroad, Union Station Plaza
 - south: Maine Central Railroad, lot 5 Transportation Park
- * the Transportation Park is an approved, but undeveloped subdivision for commercial and industrial uses such as manufacturing, distribution, packaging, warehousing and trucking

SITE B



- * current land uses in the area are a mix of industrial (Hutchins Trucking), residential (Frederick Street/West Field Street) and commercial (Union Station Plaza)
- * abutting land uses are/will be (after development):
 - west: Ogdensburg Street, landscaped berm, public access along Fore River
 - north: Maine Central Railroad, lot 4 Transportation Park
 - east: Maine Central Railroad
 - south: lot 5 Transportation Park, lots 1 and 2 of Transportation Park, lot 3 (lease to Hutchins Trucking)
 - east: Maine Central Railroad, Union Station Plaza
 - south: Maine Central Railroad, lot 5 Transportation Park
- * the Transportation Park is an approved, but undeveloped subdivision for commercial and industrial uses such as manufacturing, distribution, packaging, warehousing and trucking

SITE C



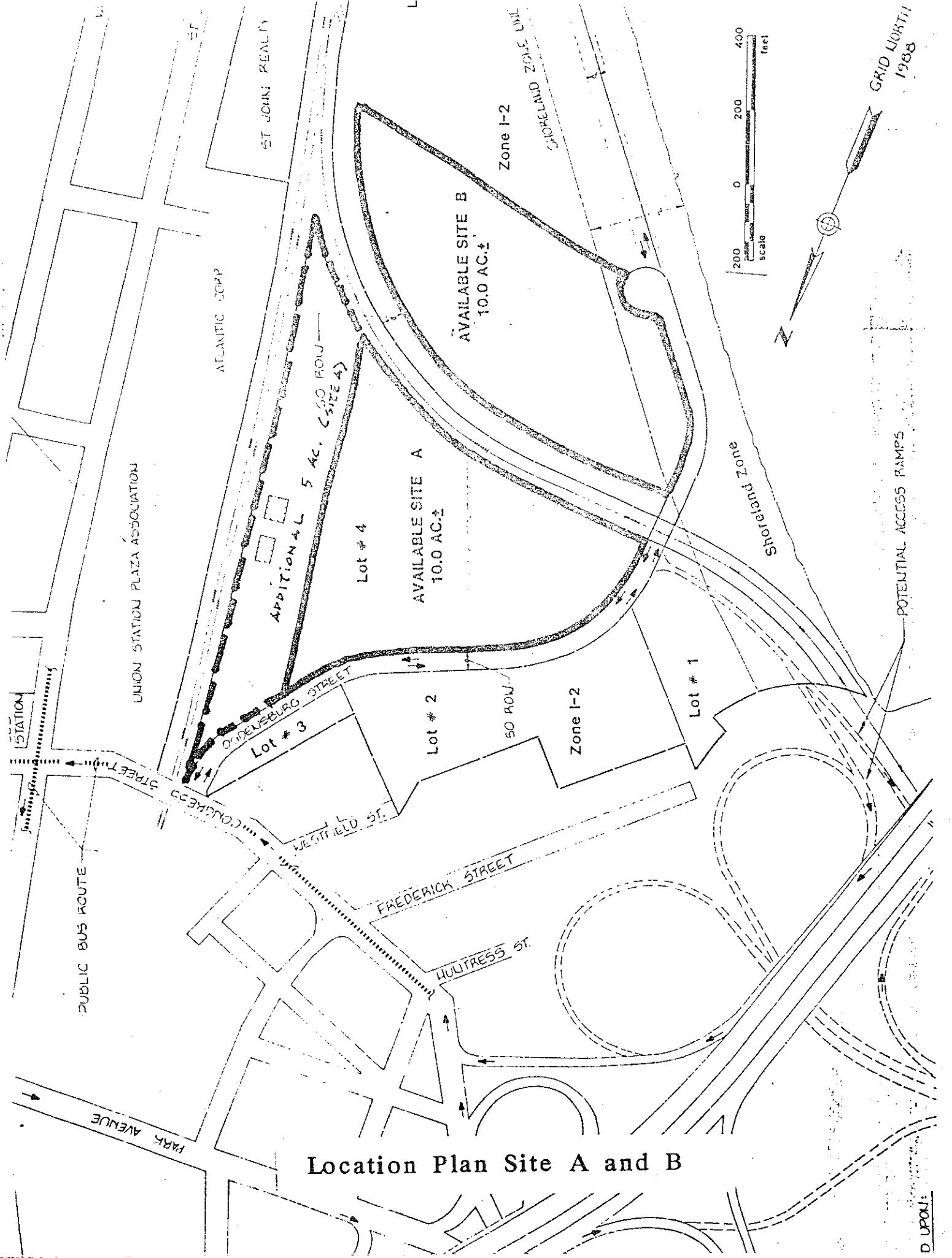
- * abutting land uses are:
 - north: Buchanan residence, agricultural
 - east: low density residential, Middle Road
 - south: wetland, former city dump, Cook Concrete
 - west: wetland, wood dump, some residential

COMPARATIVE COSTS

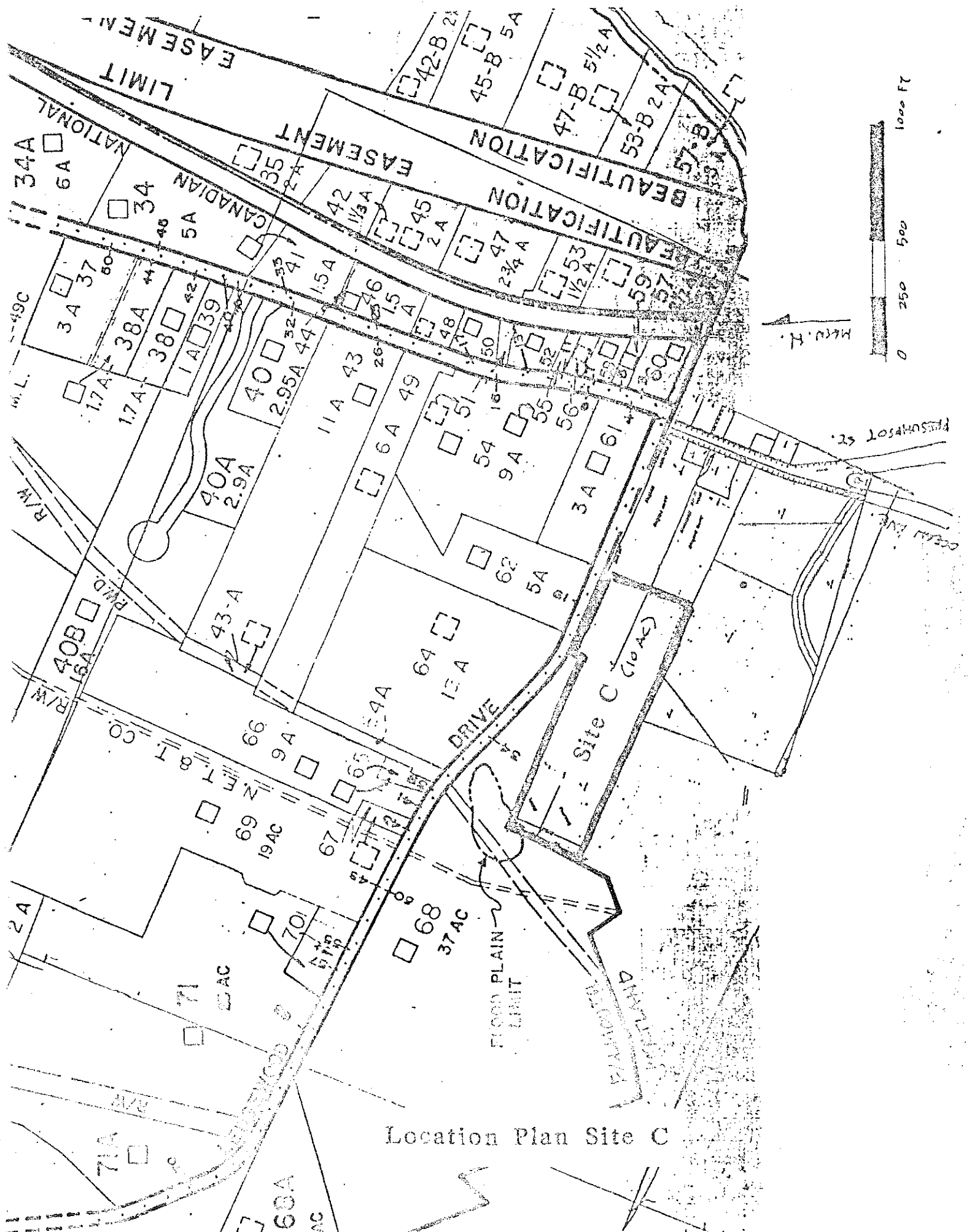
SITE A	* acquisition cost:	\$ 1,250,000 (10 ac)
		\$ 2,000,000 (15 ac)
	* option cost:	\$ 125,000 (10 ac)
		\$ 200,000 (15 ac)
	* utilities:	\$ 0
* earthwork and foundation:	\$ 1-1,750,000	

SITE B	* acquisition cost:	\$ 1,500,000
	* option cost:	\$ 150,000
	* utilities:	\$ 0
	* earthwork and foundation:	\$ 1,000,000

SITE C	* acquisition cost:	\$ 300,000
	* option cost:	\$ 20,000
	* utilities:	\$ 300,000
	* earthwork and foundation:	\$ 600,000



Location Plan Site A and B



Location Plan Site C

Minutes

Cumberland County Jail Committee Subcommittee on Alternatives to Incarceration March 29, 1989

Present: R. Immarigeon, S. Parker, D. Bishop, C. Ansheles, R. Miller, M. Robb, K. Peaco, C. Muse, K. Fields (incomplete list; attendance list never returned)

Kennebec County Sheriff Frank Hackett opened the meeting by describing the historical development of alternative programs through his jail. Programs started slowly, and on a step-by-step basis. Kennebec County's OUI-public work service program started in August 1986. A central aspect of the program is the 8-hour education component which stresses offender accountability. Hackett spoke about how the program started at one school. Other schools are now used to avoid any one school from relying on the program. Statistics showing program success were distributed to members. Kennebec County has about one-half the OUI offenders as Cumberland County.

Sheriff Hackett also described the work of his director of alternatives to incarceration who sets up OUI programs, meets with school representatives, etc. He also described the experience of his new Community Alternative Sentencing Program which can be imposed either as an amended sentence or as a condition of probation.

Hackett said that paper work given offenders entering the program is important. In first program, 8 of 49 participants showed up with alcohol on breath. They were rejected. In latest program, only 2 of 149 showed up in this condition. Recidivism rate for these offenders has declined from 33 percent to about 2 percent.

Chris Muse of the Cumberland County Jail described progress on the county's OUI program which is planned to start in early May with 40 offenders. Approval have been obtained from the prosecutor's office and SMVTI. Marilyn Robb (Maine MADD) stressed the importance of the education component. She said Bill Tanner's program (used in Kennebec) is excellent, and was instrument in gaining her support. She urged the subcommittee to examine well-structured curriculum carefully, and to be thorough in its selection of service providers.

Sheriff Hackett urged members to consider LD 490, sponsored by Sen Beverly Bustin, which expands the Kennebec program to other countries.

Rod Miller reminded committee that specific proposals are needed. Subcommittee then reviewed its work in three areas: the OUI program, a half-way house, and the enhancement of pre-trial supervision services by the Cumberland Bail Project.

CERTIFICATE OF VARIANCE APPROVAL

I, Barbara Vestal, the duly appointed Chair of the Planning Board for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 8 day of May, 1990, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4403 and the City of Portland's Code of Ordinances.

- 1. Property Owner: P.D. Merrill
- 2. Property: Cumberland County Registry Book , Page . (Last recorded Deed in Chain of Title).
- 3. Variance and Conditions of Variance:
A waiver of the 3 year subdivision approval limit. The approval is extended until December, 1991.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 5th day of June, 1990.

Barbara A Vestal
Chair

Barbara A. Vestal
(Printed or typed name)

STATE OF MAINE
Cumberland, ss.

June 28, 1990

Then personally appeared the above-named Barbara A. Vestal and acknowledged the above certificate to be his/her free act and deed in his/her capacity as Chair of the Portland Planning Board.

Natalie L Burns

Natalie L. Burns
(Printed or typed name)

Notary Public/Attorney-at-law

PURSUANT TO 30-A M.R.S.A. SECTION 4403, THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITH 90 DAYS OF THE GRANTING OF THE VARIANCE. FAILURE TO RECORD THE VARIANCE WITHIN THAT TIME SHALL RENDER THE VARIANCE NULL AND VOID.

SUBVAR.FOR.NLB
02.27.90

DYER, GOODALL AND LAROUCHE

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M E M O R A N D U M

TO: Portland Planning Board
RE: Portland Cargo Associates - Subdivision Extension Request
DATE: May 8, 1990

FACTUAL BACKGROUND AND HISTORY OF PROJECT

In 1986 Merrill Industries and Guilford Transportation Industries, Inc., d/b/a Portland Cargo Associates (PCA), began the permitting process for the Industrial Park located on 78.8 acres of land next to the Four River between the Veterans and I-295 Bridges, which is the gateway to Portland. The plan provided for a subdivision into 7 industrial sites plus a new and extended Ogdensburg Street, plus water, sewer, storm water management, other infrastructure improvements plus a public recreational easement and green belt with parking along the waterfront portion of the project. The public and infrastructure improvements had a cost estimate of approximately \$3,000,000.00.

Prior to final design and approval there was extensive surveying, planning, traffic studies, ground water monitoring and testing, wildlife assessment impact and many other issues were studied with reports submitted to both State and City of Portland agencies.

Both the City of Portland Planning Board and the Maine Department of Environmental Protection (DEP) had permitting jurisdiction over this project. The City of Portland Planning Board approved the project after subdivision review on May 19, 1987. The Department of Environmental Protection began its review in December of 1986 but did not issue its approval until March 10, 1988. After Portland Planning Board approval the City's corporate counsel reviewed and approved the legal documents for the discontinuance of Ogdensburg Street, the dedication and acceptance of a new Ogdensburg Street and a conservation easement for the public recreational green belt along the shorefront.

The City of Portland subdivision approval under section 14-495(g)(4) of the Land Use Ordinances has a 3 year life, during which time the approved plan must be recorded in the Registry of Deeds. To date, this plan has not been recorded and has not been released by the City because of ordinance provisions concerning the construction and approval of the new Ogdensburg Street. This new street was also subject to review and approval by the DEP which did not issue its approval until March of 1988. Construction has not begun on the new street because of inherent marketing problems for a heavy industrial subdivision such as this one.

Portland Cargo Associates has requested that the Portland Planning Board to extend its subdivision permit an additional 2 years. The Portland Planning Board has the power pursuant to section 14-506(a) of the Land Use Ordinance. This section has the following 3 part test:

1. That extraordinary conditions exist or that undo hardship may result from strict compliance with these regulations;
2. So that substantial justice may be done and the public interest secured; and
3. Provided that such variation will not have the effect of nullifying the intent and purpose of the development plan and the regulations of this article.

EXTRAORDINARY CIRCUMSTANCES OR UNDO HARDSHIP

The nature of Portland Cargo Associates subdivision plan makes it extraordinary and different from other subdivisions. This is not a common subdivision which goes through the review approval for dividing up a parcel into lots. Most subdivisions are for residential purposes and follow the traditional route for developing and marketing. The PCA subdivision is even very different from the common industrial park in which lots are sold and buildings are put up such as prefabricated steel buildings, etc.

This Fore River Transportation Park was designed and planned for heavy industry which is both very capital intensive and/or labor intensive. This project because of its immediate proximity to Merrill's marine terminal and Guilford's railroad lines is intended for heavy industrial handling, manufacturing and storage facilities which will benefit from a deep water port connection and railroad connections. This limits the market significantly.

The Portland ordinance which provides for a 3 year life to an approved subdivision plan is clearly aimed at projects which can get under way without huge investments for extensive infrastructure improvements and difficult marketing activity.

The PCA partners were confident that they could at least begin the construction of the project and have at least 1 or 2 lots sold during this 3 year time frame. However, the Department of Environmental Protection took an extra year to review the project and obviously nothing could be sold or marketed until that DEP approval was complete. The DEP review process involved additional studies, which was then submitted to the State's multi tier review process.

Residential subdivisions and relatively simple Industrial parks would not have required such long, involved and complex DEP review. Indeed the very inter-urban location of this project and because of traffic problems made this much more difficult for permitting than if it had been in a less developed section of the city. Of course the combination of the railroad and marine terminal dictated its location.

After losing a year, Portland Cargo Associates started an intensive marketing campaign for heavy industrial transportation and manufacturing uses. Until several lots were locked in for development, the partners were not able to finance \$3,000,000.00 worth of infrastructure construction.

During the first year of marketing efforts an international conglomeration proposed locating a flat cement storage warehouse on Lot #6. Because of environmental regulatory problems, especially concerning dust, this project was dropped.

At about the time a 150,000 square foot paper storage warehouse was proposed for another section of Lot #6. Approximately \$40,000.00 worth of geotechnical studies were done for this project and then the potential buyer withdrew.

Another proposal was pursued by Domtar Ltd. to build a sheetrock manufacturing plant on approximately one-half of the subdivision. This major project was competing with a site in Portsmouth which was selected by Domtar because of quicker and less restrictive permitting procedures in New Hampshire.

Merrill Transportation Company was originally planning to relocate its truck terminal on to Lot #4, but because of deregulation and a highly competitive trucking industry, these plans had to be dropped.

Another proposed buyer which explored the possibility for this site concerned importation of Aro cars from Romania. That project eventually fell through because of international developments and the declining automobile market.

In the fall of 1987 Miron proposed to located cement silos at the marine terminal which would have caused Merrill to relocated a portion of the existing marine terminal to Lot #5 of this subdivision. Because of permitting problems and delays Miron eventually withdrew its proposal for cement silos in the spring of 1989. The Marine Termine no longer needs to expand into Lot #5.

Gannett Publishing Company at one point was considering the construction of its new presses and distribution center at this site. Also, Pittsburgh Plate Glass was proposing to create a major facility in the subdivision to service the paper industry. This project was also located elsewhere.

Deering Lumber Company and several other distribution warehousing corporations pursued and considered having a retail/wholesale distribution complex at the site but this also was eventually withdrawn. Also, two major truck leasing companies explored the possibility of using one of the lots, but the changing trucking market caused that to be withdrawn.

After these various proposals failed to materialize Portland Cargo Associates reviewed their marketing policy and changed their approach. Because of the long delay involved in heavy industry and heavy manufacturing permitting processes it was decided to seek a higher density use of the project which may have resulted in a greater number of lots than originally proposed.

During late 1989 this avenue was explored without much success because of the restricted economy in the Northeast. One of the projects for this new approach was to have located on the site a tire shredding plant which would receive used tires, shred them and then export them to be used as fuel. This project required a solid waste handling permit from the Department of Environmental Protection which was applied for, but was ultimately withdrawn because of numerous administrative delays.

During 1989 the marketing of the subdivision became hindered by Cumberland County's expressed intentions to have located on it a new jail. Several prospective buyers had no interest in being neighbors to a jail. This county activity has made the site difficult to market and now has cast an even, larger cloud over the project because of the state legislatures recent granting to the county eminent domain powers.

For the past few months, there has been active negotiations for selling of most of the subdivision to an existing local major employer with growing employment and space needs. This potential buyer has retained various consultants to review Portland Cargo Associate's site. PCA had hoped that they would be able to come to the planning board for approvals of specific plans for a research and manufacturing facility with a campus type setting before the permit expired.

All of these delays and difficulties in marketing this particular project demonstrate the unique conditions that exist. Because of these conditions if the limitation of to 3 years is strictly complied with, the major investment which went into getting these permits will be lost. Also, lost will be all of these marketing efforts which may be very close to fruition. To date, Portland Cargo Associates have spent over \$500,000.00 in studying, planning for and permitting this subdivision. In addition, included within this cost are approximately \$100,000.00 worth of studies which were conducted after all of the permits were issued. These studies were geared toward specific proposals that did not come to fruition.

In conclusion, 3 years is a very limited amount of time for marketing a heavy industrial/manufacturing subdivision which is proposed here for the City of Portland under the best of circumstances. The shrinking economy, Cumberland County threats to take part of the project by eminent domain state permitting delays and the fact that this subdivision is competing on a national level with other sites, combine to create extraordinary conditions and will cause undue hardship if the permit is not extended for two years.

SUBSTANTIAL JUSTICE MAY BE DONE AND THE PUBLIC INTEREST SECURED

A two year extension would obviously be subject to all of the conditions of the original approval and the performance standards of the City's ordinances. The public's interest will also be secured because this project when it is finally developed will generate substantial tax revenues and employment for the residents of Portland. The original subdivision approval in 1987 was unanimously granted by the members of the Portland Planning Board. All of the same plans, policies and objectives still exist including all of the benefits to the public.

PROVIDED SUCH VARIATION WILL NOT HAVE THE EFFECT OF NULLIFYING THE INTENT AND PURPOSE OF THE LAND DEVELOPMENT PLAN AND THE REGULATIONS OF THIS ARTICLE

This subdivision plan and project not only met all of the requirements of the City subdivision ordinance in 1987, but it also met all of the broader and more inclusive standards of the laws administered by the Department of Environmental Protection.

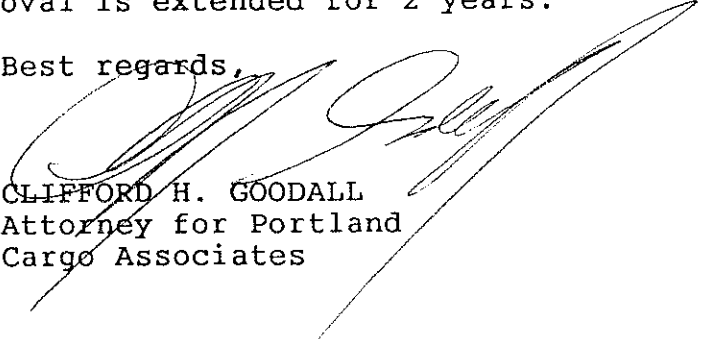
Since the approval by the City the state subdivision law has been amended as outlined in a Memoranda to the Planning Board by City's corporate counsel. A review of the subdivision plan and all of the submissions that came with it demonstrates that these changes in statutory criteria are complied with and were met at the time of the original approval and are still met today.

Portland Cargo Associates has pending with the Department of Environmental Protection an application for a two year extension of its state permits. As a part of that application, a new traffic study was done and a copy of that has been provided to the Planning Board. All in all the project continues to meet the review criteria at both state and municipal levels and therefore conforms to the intent and purposes of the city's land development plan and regulations.

SUMMARY

This memoranda has outlined the unique circumstances and hardship involved in getting all of the necessary permits and then the marketing of an unusual heavy industrial development plan. This major undertaking requires at least 3 years lead time after permitting and in this particular case because of DEP review had only 2 years. Portland Cargo Associates anticipates that its marketing activities will generate results in the next two years and they look forward to bringing back to the Planning Board for site reviews new industrial/commercial users for this site. They will be able to do that only if this subdivision approval is extended for 2 years.

Best regards,



CLIFFORD H. GOODALL
Attorney for Portland
Cargo Associates

CHG/vac
WP+520.vac

CUMBERLAND COUNTY JAIL

SUMMARY OF IDENTIFIED SITE ISSUES

SITE A AND B
UPPER FORE RIVER TRANSPORTATION PARK
PORTLAND, MAINE

Prepared by
Stevens Morton Rose and Thompson
Portland, Maine

April 10, 1989

This summary of site issues for site A and B at the Upper Fore River Transportation Park was prepared by SMRT after review of the following documents:

- a. Geological and Hydrological Investigations, Robert G. Gerber, Inc., January 27, 1986
- b. D.E.P. application, Portland Cargo Associates, November 1986
- c. Planning Department Report, City of Portland, May 19, 1987
- d. Approval Letter, Portland Planning Board, May 21, 1987
- e. Site Location Order, D.E.P., March 16, 1988

The issues have been organized according to the following topics:

1. Option Cost
2. Purchase Price
3. Groundwater and Soil Contamination
4. Geotechnical
5. Utilities
6. Traffic
7. Archaeology
8. Configuration

9. Schedule of Required and "Necessary" Improvements
10. Schedule of Required, but "Not Necessary" Improvements
11. Schedule and Cost of Potentially Required Improvements

1. OPTION COST

Option cost is 10 % of the purchase price. This includes full access to existing hydrogeological studies and geotechnical investigations. It is important to note that the offer for Site A and B fails to mention specifically that the option cost will be applied towards the purchase price.

SITE A: \$125,000 (10 acres) or \$200,000 (15 acres)

SITE B: \$150,000 (10 acres)

2. PURCHASE PRICE

SITE A: \$1,250,000 (10 acres) or \$2,000,000 (15 acres)

SITE B: \$1,500,000 (10 acres)

3. GROUNDWATER AND SOIL CONTAMINATION

Robert A. Gerber conducted an investigation of the site to characterize the site geology and existing groundwater conditions. The investigation identified several areas and sources of groundwater contamination, including an old dump on Site A.

SITE A: Regarding the fill materials on site A, SMRT recommends that, with the available information, two solutions can be considered for the construction of the jail on this site:

1. removing the dump material by excavating the top 15 feet of soil. Because the area was used as a dump for many years it is not known what contaminants may be encountered.
2. putting the building on pilings that extend to bedrock. The County Commissioners should be aware that additional costs would be incurred if the DEP requires capping the dump site with clay.

See also section 5: Geotechnical Studies.

SITE B: No contaminants have been found at site B. There is a potential that hazardous wastes are present on this site.

4. GEOTECHNICAL

Preliminary geotechnical investigations have been done for both Sites A and B.

SITE A: Rough cost estimates for earthwork and foundation are respectively:

1. \$1,000,000 for the excavation method, and
2. \$1,750,000 for the pile method, including clay cap (as referred to in section 3 above).

SMRT recommends that additional geotechnical investigations are required for Site A, and estimates that these will cost \$40,000.

SITE B: A \$40,000 geotechnical study was done at Site B and can be made available to the County Commissioners if the option for this site is exercised.

SMRT estimates that the rough grading and foundation costs for this site will be \$1,000,000.

SMRT recommends that an additional geotechnical study, estimated at \$20,000, is required at Lot B to specifically address construction of the jail on this site.

5. UTILITIES

SITE A and B: The DEP Site Location permit notes that the Owner will construct the service road and install utilities. City water and sewer and electrical service will be available to both sites from Ogdensburg Street. Construction and installation of these utilities is critical to the County jail construction schedule and should be completed in time.

Gas will only be available in St. John Street.

A written confirmation from the City of Portland that the City will accept and treat wastewater flows associated with a project such as the jail, which will have a higher use for this utility than originally reviewed and planned for, will be required.

6. TRAFFIC

SITE A and B: The DEP Site Location Permit requires that each proposed development undergo review by the DEP according to Site Location of Development Law, and that the application include an updated traffic impact analysis reflecting actual trip generation rates and off-site traffic conditions at the time of application.

The updated traffic impact analysis is likely to be an additional cost to the County.

The County should also realize that additional costs can be involved in required improvements resulting from this study.

The City of Portland has required the current Owner to:

- a. install pavement markings and overhead lane signage at St. John Street;
- b. install traffic signal brackets on Park Avenue railroad bridge;
- c. update the traffic impact analysis prior to development of a site (and find alternate access to the site if traffic impacts to St. John/Park Avenue exceed certain conditions);
- d. fund and install traffic signals at the Congress Street/Ogdensburg intersection if they become necessary;
- e. be fully responsible for all costs associated with the installation of railroad crossing controls on Ogdensburg Street (if required per MDOT hearing).

Item a. (pavement markings and overhead lane signage) must be completed prior to issuance of any Certificate of Occupancy.

7. ARCHAEOLOGY

Plant fossil remains of "major scientific importance" have been found on Site B.

SITE A and B: The Maine Geological Survey is to be informed of any construction progress at either site so that any new fossils that are exposed can be collected. Archaeological activities may slow down the construction schedule. The dollar cost associated with such a delay is not expected to be significant.

8. CONFIGURATION

SITE B: Current configuration of Site B is adequate, but not ideal. A reconfiguration of the boundaries of this site and/or expansion to 15 acres could be beneficial for the project's layout and expansion potential, except that such an expansion would be directed towards a wetland.

9. SCHEDULE FOR REQUIRED AND "NECESSARY" IMPROVEMENTS:

Little or no information is provided in the D.E.P. and City of Portland approval documents with regard to scheduling of required improvements. From an operational point of view the following will need to be completed by the Owner prior to facility construction and occupancy:

- a. Ogdensburg Street
- b. water service in Ogdensburg Street
- c. sewer service in Ogdensburg Street
- d. electrical service in Ogdensburg Street
- e. pavement markings and overhead lane signage at St. John Street

10. SCHEDULE FOR REQUIRED, BUT "NOT NECESSARY" IMPROVEMENTS:

The schedule of the following required improvements could cause a delay in obtaining an occupancy permit, if these improvements need to have been completed prior to that time. From a strictly operational point of view, the timing of these improvements is not necessarily critical for the County (with the exception noted). In any case, the required schedule should be clarified by the Owner and the appropriate regulatory agencies. These improvements are:

- a. traffic signal brackets on railroad bridge
- b. traffic signal on Congress Street at Ogdensburg Street
- c. landscape berm along Fore River

11. SCHEDULE AND COST FOR POTENTIALLY REQUIRED IMPROVEMENTS:

The extent of the following improvements has not been determined yet. The schedule on some of these need to be clarified by the Owner, as well as who will bear the costs associated with any of them. Possible required improvements are:

- a. hazardous waste mitigation
- b. delays stemming from archaeological digs
- c. alternate access to site (potentially the future access to the Merrill Marine Terminal can be used)
- d. railroad crossing controls at Ogdensburg Street
- e. other traffic improvements resulting from the updating of the Traffic Impact Statement
- f. additional solid waste disposal requirements (in light of the increased need for such a facility)



SITE GENERATED TRAFFIC

Because the size and definition of the project have not changed since the original traffic study was issued, the trip generation and distribution have remained unchanged (see Figure 4).

The site generated traffic combined with the 1991 Base year traffic are illustrated in Figure 5 as 1991 Build Year Traffic Volumes.

CAPACITY ANALYSIS

To evaluate traffic operations and check intersection geometric requirements, signalized intersection capacity analyses were performed on the study intersections for the 1990 Existing, 1991 Base Year, and 1991 Build Year conditions under both pre-timed and actuated signal systems. The capacity analyses were performed using a computer program, CINCH, that models procedures found in Chapter 9, Signalized Intersections, in the 1985 Highway Capacity Manual (Special Report 209, Transportation Research Board). Summaries of the CINCH capacity analyses are shown below in Table 2 (refer to the original traffic study for an explanation of LOS and how it relates to intersection delay).

Figure 6 illustrates the lane assignments used under the 1991 Build condition to facilitate the indicated Levels of Service (LOS).

TABLE 2: SUMMARY OF CINCH CAPACITY ANALYSES

DESCRIPTION	PARK AVE.		CONGRESS ST.	
	LOS	Delay (Seconds)	LOS	Delay (Seconds)
1990 Existing, Pre-Timed	E	40.21	B	13.41
1991 Base, Pre-Timed*	E	43.90	B	9.92
1991 Build, Pre-timed*	E	45.69	B	9.98
1991 Build, Actuated				
Cycle = 60 sec	F	60.47	B	8.01
Cycle = 70 sec	E	49.80	B	8.87
Cycle = 80 sec	E	44.19	B	9.76
Cycle = 90 sec	E	41.25	B	10.67
Cycle = 100 sec	D	39.84	B	11.59
Cycle = 110 sec**	D	39.37	B	12.51
Cycle = 120 sec	D	39.49	B	13.43

* Timings of signalized intersections are not coordinated.

** Optimum cycle length for intersection coordination.

Queue lengths (95th percentile) were analyzed for constructability. The largest queue found was for the northbound left-through lane having 18 vehicles at 20 feet per queued vehicle requires 360 feet of storage length. Available storage length for this queue is approximately 900 feet.

DRAFT

CONVEYANCE OF FORE RIVER RECREATION EASEMENT
TO THE CITY OF PORTLAND

MERRILL INDUSTRIES, INC., a corporation organized pursuant to the laws of the State of Maine with offices located in Portland, Cumberland County, State of Maine; the PORTLAND TERMINAL COMPANY, a corporation organized pursuant to the laws of the State of Maine with offices located in Portland, Cumberland County, State of Maine and which is a subsidiary of GUILFORD TRANSPORTATION INDUSTRIES, INC., a corporation organized pursuant to the laws of the state of Delaware with offices located in Portland, Cumberland County, State of Maine; all said corporations doing business in a joint venture known as the PORTLAND CARGO ASSOCIATES with offices located in Portland, Cumberland County, State of Maine (the "GRANTORS"), convey, release and dedicate to the CITY OF PORTLAND, a body politic and corporate located in Cumberland County and State of Maine (the "HOLDER"), a conservation easement pursuant to Title 33, Maine Revised Statutes Annotated, Section 476, et seq. over and across:

Certain lot or parcel of land in the City of Portland lying southeasterly of Highway "295" and northeasterly of the High Water Mark of the Fore River in the City of Portland, County of Cumberland, State of Maine, said lot or parcel being bounded and described as follows:

Beginning at a point that lies S 33° 51' 15" E 65.00 feet from the center of a cul-de-sac that is at the southwesterly terminus of Ogdensburg Street, as proposed, in said City; thence through land of the Grantors herein on the following described courses and distances: S 58° 23' 55" E 37.66 feet to a point of curvature of a curve to the right having a radius of 25.00 feet, a central angle of 74° 05' 15", and a long chord of S 21° 22' 20" E 30.11 feet; thence along the arc of said curve 32.31 feet to a point of tangency; thence S 15° 39' 10" W 99.14 feet to a point; thence S 84° 39' 10" W 90.00 feet to a point; thence S 51° 39' 10" W 40.31 feet to a point; thence N 42° 35' 50" W 315.00 feet to a point; thence N 47° 21' 55" W 369.76 feet to the westerly sideline of the Portland Terminal Company location; thence by said Portland Terminal Company N 56° 10' 30" W 122.55 feet to the southerly sideline of State Highway "295"; thence by said Highway S 50° 25' 55" W 15.00 feet, more or less, to the High Water Mark of said Fore River; thence southeasterly by said High Water Mark 2580 feet, more or less, to a point; thence N 83° 48' 50" E 40 feet, more or less, to a point; thence N 6° 11' 15" W 185.00 feet to a point; thence N 26° 11' 15" W 160.00 feet to a point of curvature of a curve to the left having a radius of 1326.00 feet, a central angle of 6° 01' 27.7" and a long chord of N 31° 15' 40" W 234.57 feet to a point of tangency; thence along the arc of said curve 234.87 feet to a point of tangency; thence N 36° 20' 10" W 1225.66 feet to a point; thence N 51° 39' 10" E 36.39 feet to a point; thence N 84° 39' 10" E 96.04 feet to a point; thence N 15° 39' 10" E 109.39 feet to a point of curvature of a curve to the left having a radius of 40.00 feet, a central angle of 74° 05' 15" and a long chord of N 21° 22' 20" W 48.17 feet; thence along the arc of said curve 51.70 feet to a point of tangency; thence N 58° 23' 55" W 32.90 feet to the sideline of the above-mentioned cul-de-sac; thence by said cul-de-sac along the arc of a curve having a radius of 65.00 feet, a central angle of 13° 54' 30", a long chord of S 49° 11' 35" W 15.74 feet a distance of 15.77 feet to the point of beginning.

The above courses refer to Grid North Maine State
Coordinate System West Zone.

The area of the above-described parcel being 2 acres, more or less.

The purpose of this conservation easement is to provide for public outdoor recreation as provided in 14 M.R.S.A. § 8103(2)(F) and recreational activities pursuant to 14 M.R.S.A. § 159-A(1)(B) under such regulations as the Holder may from time to time establish.

Excepting and reserving to the GRANTORS, and their successors and assigns, the right to cross over, under, and parallel with said conservation easement with utilities, including but not limited to electrical, telephone, and other transmission lines; sewerage and storm water collection and transport facilities; water distribution systems; and commodity transport and natural gas pipelines all of which utilities shall not interfere with the purposes of the conservation easement.

The GRANTORS shall construct and maintain a berm to be placed along and within the bounds of said lot and install and maintain a fence along the length of said lot and within the bounds of said lot on the water side of said berm, which fence shall be placed so as to protect said berm but not so as to impede the public's use of the conservation easement granted herein on the water side of said berm and GRANTORS shall install all landscaping required as conditions of subdivision

approval which was granted by the City of Portland Planning Board on May 19, 1987 on said lot and maintain all such landscaping on the land side of said fence . In addition, the GRANTORS shall construct at its own expense a pedestrian walkway along the length of said lot and the HOLDER shall be responsible for maintenance of said pedestrian walkway and landscaping on the water side of said fence for the duration of said conservation easement.

The duration of said conservation easement shall be for twenty-five (25) years commencing this date.

The HOLDER'S agents, employees and representatives shall have unlimited and unrestricted access to enter the land subject to this conservation easement to assure compliance and to maintain and improve the land subject to the easement in order to achieve the purpose of this conservation easement.

No structures other than pathways, signs, and picnic tables and ancillary facilities, including sanitary facilities, shall be erected or located by any party on the land subject to the said easement unless otherwise provided for by this easement and at no time will fires or fireplaces of any type be permitted on said land. Further, the operation of "all terrain vehicles" as that term is defined in 12 M.R.S.A. § 7827 within said conservation easement is prohibited.

There shall be no person having third-party right of enforcement.

Meaning and intending to dedicate for said purposes and said duration the land which is described to be appropriated for public outdoor recreational activities on a subdivision plot and site plan and which is identified as Lot 7 on a plan entitled " _____ " prepared by _____ and dated _____, which is filed in the Cumberland County Registry of Deeds in Plan Book _____ at Page _____.

Meaning and intending to transfer such interest to said municipality voluntarily without claim for damages.

The GRANTORS, their successors and assigns retain and reserve the right to assign and/or convey all or portions of said lot provided, however, all such assignments and conveyances shall be subject to this conservation easement.

IN WITNESS WHEREOF, the said GRANTOR corporations have caused this instrument to be signed in their corporate names by the below signing duly authorized representatives.

Dated this _____ day of _____, 19__.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

MERRILL INDUSTRIES, INC.

By: _____
Paul D. Merrill
Its President

PORTLAND TERMINAL COMPANY

By: _____

Its

GUILFORD TRANSPORTATION
INDUSTRIES, INC.

By: _____

Its

STATE OF MAINE
CUMBERLAND, ss

_____, 19__

Personally appeared the above-named PAUL D. MERRILL,
President of Merrill Industries, Inc. and acknowledged the
foregoing instrument to be his free act and deed in his said
capacity, and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law/
Justice of the Peace

STATE OF MAINE
CUMBERLAND, ss

_____, 19__

Personally appeared the above-named _____,
_____ of Portland Terminal Company and
acknowledged the foregoing instrument to be his/her free act
and deed in his/her said capacity, and the free act and deed of
said corporation.

Before me,

Notary Public/Attorney at Law/
Justice of the Peace

STATE OF MAINE
CUMBERLAND, ss

_____, 19__

Personally appeared the above-named _____,
_____ of Guilford Transportation Industries,
Inc. and acknowledged the foregoing instrument to be his/her
free act and deed in his/her said capacity, and the free act
and deed of said corporation.

Before me,

Notary Public/Attorney at Law/
Justice of the Peace

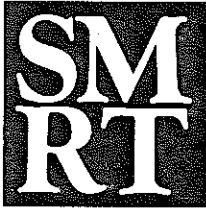
CERTIFICATION OF MUNICIPAL ACCEPTANCE

I, _____, Clerk of the City of Portland, certify that the City Council of the City of Portland at a properly noticed meeting held on _____, 19__, voted to accept and did accept said Fore River Recreation Easement as described and subject to the terms heretofore, and pursuant to 33 M.R.S.A. § 476, et seq.

Dated: _____, 19__

(City Seal)

City of Portland, Clerk



ARCHITECTURE ENGINEERING SURVEY

STEVENS MORTON ROSE & THOMPSON
39 Forest Avenue P.O. Box 618
Portland, Maine 04104
Tel 207/772-3846 Fax 207/772-1070

RECEIVED

SEP 10 1992

PARKS/PUBLIC WORKS

AUG 27 1992

August 25, 1992

Mr. Robert Ganley
City Manager
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Cumberland County Detention Center

Dear Mr. Ganley:

As you know, construction is well underway on the Cumberland County Detention Center. While all permits have been issued, the combined sewer overflow credit status has not been formalized.

It is our understanding from various meetings and conversations with the Public Works Department that the City is prepared to grant the County 100% credits in accordance with the Maine Department of Environmental Protection requirement of a 5 to 1 reduction of surface water/stormwater to sewage and the County's participation in utility upgrading in Congress Street. The net impact in sewage generation from the new facility will be 8,695 gallons per day (gpd).

The Portland Water District indicated that the additional off-site improvements made by the County in Congress Street (C.O. #3,SK69 in the amount of \$27,223) would also be credited against the CSO required for the Cumberland County Jail Facility. In addition the County, at the request of the Portland Public Works Department, made on-site storm water improvements to accommodate possible future diversion of Congress Street stormwater through the jail drainage systems. This work is now completed and tested.

We would like to formalize this matter so that the County may set its final project budget. Please feel free to contact Fran Harrison or myself to discuss this further. Thank you for your consideration of this request.

Sincerely yours,
Stevens Morton Rose & Thompson, Inc.

Arthur P. Thompson, AIA

cc: Joseph Mazziotti, Esq.

89006-17.A1

*Bill Goodwin
William S. Booth by
Susan M. Gilbert*

RECEIVED

APR 23 1992

PARKS/PUBLIC WORKS

CITY OF PORTLAND, MAINE

M E M O R A N D U M

TO: Joe Gray
FROM: Robert Ganley *RB*
DATE: April 22, 1992
SUBJECT: Combined Sewer Overflow Policy

Since we do not yet have a combined sewer overflow policy in effect regarding the issuance of credits for pending projects and since I am not comfortable charging additional funds to these potential developers without the credit policy in place. I would therefore authorize you to grant credits to the PROP House Lights Project and to the Cumberland County Jail Project. Based on the volume of credits we have available it seems to me that these are small projects which won't have too much of an impact on that amount.

I would also indicate that this is not precedent setting and will be subject to change for future projects depending on the policy that the Planning Board arrives at.

In the meantime you can advise these applicants that these credits are being awarded.

RBG.k
cc: Mark Green
George Flaherty

*P/C William S. Brock by Sueita Engineering
William B. Goodwin Environmental Engineer*

RECEIVED

APR 24 1992

DEPARTMENT OF PUBLIC WORKS



CUMBERLAND COUNTY JAIL COMMITTEE

L. Daniel Boisot, Chairman
telephone 207/879-4000

Cushman Anthony
Edward M. Bonney
Brad Buck
Richard N. Bryant
A. L. Carlisle
Donnell Carroll
Michael Chitwood
Paul Coleman
James Conley
Gary C. Cooper
Lyle B. Cramer
G. William Diamond
John Dovinsky
E. Paul Eggert
John Flaherty
Joan Gauche
Edward Googins
Hamilton Grant
Nancy Grayson
Virginia Hildreth
Alan Hybers
Russ Immarigeon
Linda B. Johnson
Stephen Johnson
William Jordan
Stephen Parker
Peter Manning
Paul McCarthy
William McLaughlin
Pierre Shevenell
Barbara Strout

c/o Cumberland County Commissioners
142 Federal Street
Portland, Maine 04101

September 11, 1989

Reminder:

The Full Committee will meet at the Maine Youth Center,
7:00 p.m., Thursday, September 14.

PLEASE PLAN TO ATTEND this important meeting. Remember,
you are more likely to be volunteered if you are not
there.....

Agenda

1. Old Business
(includes discussion of Bath halfway house)
2. Overview of Public Information Initiative
3. Review of draft Sourcebook and Amendments
4. Scheduling/Assignment for Presentations and Events
5. Final Review/Editing of Flier
6. Introduction/Orientation to Slide Show
7. Other Business

Enclosed:

Enclosed is a draft copy of the text (not appendices) for
the Sourcebook that will be used for the public
information initiative.

Please review this prior to the meeting on Thursday,
and bring your comments (call them in to Rod Miller,
685-9090 if you cannot attend).

Please be prepared to comment on:

- a. The appropriateness of the material and responses that are included
- b. What is missing?
 - Additional questions to answer.
 - Additional points to make in response to questions

DRAFT

SOURCEBOOK:

CUMBERLAND COUNTY JAIL

REFERENCE MATERIALS FOR JAIL REFERENDUM

September 16, 1989

This document summarizes the extensive planning and preliminary design efforts implemented by Cumberland County in the past 22 months. The Sourcebook serves several purposes:

- (1) It assembles key documents and information concerning the project in a single document;
- (2) It assists members of the Jail Committee in their efforts to garner support for the November 8, 1988, county-wide referendum (seeking approval for up to \$25,000,000 for a new jail in Portland); and
- (3) It provides the basis for all descriptive materials to be used prior to the referendum (fliers, posters, press releases, presentations).
- (4) It provides a detailed, but convenient, source of information for the media, city/town officials and for public reference.

PART I of this Sourcebook responds to the specific questions identified by Committee members in recent months; all questions posed during the planning process, and those expected to be asked by the public, are addressed.

PART II provides additional detailed information that may be useful to Committee members, such as charts, graphs, cost analysis, and annotated site plans, floorplans, and perspective drawings for the latest design for the project.

* * * * *

NOTES

- 1. In Part I several charts are presented at appropriate points in the text. These charts are outlined with "boxes", and are expected to be used in presentations.
- 2. A detailed **Table of Contents** is provided on the following page. Use this to find specific information and answers when you need them.
- 3. A detailed **INDEX** follows the Table of Contents; this provides another method for finding needed information quickly.

DISTRIBUTION.....

- Jail Committee Members
- County Officials (Commissioners, Sheriff, Dept. Heads)
- Selected Media Representatives
- Each City/Town Office
- Public Libraries

DRAFT

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6. Mission Statement

To Be Distributed
At 9/14 mtg.



PART I: ANSWERS TO QUESTIONS

DRAFT

1

1A. WHY DO WE NEED A NEW JAIL? (WHAT'S WRONG WITH THE JAIL?)

THE JAIL IS TOO SMALL

INCREASING PRISONER POPULATION

Since 1975, the average daily population of the Cumberland County Jail jail has increased from 47 prisoners to 179--an increase of 280% in 14 years! So far this year, the population has averaged 179, with peak populations of 238 inmates. The capacity of the jail, according to the Maine Department of Corrections, is 113 (which includes use of the Portland Public Safety Building); the County is constructing an additional 36 temporary bedspaces on the jail site.

CUMBERLAND COUNTY JAIL POPULATION INCREASES.....

Year	Average Daily Population	Annual Admissions to the Jail
1975	47	3,400
1989	179	7,938

- peak daily populations reach 238

The county jail population has exceeded the capacity of the jail every day for more than two years. Increasingly, the County is forced to transport excess prisoners to other counties, where they are boarded at great expense.

EXTERNAL FORCES INCREASE THE JAIL POPULATION

The drastic increase in the jail population can be explained by many factors--all of which are beyond the control of the county sheriff and commissioners.

First, Cumberland County has grown steadily in recent years, bringing increased crime and law enforcement efforts with it. Sentencing practices have diverted increasing proportions of convicted offenders into the county jail, for longer periods of time. New laws have stiffened sentences, and have brought new types of offenders to the jail, such as the highly-publicized drunk-driving initiatives.

Also, the 1985 Community Corrections Act is diverting prisoners from state prisons into county jails. Finally, increased emphasis on enforcing drug laws and apprehending those involved with illegal drugs has had an impact on the jail.

These, and other forces have combined to produce unprecedented growth in the Cumberland County jail population. Under Maine law, the county is required to accomodate all such prisoners lawfully committed to confinement, but the power of the County to decrease such commitments is minimal.

FORCES THAT INCREASE JAIL USE

- increasing county population,
crime and law enforcement
 - sentencing practices
 - new laws
 - state Community Corrections
Act diverts inmates from
prison to jail
 - increased drug enforcement
-

STANDARDS COMPLIANCE PROBLEMS

A detailed inspection report has outlined all the deficiencies of the jail with regard to mandatory Maine jail standards. Although some operational problems have been identified, most of the shortcomings are physical plant issues, or are operational problems caused by the facility. After extensive discussion, the State has allowed the jail to remain open under temporary variances--while interim repairs are made and as long as steady progress is made toward replacing the jail.

Overall, the Jail has increased its operational compliance with standards--in spite of facility constraints. Key deficiencies have forced the County to secure temporary variances from the Maine Department of Corrections during the planning process.

FACILITY PROBLEMS

Existing Facility. Problems in this area are numerous, and are caused by the design, construction, and condition of the physical plant. The 25-year-old facility was built for a much smaller inmate population, and was designed under antiquated standards and concepts (such as large, multiple-occupancy inmate cells or "tanks").

Major deficiencies include:

- extremely poor safety and security
 - inadequate reception and intake areas
 - lack of secure space for administration & programs
 - lack of outdoor exercise area
 - lack of space for all types of inmate programs and activities
 - mechanical equipment (heating, ventilation) inadequate
 - inadequate separation of prisoners (male, female, juvenile)
 - lack of necessary public areas (lobby) and visiting areas
 - poor interior sight lines and internal circulation
 - low light levels in cells and activity areas
 - difficult to provide equitable access to programs and services for all types of prisoners
-

Problems include:

Crowding

Jail Facility, Condition, Design and Environmental
Conditions, and Lack of Security

Failure to Comply with Standards and the Resulting
Liability

Inmate Idleness

Prisoner Programs-- lack of chemical dependency treatment,
mental health and forensic services, programs for
female prisoners

Policies and Procedures (lack of, lack of operational
compliance with them)

Staff Training, Professionalism, and Burnout

Facility Operations, Management and Administration, and the
Roles of Elected Officials

Lack of "Systems" Coordination

Lack of Public Awareness of Problems

As the preceding narrative indicates, the Jail presents serious problems--most of which are caused by the physical plant condition and design.

SAFETY and SECURITY

The role of the jail is to protect the public; this mandate requires the operation of a safe and secure detention facility.

ROLE OF THE JAIL:

PROTECTION--

- protect public from prisoners
 - protect staff
 - protect prisoners from themselves and from other prisoners
 - operate a safe and secure facility
-

Examples of Inadequate Facility Security:

- entrance is not adequate- level of security of doors and lack of vehicle sallyport is a problem
- security perimeter of facility is inadequate- public has access to all of the perimeter and windows are not secure
- exercise yard is not secure
- overcrowding places large numbers of inmates in a small cell area--increasing tension and violence and posing serious security risks

LIABILITY

In addition to Maine standards concerns, Cumberland County is exposed to serious liability for its jail operations. In a key decision (Cody v. Hillard, 799 F.2d 447, 8th Cir. 1986), a U.S. Court of Appeals upheld federal district court use of the American Correctional Association (ACA) standards as a basis for determining constitutional guidelines. In effect, Cumberland County can expect to be measured against the more demanding ACA standards in inmate lawsuits, in addition to the Maine standards.

STAFF TURNOVER/STAFF EFFICIENCY

Shortcomings at the jail are not only evidenced by poor jail inspection reports, but by a high rate of staff turnover and difficulties recruiting new personnel.

In 1975, 27 staff operated the Cumberland County Jail; in 1990, more than 110 staff will be assigned to the jail. As crowding places severe strain on the antiquated design of the facility, staff levels have been forced to increase--fourfold--to compensate for the inadequacy of the facility.

SUMMARY OF PROBLEMS

Problems with the facility may be summarized in several categories:

- * The facility is too small, does not have enough bed space, nor the required types of spaces, causing a shortfall in the ability to house all types of prisoners ordered detained, decreasing the ability to properly separate inmates, and frustrating efforts to meet jail standards;
- * The facility is not safe for staff, the public or inmates;
- * The facility is not secure, and is not fulfilling one of its primary functions (detaining persons as ordered by the courts); and
- * The facility design creates operational inefficiencies, primarily evidenced by a 300% steady increase in the number of staff required.

SUMMARY OF PROBLEMS

THE CUMBERLAND COUNTY JAIL IS:

* TOO SMALL

- not enough beds for current prisoner population
- not enough space for support activities and services
- missing many types of spaces

* NOT SAFE

- for staff,
- the public
- or inmates;

* NOT SECURE

- escapes
- contraband

* INEFFICIENT-- THE DESIGN

- creates operational problems that require increased staff

- * The Jail remains open only under temporary variances from the Maine Department of Corrections--as long as steady progress is made towards replacing the old jail.
-

JAIL FACTS AND FIGURES

The chart below highlights some of the key facts for the jail:

CUMBERLAND COUNTY JAIL.....

IN A 12-MONTH PERIOD IN 1988/89:

- * over 7,900 prisoners were admitted to the jail
- * A prisoner was admitted or released 43 times each day--an average of every 25 minutes!
- * Over 195,000 meals were served to prisoners

IN 1989:

- * The average daily population has consistently exceeded the capacity facility by an average of 58% every day (66 inmates over capacity)
- * The daily population has been more than twice the capacity of the facility on several days--on one day the county was responsible for 238 inmates.

PRISONER CHARACTERISTICS--

- * over 88% of the prisoners are male
 - * 75% of all prisoners are 35 years of age or less
 - * 42% of all prisoners were arrested by the Portland Police Department
 - * 72% of all prisoners are county residents; 44% live in Portland
-

1D WHAT ABOUT THE PROPOSED STATE "TAKEOVER" OF JAILS?

Last year the Legislature considered a bill that would transfer responsibility for jails to the state Department of Corrections; it failed to pass, but has been carried over for consideration in January, 1990.

While Jail Committee members and county officials do not agree on the advisability of such a transfer of authority, they all agree that the proposed new facility must be approved immediately. Regardless of who operates the jail, a new one is desperately needed for Cumberland County.

If the County continues to operate the jail, passing this bond issue now saves valuable time--and construction inflation dollars.

If the State takes over jails in the future, the debt for the facility will be assumed by the State; the County would at least have been able to site and design a facility to meet its needs.

1E WHAT ABOUT THE STATE PRISON BOND ISSUES?

Two bond issues for State corrections construction will appear on the state ballot on November 7. A \$14.5 million bond issue would primarily pay for new juvenile facilities in South Portland and Bangor; a \$35 million bond issue would add 200 beds to a new prison in South Warren.

These bond issues must not be confused with the \$25 million Cumberland County Jail bond issue. The proposed jail would house 350 long-term prisoners on a centrally-located site in Portland.

The Jail Committee has not take a formal position on the State corrections bond issues--but all members urge that the Cumberland County proposal be viewed separately, on its own merits.

1F WHAT WILL THE NEW "DRUG WAR" MEAN TO THE COUNTY?

Arrests and convictions for drug offenses have increased in recent years. The new federal emphasis on drugs will undoubtedly have a major impact on the county jail--with increased admissions for arrests of drug users and suppliers, increased pretrial detention of defendants, and with some increased sentences to the county jail in lieu of state facilities.

The Jail Committee has already anticipated such impacts in their bedspace projection efforts, and believe that the new focus on drug issues serves to underscore the need act now to replace the old Cumberland County Jail.

11

2B WHAT WILL PRISONERS DO IN THE NEW FACILITY?

The design of the proposed new jail facilitates involving more prisoners in constructive and productive activities.

The facility design allows prisoners to be classified and grouped according to their needs and security levels. As a result, operating procedures will distinguish clearly between different groups, offering physical and operational incentives for improved prisoner behavior.

A system of rewarding positive behavior can be implemented in the new facility. As prisoners earn lower security ratings through their actions, they will be allowed better living quarters, increased movement within the facility, more privileges and more choices for work and programs.

The design will allow current levels of constructive prisoner programming to be increased dramatically. Substantial space has been allocated for prisoner education, counseling and other programs. Many of these spaces have been designed as "multi-purpose" areas, so that a variety of uses are possible.

Prisoners will be provided with the required levels of outdoor and indoor exercise (currently not available).

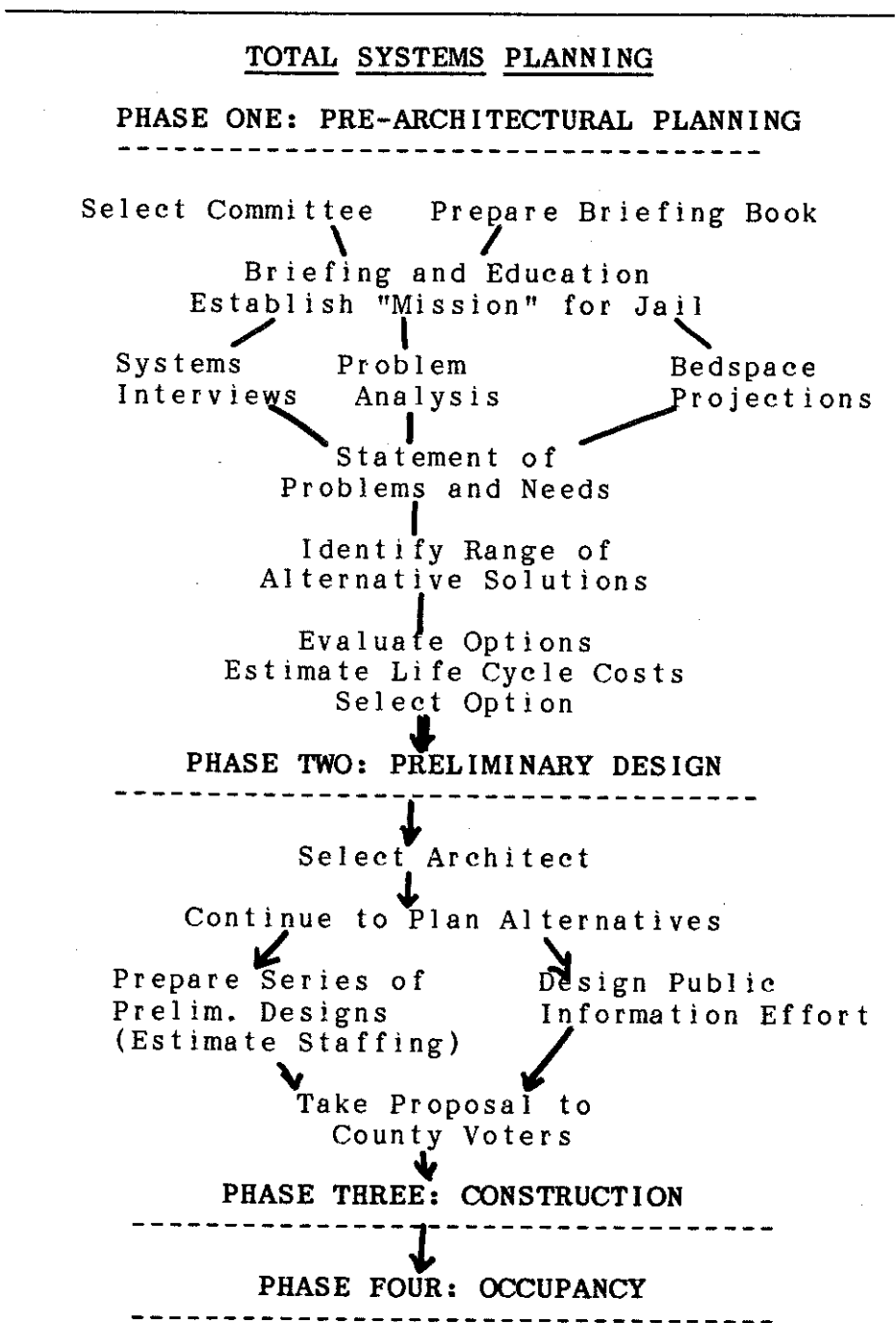
Prisoners will be clustered around "day rooms". Access to television, telephone, commissary and even extra visits will be controlled, rewarding lower security groups.

Prisoners will become increasingly involved with work projects. Substantial space has been designated for prisoner industries and work programs. The Committee is interested in such projects, as long as they do not displace any employees "on the outside," as a means to reduce idleness, generate funds to offset housing costs, and to develop prisoner work habits. The location of the jail, in the new Transportation Park, should ensure the ready availability of meaningful industries projects for inmates.

The new complex will be a more constructive, positive, safe and secure setting for prisoners and staff.

TOTAL SYSTEMS PLANNING

The Committee adopted a comprehensive approach to the planning project, with the assistance of the National Institute of Corrections (NIC). "Total Systems Planning" is a methodology which has been successfully applied in other Maine counties; it requires extensive data collection and research in the broader context of the criminal justice and human service systems in which the jail operates. The major steps associated with total systems planning are outlined below:



This process ensures that all possible solutions are considered, including the less-expensive alternatives to construction. Cumberland County has followed this process closely, and the results are very accurate and reliable.

3C DOES THIS INCLUDE THE IMPACT OF NEW CORRECTIONAL LAWS?

The 1985 Community Corrections Act, passed by the Maine Legislature, gradually transfers significant numbers of prisoners from State custody to the counties. According to Department of Corrections estimates, the new law would bring 29 additional prisoners on an average day by the Year 1990. This is expected to rise to nearly 51 prisoners in the Year 2010.

Bedspace projections include the impact of this law.

Under one provision of the new laws, counties will assume responsibility for certain prisoners which are now often sentenced to state control--all persons sentenced to imprisonment for 9 months or less will go to county jails. In return, the State will reimburse counties for the cost of these additional prisoners, and for certain prisoners who are already housed by the counties.

The State is reimbursing counties for the operating costs associated with certain types of prisoners, and negotiations are under way to secure state funds for a portion of the jail construction. Department of Corrections projections indicate a reimbursement of nearly \$1,000,000 for the Year 1990 alone--a substantial contribution toward operating costs.

Receipt of the reimbursement is conditioned on achieving and maintaining compliance with jail standards, which is difficult in the current facility.

3D. ARE WE EXPANDING PAST OUR CURRENT NEEDS?

"CURRENT NEEDS" ARE HARD TO PREDICT

Because of the changing occupancy of the jail, the Committee decided that it was necessary to plan to accomodate peak populations, as experienced in past years. The resulting bedspace projections are directly related to inmate population levels which have been encountered in recent years.

The Committee adopted a policy of building for long-term needs and "renting" unused beds to generate revenue to help to reduce the tax burden for jail operations. Based on the projected rate of growth for County bedspaces, many beds should be available for "rent" through the end of this century.

Boarders are viewed as a positive tool to use available spaces which are needed for peak periods and for future needs. By filling available beds, without making a long-term commitment to others, the County "has its cake and....".

3F WHY CAN'T WE EXPAND THE CURRENT JAIL?

The 25-year-old jail far too small to accomodate the number of beds and associated spaces currently required by Cumberland County. It currently occupies over 90% of the site, and the courthouse expansion which is under construction eliminates other horizontal expansion options. The only feasible expansion route for the old jail is up; to meet projected needs for the Year 2010, seven more stories would have to be constructed. This would not only be very expensive, but it would also pose serious conflicts with Portland zoning laws, and would make future expansion virtually impossible. Finally, such a plan would be very staff-inefficient.

3G WHY CAN'T WE BUILD A NEW JAIL ON THE CURRENT SITE?

We could, but it would be very constrained, future expansion would be severaly limited, and the design would be inhibited by the lack of room on the site (causing potential staffing inefficiencies). Further, finding a place for our 200+ inmates during the two-year construction period would be nearly impossible.

3H WHY ARE WE EXPANDING THE JAIL TODAY?

The County has allocated funds to construct 36 new bedspaces on the current site--effectively taking all remaining space on the site. These bedspaces will be of "modular" construction, which can be moved to the new jail site and integrated into the new facility--or sold to another county or the State.

Building these additional bedspaces is a stopgap measure and does not even provide enough space for our current population. Other than relieving current crowding a little, this temporary expansion does not solve any other jail problems.

quick and convenient, and the provision of a secure vehical sally-port will improve safety for all officers. Many City officials believe that the proposed new facility is the right solution to current needs--in the right location. While county ownership of the proposed new site will take the property off of the City tax roles, keeping it in Portland will provide significant annual cost savings for the City--especially the public safety department (transportation of arrestees, short-term holding).

4G ARE LAW ENFORCEMENT SPACES INCLUDED?

Under the proposed plan, the Sheriff's law enforcement and civil process activities will be relocated. While space has been reserved on the new site for this purpose (in a separate facility), it is likely that the County will elect to move these operations to a more central location in terms of patrol areas. Funds for relocating the Sheriff's operations are not included in the bond issue.

4H. WILL WE HOUSE JUVENILES? FEMALES?

The proposed facility would provide ample space for housing all types of adult county prisoners. Female staff will likely comprise up to 40% of the workforce, eliminating problems privacy and supervision concerns. This approach allows optimum flexibility and efficient use of available beds.

Juveniles will be housed in a separate facility on the same site. In July, the Maine Legislature passed a law that prohibits housing juveniles in any facility that also houses adults.

4I WHEN WILL THE PROJECT BE COMPLETED?

The jail construction schedule is projected as:

November, 1989.....	Referendum passes
August, 1990	Bids out
October, 1990.....	Construction begins
1992.....	Construction completed

4J WHAT WILL HAPPEN TO THE OLD JAIL?

It will continued to serve as a jail until the new facility is occupied in mid-1992. Although the county commissioners have not formally announced the fate of the old jail, they have expressed a desire to demolish it and to make better use of the site.

OPERATING COSTS

The proposed facility will be more expensive to operate than the existing jail. The primary increases will be for additional staff:

STAFFING INCREASES

___% More Staff.....

to Operate a Jail With

153% More Beds (from 149 to 378 beds)

(over 3 times as much building area)

Other increases will be primarily for the cost of support services and utilities (heat, electrical, maintenance) for a physical plant which is larger than the existing jail facility.

The existing jail has a maximum capacity of 149 (when temporary expansion is complete, and including use of Public Safety Building lockup)

The proposed facility will house:

378 long-term prisoners

35 short-term prisoners

1990 jail costs will exceed \$4,200,000 for staff, benefits, contractual services and commodities. Comparable costs for the proposed new facility are \$ _____ for operations and \$ _____ for debt service during the first year (debt service reduces to \$ _____ in the 20th year, and is eliminated in the 21st year).

Jails are expensive because:

- * security construction requires use of reinforced concrete or block walls
 - * costly electric, mechanical and plumbing systems, and
 - * costly security equipment and furnishings.
-

It often costs over \$20,000 to equip a single maximum security cell with a secure door, lock, window, toilet, bed, and desk.

5C HOW DO WE KNOW THE COSTS WON'T BE HIGHER?

The construction cost estimates are based on a careful analysis of all recent jail projects in Maine.

Costs are being estimated as accurately as possible. In addition, many "deducts" are being identified, which will allow the cost of the project to be reduced if bids come in too high based on market conditions at the time of bidding.

The estimates reflect very recent bidding experience in the region.

5D HOW DO STAFFING LEVELS COMPARE?

Staffing for the proposed facility would increase over current levels. Staffing costs were calculated using current salary levels plus fringe benefits.

Staffing was calculated assuming full occupancy of the new facility.

Staffing needs would increase by approximately ___% for these options, while jail capacity would increase by over 153%.

STAFFING INCREASES

___% More Staff.....

to Operate a Jail With

153% More Beds (from 149 to 378 beds)

(over 3 times as much building area)

One cost analysis considered the potential board revenue, using current board rates and assuming only 90% utilization of total bedspace.

The chart below shows the potential revenues from boarding prisoners:

30-YEAR LIFE CYCLE COST ANALYSIS.....

	30-Year Total Cost
A- No Change.....	\$345,863,918
B- Renovate/Expand.....	\$314,825,560
C- All New Construction.....	\$256,988,834
NET COST if Board Revenue is Considered	\$ _____

5F DOES THE COUNTY OWE OTHER LONG-TERM DEBTS?

In 1989, the County's bonded indebtedness is \$ _____.

5G. WHAT WILL THIS DO TO MY TAXES?

The impact on property owners will be comparable throughout the county, as the county tax is evenly distributed among all taxpayers based on the assessed value of their property.

The proportional increase in a taxpayer's total property tax will vary from town to town because local tax rates vary.

The graph on the following page shows the estimated cost per \$1,000 of assessed property value for the proposed project and for continuing current practices. The chart is based on estimated 1989 valuations, and inflation at the rate of 4%/year.

TAX IMPACT ON EACH CITY/TOWN.....
(in thousands of dollars)

CITY/TOWN	1989 Current	1992 New	Old	1999 New	Old	2012 New	Old
-----------	-----------------	-------------	-----	-------------	-----	-------------	-----

INSERT CHART HERE

6 WHAT HAPPENS IF WE SAY "NO"?

If voters turn down the proposed renovation/expansion, several results can be predicted:

WHAT IF WE SAY "NO"?

- * Jail capacity will be reduced when variances expire
- * Costs for transporting and boarding prisoners will skyrocket
- * Finding available jail beds for our prisoners will become increasingly expensive
- * Liability for substandard jail conditions will continue
- * Staff turnover may increase
- * The County will lose CONTROL over costs and liability
- * Opportunities for achieving the "mission" of the jail will be lost

This proposal offers county residents the best opportunity to directly control jail operations and costs well into the future.

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of 100

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L.D. 1647

(Filing No. S- 267)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 585, L.D. 1647, Bill, "An Act to Amend the Mandatory Shoreland Zoning Law"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 12 MRSA §4812-D, as enacted by PL 1985, c. 488, §3, is reallocated to 38 MRSA §449.

Sec. 2. 12 MRSA §4818, as enacted by PL 1985, c. 236, is repealed.

Sec. 3. 38 MRSA §435, as repealed and replaced by PL 1987, c. 815, §§1 and 11, is amended to read:

§435. Shoreland areas

To aid in the fulfillment of the State's role as trustee of its waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas be subject to zoning and land use controls. Shoreland areas include those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, or within 250 feet of the upland edge of a coastal or freshwater wetland, or within 75 feet of the high-water line of a stream. The purposes of these controls are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

R. of S.

COMMITTEE AMENDMENT "1" to S.P. 585, L.D. 1647

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Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

7. Great pond. "Great pond" means any inland body of water which in a natural state has a surface area in excess of 10 acres and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except for the purposes of this article, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner and ~~except those privately owned inland bodies of water which are held primarily as waterfowl and fishbreeding areas or for hunting and fishing.~~

11. River. "River" means a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

Sec. 5. 38 MRSA §436-A, sub-§11-A is enacted to read:

11-A. Stream. "Stream" means a free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river.

Sec. 6. 38 MRSA §437, sub-§4, as reallocated by PL 1985, c. 481, Pt. A, §25, is amended to read:

4. Fish River. The Fish River from the bridge in Fort Kent Mills to the ~~Fort Kent and~~ outlet of Eagle Lake in Wallagrass Plantation townline, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Portage Lake;

Sec. 7. 38 MRSA §438-A, sub-§§2 to 4, as enacted by PL 1987, c. 815, §§5 and 11, are amended to read:

2. Municipal ordinances. In accordance with a schedule adopted by the board and acting in accordance with a local comprehensive plan, municipalities shall prepare and submit to the board zoning and land use ordinances which are consistent with, or are no less stringent than, the minimum guidelines adopted by the board and ~~which address state land use management policies cited in Title 30, chapter 239, subchapter VI and,~~ for coastal communities, which address the coastal management policies cited in section 1801. When a municipality determines that special local conditions ~~of urbanization~~ within portions of the shoreland zone require a different set of standards than from

1
2
3 Sec. 8. 38 MRSA §439-A, sub-§§4, 5 and 6, as enacted by PL 1987,
c. 815, §§7 and 11, is amended to read:

4
5 4. Setback requirements. Notwithstanding any provision in
6 a local ordinance to the contrary, all new principal and
7 accessory structures and substantial expansions of such
8 structures within the shoreland zone as established by section
9 435 ~~must~~ shall meet the water setback requirements approved by
10 the board, except structures which require direct access to the
11 water as an operational necessity, such as piers, docks and
12 retaining walls. For purposes of this subsection, a substantial
13 expansion of a building shall be an expansion which increases
14 either the volume or floor area by 30% or more. This subsection
15 is not intended to prohibit a municipal board of appeals from
16 granting a variance, subject to the requirements of this article
17 and Title 30 ~~30-A~~, section 4963 ~~4353~~, nor is it intended to
18 prohibit a less than substantial expansion of an ~~an--accessory~~
19 ~~structure-attached-to~~ a legally existing nonconforming structure,
20 provided that the expansion does not create further nonconformity
21 with the water setback requirement.

22
23 5. Timber harvesting. Municipal ordinances shall regulate
24 timber harvesting within the shoreland area. ~~These--regulations~~
25 ~~shall---be---consistent---with---the---board's---guidelines---which~~
26 Notwithstanding any provision in a provision in a local ordinance
27 to the contrary, timber harvesting activities shall be no less
28 restrictive than the following:

29
30 A. Selective cutting of no more than 40% of the trees 4
31 inches or more in diameter, measured at 4 1/2 feet above
32 ground level, in any 10-year period, provided that a
33 well-distributed stand of trees and other natural vegetation
34 remains; and

35
36 B. Within a shoreland area zoned for resource protection
37 abutting a great pond there shall be no timber harvesting
38 within the strip of land extending 75 feet inland from the
39 normal high-water line except to remove safety hazards.

40
41 The board may adopt more restrictive guidelines consistent with
42 the purposes of this subchapter, which shall then be incorporated
43 into local ordinances.

44
45 6. Clearing of vegetation. Within the shoreland ~~sene~~ area,
46 municipal ordinances shall provide for effective vegetative
47 screening between buildings and shorelines. ~~These--ordinances~~
48 ~~must---be---consistent---with---the---board's---guidelines---which~~
49 Notwithstanding any provision in a local ordinance to the
50 contrary vegetative screening requirements shall not be no less
51 restrictive than the following:

1 This removal provision shall only apply to code enforcement
2 officers who have completed a reasonable period of probation as
3 established by the municipality pursuant to Title 30-A, section
4 ~~3701~~ 2601. If not reappointed by a municipality, a code
5 enforcement officer may continue to serve until a successor has
6 been appointed and sworn.

7
8 **Sec. 11. 38 MRSA §441, sub-§3, ¶C**, as amended by PL 1985, c.
9 737, Pt. A, §111, is further amended to read:

11 C. Keep a complete record of all essential transactions of
12 the office, including applications submitted, permits
13 granted or denied, variances granted or denied, revocation
14 actions, revocation of permits, appeals, court actions,
15 violations investigated, violations found and fees
16 collected. On an annual basis, a summary of this record
17 shall be submitted to the Director of the Bureau of Land
18 Quality Control and within the Department of Environmental
19 Protection; and

21 **Sec. 12. 38 MRSA §444, first ¶**, as reallocated by PL 1985, c.
22 481, Pt. A, §32, is amended to read:

23
24 Any person who orders or conducts any activity in violation
25 of a municipal ordinance adopted under this chapter shall be
26 penalized in accordance with Title 30 30-A, section 4966 4506.

27
28 **Sec. 13. 38 MRSA §445**, as enacted by PL 1985, c. 481, Pt. A,
29 §94, is amended to read:

31 **§445. Guidelines for shoreland zoning along significant river**
32 **segments**

33
34 In addition to the guidelines adopted under section 438
35 438-A, the following guidelines for the protection of the
36 shorelands shall apply along significant river segments
37 identified in section 437. These guidelines are intended to
38 maintain the special values of these particular river segments by
39 protecting their scenic beauty and undeveloped character.

41 1. **New principal structures.** New principal structures,
42 except for structures related to hydropower facilities, shall be
43 set back a minimum of 125 feet from the normal high-water mark
44 line of the river. These structures shall be screened from the
45 river by existing vegetation.

47 2. **New roads.** Developers of new permanent roads, except for
48 those providing access to a structure or facility allowed in the
49 250-foot zone, shall demonstrate that no reasonable alternative
50 route outside of the zone exists. When roads must be located
51 within the zone, they shall be set back as far as practicable

1 4. Access. Access to the shore and availability of space
3 appropriate for commercial fishing and maritime activities.

5
7 **STATEMENT OF FACT**

9 Section 1 of this amendment reallocates a section relating
11 to shoreland zoning from the Maine Revised Statutes, Title 12, to
13 Title 38.

15 Section 2 of the amendment repeals a section relating to
17 shoreland zoning in the Maine Revised Statutes, Title 12.

19 Sections 3, 7, 8, 10 and 12 of the amendment correct
21 references to the recodified Maine Revised Statutes, Title 30,
23 which was replaced by Title 30-A.

25 Section 4 of the amendment adds soils and hydrology to the
27 definition of "freshwater wetland" to be used where vegetation is
29 either absent or insufficient for establishing a wetland
31 boundary. Language has also been added in this revised version
33 of the bill to make the definition consistent with changes made
35 in the amended version of LD 1125, "An Act to Amend the Natural
37 Resources Protection Act."

39 Section 4 of the amendment also removes an exemption for
41 privately owned bodies of water which are held primarily as
43 waterfowl and fish breeding areas or for hunting and fishing.
45 These water bodies should not be exempt simply because of their
47 use.

49 Section 4 of the amendment will increase protection around
51 Maine's streams from the present 15% coverage of shoreland miles
to about 50% coverage. Additionally, this section makes it clear
that associated flood plain wetlands are considered to be part of
the river. This is consistent with other Department of
Environmental Protection laws.

Section 5 of the amendment defines the term "stream."

Section 6 of the amendment designates additional mileage
along the Fish River in Wallagrass as being designated as
"significant" because that town no longer is under the Maine Land
Use Regulation Commission's jurisdiction. The Maine Land Use
Regulation Commission's ordinance provided adequate protection
for the river but local shoreland zoning in itself does not
sufficiently protect that river section.

Section 7 of the amendment deletes references to local
comprehensive planning. With the enactment of the growth
management laws in the Second Regular Session of the 113th



July 11, 1989

TO: Town and City Planners and Code Enforcement Officers
FROM: Tammy Risser
SUBJECT: Proposed Revisions to the Shoreland Zoning Ordinance

Attached is a copy of LD 1647, "An Act to Amend the Mandatory Shoreland Zoning Law." LD 1647 will extend the shoreland zone to certain streams draining land areas that are less than 25 square miles in size. The shoreland zone along those streams will be 75 feet in width. Rich Baker told me that the width is a compromise, down from an original proposal for 250 feet. LD 1647 will also set minimum clearing and timber harvesting standards regardless of the wording in a local ordinance.

Due to the fact that LD1647 was so recently enacted, the date for the public hearing on the minimum shoreland zoning ordinance has been rescheduled for sometime in September (probably during the third week of the month). The shoreland zoning amendments from LD 1647 are currently being incorporated into the minimum ordinance which should be mailed out in mid August.

Because of the delays in adopting the new minimum standards, the date by which towns will need to adopt the new standards may change from July 1, 1990 to July 1, 1991.

If you have any questions please contact me at 774-9891.



CUMBERLAND COUNTY JAIL COMMITTEE

L. Daniel Boisot, Chairman
telephone 207/879-4000
Cushman Anthony
Edward M. Bonney
Brad Buck
Richard N. Bryant
A. L. Carlisle
Donnell Carroll
Michael Chitwood
Paul Coleman
James Conley
Gary C. Cooper
Lyle B. Cramer
G. William Diamond
John Dovinsky
E. Paul Eggert
John Flaherty
Joan Gauche
Edward Googins
Hamilton Grant
Nancy Grayson
Virginia Hildreth
Alan Hybers
Russ Immarigeon
Linda B. Johnson
Stephen Johnson
William Jordan
Stephen Parker
Peter Manning
Paul McCarthy
William McLaughlin
Pierre Shevenell
Barbara Strout

c/o Cumberland County Commissioners
142 Federal Street
Portland, Maine 04101

JAIL COMMITTEE UPDATE

September 26, 1989

PRESENTATIONS

The presentation schedule is in full swing. Members report good response to the first five events, with most questions being answered in the Sourcebook. As the attached schedule indicates, there are some key openings for presentors and volunteers are sought; contact Rod Miller or Terri Nickerson at 685-9090 to volunteer.

SOURCEBOOK

The Sourcebook has been distributed to all members, selected members of the media, and to each town office. Reaction has been very favorable.

MEDIA COVERAGE

The first media event went very well, with strong coverage. Wade Sanders, the new jail administrator, did an excellent job on his first day. The second event was held on Monday.

PRESENTORS WORKSHOP...PIZZA MEETING

All persons who are involved with delivering presentations are invited to an informal workshop to go over the slide show and to make revisions/share ideas. This will be held on **Monday, October 2**, at the Commissioners' conference room.

FULL COMMITTEE MEETING.....PLEASE PLAN TO ATTEND!

Thursday, October 12, 7:30 p.m.

A very important meeting will be held at the Maine Youth Center, allowing all members to get together and compare notes on the initiative. **PLEASE COME!**

ENCLOSED FLIERS TO DISTRIBUTE

We have taken the liberty (pushy-aren't we) of enclosing a significant stack of the new **flier** that describes the proposal. **PLEASE** distribute these as soon as possible--find good locations where citizens will see them and pick them up.

ATTACHED: Latest calendar of presentations

ENCLOSED: Multiple copies of flier to distribute



STEVENS MORTON ROSE & THOMPSON
 Architecture Engineering Survey

39 Forest Avenue
 P.O. Box 618
 Portland, Maine 04104

Main Street
 P.O. Box 10
 Limerick, Maine 04048

tel 207/ 772.3846
 fax 207/ 772.1070

tel 207/ 793.8202
 fax 207/ 793.2713

RECEIVED LETTER OF TRANSMITTAL

JUN 27 1991

DATE	6/24/91	JOB NO.	89006.8-2.2
ATTENTION	SARAH SKEENE		
RE:	CC JAIL dep - application		

PORTLAND PLANNING OFFICE

TO CITY HALL - PLANNING Dept.
389 CONSUMERS ST.
PORTLAND, ME 04101

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
1	6/24/91	-	LETTER LINDA KOKEMULLER

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS FOR INCLUSION IN DEP. APPLICATION

COPY TO _____

SIGNED:



ARCHITECTURE ENGINEERING SURVEY

STEVENS MORTON ROSE & THOMPSON
39 Forest Avenue P.O. Box 618
Portland, Maine 04104
Tel 207/772-3845 Fax 207/772-1070

June 24, 1991
Project: 89006.8-2.2

Linda Kokemuller
Land Bureau
Department of Environmental Protection
312 Canco Road
Portland, ME 04101

RE: L-17657-26-A-N Cumberland County Jail

Dear Linda:

Attached is additional information regarding the above referenced application. This information should be attached with exhibit 22 (Wastewater Disposal) and/or exhibit 24 (Wastewater Treatment).

This information consists of the following:


- * SMRT letter to Portland Public Works, dated February 4, 1991
- * SMRT memo regarding existing and proposed sewer flows, dated February 5, 1991
- * SMRT letter to Portland Public Works, dated February 11, 1991
- * Portland Public Works letter to SMRT, dated June 5, 1991
- * SMRT letter to Maine Dept. of Human Services, Division of Health Engineering, dated February 4, 1991
- * Division of Health Engineering letter to SMRT, dated May 22, 1991
- * Portland Executive Department letter to SMRT, dated June 20, 1991

If you have any questions or comments with regard to this submis-

sion, please let me know.

Sincerely,

STEVENS MORTON ROSE AND THOMPSON, INC.



Theo Holtwijk, ASLA, APA
Project Manager

enc.

cc. J. Mazziotti, Esq. - Cumberland County Commissioners
P. Wiley, Esq. - Robinson Kriger et al
Sarah Greene - City of Portland

EXHIBIT 22-1: WASTEWATER DISPOSAL

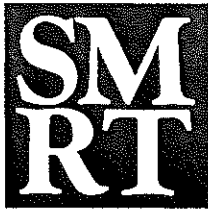
See exhibit 24-1 for a review of historical and expected wastewater flows.

EXHIBIT 24-1: WASTEWATER TREATMENT

Attached is the following correspondence regarding existing and proposed sewer flows and proposed CSO measures:

- * SMRT letter to Portland Public Works, dated February 4, 1991
- * SMRT memo regarding existing and proposed sewer flows, dated February 5, 1991
- * SMRT letter to Portland Public Works, dated February 11, 1991
- * Portland Public Works letter to SMRT, dated June 5, 1991
- * SMRT letter to Maine Dept. of Human Services, Division of Health Engineering, dated February 4, 1991
- * Division of Health Engineering letter to SMRT, dated May 22, 1991
- * Portland Executive Department letter to SMRT, dated June 20, 1991

Pending approval by the Portland City Council, there may be sewer credits available (from past City separation projects) for the County jail project. The City expects to be able to inform the County of this later in June 1991.



ARCHITECTURE ENGINEERING SURVEY

STEVENS MORTON ROSE & THOMPSON
39 Forest Avenue P.O. Box 618
Portland, Maine 04104
Tel 207-772-3646 Fax 207-772-1070

February 4, 1991
Project: 89006.17-2.2

Steven Harris, Planning Engineer
Department of Parks and Public Works
City of Portland
55 Portland Street
Portland, ME 04101

RE: Cumberland County Jail
CSD Abatement

Dear Steve:

In accordance with our past conversations, I am forwarding to you the calculations of wastewater discharge from both the present Cumberland County Jail and that of the proposed new facility.

Essentially, the numbers show 23,376 gallons per day at the new jail and an offsetting reduction of 15,174 gallons per day from discontinuing the old facility. My understanding with the Commissioners is that the intended fate of the old structure is demolition.

It is further our understanding that you propose to use that added 8,202 gallons per day to figure the net impact on the Portland sewer system and that you propose the County pays a fractional amount of the cost of an appropriate CSD abatement project based upon that impact.

We look forward to receiving the Department's projections on the stormwater flows of such a CSD abatement project and its associated costs.

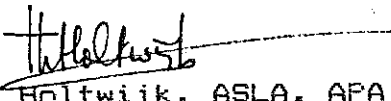
We have requested confirmation by the Department of Health Engineering of the water-savings figures used by SMRT for the new facility, and will forward it as soon as it is received. Correspondence to this effect is enclosed.

If you have any questions as to SMRT's calculations, etc. feel

free to call me. I imagine that we will discuss this more and try to come to a conclusion before the Planning Board workshop on the 12th.

Sincerely,

STEVENS MORTON ROSE AND THOMPSON, INC.


Theo Holtwijk, ASLA, APA

enc.

cc. Sarah Greene, Senior Planner

February 5, 1991

Cumberland County Jail
CSO Abatement
Project # 89006-17

To: Theo Holtwijk
From: Dana R. Morton
Re: Basis for Project Sewerage Volume

1. Two structures are connected to City collectors:

- A. A pre-release center
44 single occupancy cells (not there all day!)
1 commercial clothes washer (small)
No kitchen
6 staff
- B. A jail
336 single occupancy cells
4 commercial clothes washers (big)
Serving kitchen for 436
50 staff

2. Maine State Plumbing Code (External) Page 7.5

Table 7.2 "Design Flows for Facilities" indicates a design flow of 100 GPD/bed and 15 GPD per employee. These design figures are based upon "old style" plumbing fixtures (no water conservation).

3. The water consumption (and, therefore, sewage volume) for the existing jail (mostly "old style" fixtures) for the year 1990 was made available by Portland Water District (Donald Wyman). The facility has a kitchen and a laundry and averaged 14,414 gallons per day.

In addition to the existing jail, an average of 19 inmates are housed at the Portland Police Department. With the construction of the new facility, these 19 inmates will be relocated. Kitchen and laundry usage of these 19 inmates comes from the existing jail. The estimated additional water consumption, therefore, is 760 gallons per day (40 gallons per day per inmate).

The total credit for demolition of existing jail and relocation of inmates at Portland Police Department is 15,174 gallons per day.

4. The sewerage volume of the new jail facility is attached. The water use per inmate is going to be less than at the existing jail, due to the use of modern watersaving fixtures.

Total sewerage volume for the new jail facility will be 23,376 gallons per day. After deducting the credits for the existing jail, the net sewerage flow is 8,202 gallons per day.

5. The attached calculation needs to be reviewed and approved by the Division of Health Engineering Ken Meyer (or Jay Hardcastle). SMRT's letter to Health Engineering is attached.
6. Further water savings may still be possible, but their cost effectiveness depends on the to be proposed "per gallon" CSO-assessment of the City of Portland.

Cumberland County Jail

Sewerage Volume

Inmate Use: Based on Installed Fixtures

FIXTURE	WATER CONS. (GPM/GPF/GPC)	USE/DURATION	#OCC.	TOTAL
<u>Jail</u>				
W.C.	3.5 GPF	10/Day	336	11,760
Lav	.5 GPM	5 Min/Day	336	840
Shower	2.0 GPM	3 Min/Day	336	2,016
Laundry	2 gal/lb	2.5 Lb/Day	336	<u>1,680</u>
				16,296

Pre-Release

W.C.	3.5 GPF	3/Day	44	462
Lav	2.5 GPM	5 Min/Day	44	550
Shower	2.0 GPM	3 Min/Day	44	264
Laundry	40	3		<u>160</u>
	(20 Gal/Cycle x2)			1,436
	(Cycle Mach.)			

Staff

W.C.	3.5 GPF	3/Day	56x3	1,764
Lav	2.5 GPM	3 Min/Day	56x3	1,260
Shower	2.5 GPM	3 Min/Day	28x3	<u>1,050</u>
				4,074

All Prerelease

Kitchen/Dish- washing	1.2 GPM (.52 GPM Dishw.) (.68 GPM Add'l.)	3 Meals	436	<u>1,570</u>
--------------------------	---	---------	-----	--------------

GRAND TOTAL 23,376 GPD

CC Jail Sewerage Volume

Using Water-
Saving Fixtures Plumbing Code

JAIL USE: 16296 GPD = 48.5 GPD
 336 Beds

Plus % of Kitchen = 3.6 GPD

52.1 GPD 100 GPD

PRE-RELEASE USE 1436 GPD = 32.6 GP
 336 Beds

Plus % of Kitchen = 3.6 GPD
 @ 3.6 GPD

Total 36.2 GPD 50 GPD

STAFF USE WC/Lav = 18.6 GPD
 Shower = 12.5 GPD
 Kit % = 3.6 GPD
 34.1 GPD

15 GPD

Dishwasher

Ron Marada Burbank & Douglas
781-3920

Hobart CRS-86

Start up	65 gallons	x	3 meals/day
1 hour use	160 gallons	x	3 meals/day
	225 gallons	x	3 meals/day

225 gallons
436 meals = .52 gal/meal (3) 675 GPD

Laundry Use at Concord State Prison

Concord State Prison 1-603-271-1800 Marty

Average 4500 lbs/day (1800 inmates)
18 lbs/inmate/week

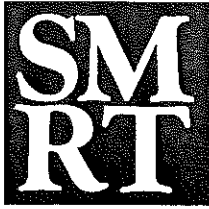
Includes: 3 sets uniforms (pants, shirt) 2-3 wash/week
5 underwear/socks 2 wash/week
1 bedding 1 wash/week
5 bath towels

Laundry operator 5 days/week
14 hrs/day

Uses (2) 90 Milnors Excellent track record
(2) 70 1 motor replaced in 11 years

* Suggest (3) 50's instead of (2) 75's because of use

Milnor machines use an estimated 2 gals/lb when full



ARCHITECTURE ENGINEERING SURVEY

STEVENS MORTON ROSE & THOMPSON
39 Forest Avenue P.O. Box 618
Portland, Maine 04104
Tel 207/772-3846 Fax 207/772-1070

February 11, 1991
Project: 89006.17-2.2

Stephen Harris, Planning Engineer
Department of Public Works
City of Portland
55 Portland Street
Portland, ME 04101

RE: Cumberland County Jail
CSO Abatement

Dear Steve:

Thank you for your call on Friday, February 8 regarding the above project. Below are our responses to the questions/comments you had. I will refer to each specific page of our February 4 submission.

1. Page 3 of 5, WC: Are we projecting 10 flushes per tenant?

Yes. We feel this is a generous assumption. It will probably be less.

2. Page 3 of 5, Shower: How do we limit each person to a three minute shower per day?

The shower mechanism operates with a push button. A single push will generate 45 seconds of water flow. Typically, a complete shower will take about four pushes (4 times 45 equals 3 minutes). More time may actually be spent in the shower, because of soaping up, etc., but this is not necessarily with water running. Moreover, our calculation assumes that all occupants will each take a shower a day. Based on conversations with jail staff, this is not the case. (By law, one shower per week is a minimum requirement.) On average, the 3 minute shower is an adequate assumption. Health Engineering confirmed this.

3. Page 3 of 5, Staff Shower: Will the staff be limited to a 3 minute as well?

No, the staff may take longer showers if they so desire. In

the current facility there are no staff showers, so all personnel shower at home. We assumed that only a portion of the staff will indeed shower at the new facility. Therefore, we feel an average 3 minute shower is adequate, especially when jail staff has already showered at home before coming to work.

4. Page 3 of 5, Lavatory: How is the 5 minute duration controlled?

As with the showers, this is an average time, which we have confirmed with conversations with jail staff and Health Engineering. Some will use more, some will use less.

5. Page 1 of 5, item 3, Existing water consumption: You pointed out that SMRT used an incorrect figure for current water usage.

The water usage in the period from February 1, 1990 to January 30, 1991 was 7,164 hundreds of cubic feet. Multiplied by 7.48 gallons per cubic feet, this comes out to be 14,681.29 GPD. Please substitute this number in the final breakdown.

6. Page 1 of 5, item 3: Inmates housed at Portland P.D.: You stated that because the capacity to house the 19 inmates in question is not going to be physically removed, you will not be able to deduct the associated 760 GPD.

We now better understand the City's position on this, and will not take issue with your conclusion.

UPDATED SUMMARY

New Jail: + 23,376 GPD
Existing Jail: - 14,681 GPD
Net Sewer Increase: 8,695 GPD

I hope this answers your questions. We look forward to hearing the City's position on the CSO Abatement issue.

Sincerely,

STEVENS MORTON ROSE AND THOMPSON, INC.



Theo Holtwijk, ASLA, APA

cc. Sarah Greene, Senior Planner
Jay Hardcastle, Maine Department of Health Engineering

Parks & Public Works

RECEIVED

JUN 10 1991

STEVENS MORTON
ROSE & THOMPSON



CITY OF PORTLAND
5 June 1991

George A. Flaherty
Director

Mr. Theodoor H.B.M. Holtwijk, ASLA, APA,
STEVENS MORTON ROSE & THOMPSON,
39 Forest Avenue,
Portland, Maine 04104.

Re. Proposed Cumberland County Jail and Pre-Release Center.

Dear Mr. Holtwijk:

The twenty-seven inch diameter reinforced concrete combined sewer pipe in Congress Street, and the sewage treatment facilities, in the City of Portland, Maine have adequate capacity to transport and treat the anticipated wastewater flows of 23,376 gallons per day, from your proposed development, at 990-996 Congress Street, City of Portland, Maine.

Proposed Cumberland County Jail and Pre-Release Center Net Wastewater Flows:

Proposed County Jail etc.	=	23,376 GPD
Existing County Jail etc.	=	<u>14,681 GPD</u>
Net Wastewater Flows	=	8,695 GPD

In light of the fact that the proposed development will discharge into a combined sewer, the city is requesting you to remove storm water from our combined sewer system at a five to one level of your anticipated wastewater flow (i.e. 5 X 8,695 GPD = 43,475 GPD). Storm water inflow should be calculated on the basis of a three month recurrence interval storm.

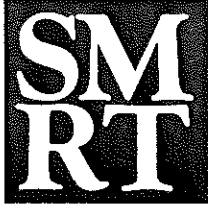
If I can be of further assistance, please call me at 874-8300, extension 8828.

Sincerely,

William B. Goodwin, P.E.
Environmental Projects Engineer

WBG/fjb

pc: Stephen K. Harris, Planning Engineer.



ARCHITECTURE ENGINEERING SURVEY

STEVENS MORTON ROSE & THOMPSON
39 Forest Avenue P.O. Box 618
Portland, Maine 04104
Tel 207/772-3846 Fax 207/772-1070

February 4, 1991
Project No. 89006 2.2

Mr. Jay Hardcastle
Department of Health Engineering
State House Station 10
Augusta, Maine 04333

Dear Jay,

Please find our revised figures for kitchen use and staff numbers as per our phone conversation on Friday, February 1.

As you recall, it was agreed that an appropriate amount of miscellaneous water had been taken into account when assuming use and/or duration figures. It was estimated on the liberal side. Further it was also decided that because of the efficiency of our largest kitchen item, the dishwasher, that we could assume 1.2 gallons per meal served, 0.52 for the dishwasher and 0.68 gallons per meal for the remainder of prep & pot wash.

We have revised the staff number to reflect 3 shifts of 56 which will effect our cumulative total but leaves the gallon per day number constant with the exception of the increase in meal prep.

Our final numbers appear to be 52.10 GPD for inmates, 36.2 GPD for pre-release inmates and 34.1 GPD for staff. Our staff number includes showers which, although provided, are not required by code and use will probably be much less.

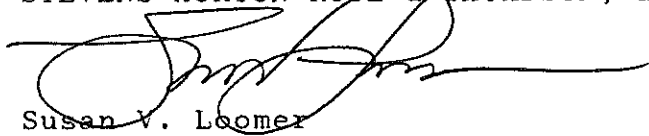
Total gallons per day would then be 23,376 based on 336 inmates, 44 pre-release and 3 shifts of 56 for staff.

I appreciate your taking time to review these numbers again and providing us with your confirmation.

If either you or Ken have any additional comments or questions please feel free to call.

Sincerely,

STEVENS MORTON ROSE & THOMPSON, INC.

A handwritten signature in black ink, appearing to read "Susan V. Loomer", written over a horizontal line.

Susan V. Loomer

SVL:hp

cc: Dana R. Morton, P.E.



RECEIVED

John R. McKernan, Jr.
Governor

MAY 29 1991

Rollin Ives
Commissioner

STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
AUGUSTA, MAINE 04333

STEVENS MORTON ROSE & THOMPSON

22 May 1991

Ms. Susan V. Loomer
Stevens Morton Rose & Thompson
P.O. Box 618
Portland, Maine 04104

Re: Water Use Projections, Cumberland County Jail - Portland

Ms. Loomer,

This is a belated response to your letter of 4 Feb 1991 requesting review of the flow projections for the proposed jail.

The calculations described in a memo from Dana Morton to Theo Holtwijk dated 5 Feb 1991 appear adequate, appropriate and complete.

As stated in that memo, the design flows included in our Table 7.2 do not reflect the current state of the art for water conserving fixtures or appliances.

The total projected design flow of 23,376 GPD seems reasonable if the construction and use of the building is as assumed.

This office does not object to the projected design flow, the rationale or the calculations.

Since the building will be connected to a public sewer and our authority is limited to subsurface systems and internal plumbing, my review is advisory in nature and not binding on any of the parties.

Thank you for your patience in awaiting our response.

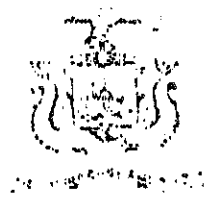
Sincerely,

Kenneth L. Meyer,
Wastewater & Plumbing Control
Division of Health Engineering

cc: Jay Hardcastle
P. Samuel Hoffses, LPI

file

Executive Department



Robert B. Ganley
City Manager

CITY OF PORTLAND

June 20, 1991

Mr. Theo Holtwijk
SMRT
P.O.Box 618
Portland, ME 04104-0618

Dear Mr. Holtwijk:

Congratulations on the Planning Board's approval of the Cumberland County Jail.

As we discussed, the City is working to establish a policy regarding the 5:1 stormwater separation plan requirements as mandated by the Maine Department of Environmental Protection. The County Commissioners are required to propose and engineer a stormwater separation plan for the jail prior to issuance of a building permit.

The City Manager's office has been working with the Parks and Public Works Department to assess the number of credits available to the City for past separation projects, and depending on action by the City Council, may have credits available to provide for the County Jail project. At this time I cannot tell you what the cost for these credits will be. We expect confirmation on the policy later this month, and will keep you informed.

Sincerely,

Mark Green
Deputy City Manager

MG:dm

- cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
- Alexander Jaegerman, Chief Planner
- Sarah Greene, Senior Planner
- Natalie Burns, Associate Corporation Counsel
- George Flaherty, Director of Parks and Public Works



Sarah

CITY OF PORTLAND

October 1, 1990

Mr. Joseph R. Mazziotti, Chairman
Cumberland County Commissioners
142 Federal Street
Portland, ME 04101

Dear Joe:

Bob has asked me to work with you during the planning and construction of the Cumberland County Jail as the liason from the City.

I look forward to
calling
involvement

Please give me a
City Planners

Sandall Memoranda, written to date
to: *Marshe Bly the - Brown*

*Please call to let her know
what report meetings etc. are getting done too late*
Guilford
NOTICE
Sarah - Please touch base w/ me on this
(603) 429-3100
FAX 429-3120

*Guilford Transportation
Industries Inc.*

7 Executive Park Drive

*Merrimack, NH
03054*

MG/pp
cc: Rob
Joe

MEETING SCHEDULE AS OF: July 27, 1989

NEXT FULL COMMITTEE MEETING

TO BE ANNOUNCED

ARCHITECTURAL SUBCOMMITTEE MEETINGS:

MEETINGS-- Commissioners Meeting Room
County Courthouse

Monday, August 7, 1989 4:30 p.m.

SYSTEMS/ALTERNATIVES

At Rick Romanow's Office-- 465 Congress Street

Wednesday, August 2, 3:30 p.m.

Wednesday, August 30, 3:30 p.m.

PUBLIC INFORMATION SUBCOMMITTEE

Tuesday, August 1, 1989

3:00 p.m.

97 State Street

Portland (Paul Eggert's Office)

RESCHEDULED

Jail Industry Conference

August 31, 1989

All day, in Portland

SUMMARY CALENDAR: Cumberland County Jail Committee

As of July 27, 1989

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
JULY 30	31	AUGUST 1 Public Inform. 3:00 p.m.	2 Systems 3:30 p.m.	3	4	5
6	7 Architect. Subcomm. 4:30 p.m.	8	9	10	11	12
13	14	15	16	17	18	19
20	21 Legislature (..they're back...)	22	23	24	25	25
27	28	29	30 Systems 3:30 p.m.	31 Jail Indus. Workshop	1	2

CUMBERLAND COUNTY JAIL COMMITTEE
c/o County Commissioners
142 Federal Street
Portland, ME 04101
(207) 871-8380

NOTES FROM July 20, 1989, FULL COMMITTEE MEETING

Present:

Cushman Anthony
Peter Manning
Pierre Shevenell
Russ Immarigeon
Steve Johnson
Stev Parker
A. L. Carlisle
Brad Buck

Steve Johnson Phil Kaminsky (SMRT)
Arthur Thompson (SMRT- Architect)
Rod Miller, CRS

AGENDA

Cumberland County Jail Committee
June 29, 1989

1. Subcommittee Reports
 - a. Architectural Subcommittee
 - (1) Site Selection Activities
 - (2) Architectural Programming
 - b. Systems/Alternatives Subcommittee
 - c. Public Information Subcommittee
2. Other Related Jail Activities and Issues
 - a. Interim housing efforts
 - b. Halfway House
 - c. Jail Administrator
3. Legislative Report
 - a. Community Corrections Act
 - b. L.D. 1189 and Implications
 - c. Juveniles
 - d. Referendum
 - e. Jail Industries
4. Other Business
 - a. Jail Industries Workshop

1. SUBCOMMITTEE REPORTS

a. Architectural Subcommittee

Design. Arthur Thompson distributed materials that described the evolving thoughts and recommendations of the Subcommittee with regard to unit management, functional relationships and initial configuration of housing units. These are included with the attached notes from the Architectural Subcommittee.

The Subcommittee recommended some changes with regard to proposed housing of females in the facility; these will be reflected in subsequent drawings.

Site Selection. The county commissioners will retain an attorney to negotiate for the first choice site (Merrill Transportation Park).

b. Systems/Alternatives Subcommittee

Proposal (first). Russ Immarigeon distributed a "Second Draft Proposal Cumberland County Jail Population Management Coordinating Agency" (attached). This was the subject of lengthy discussion and debate. The Committee concluded that this draft should be revised and brought back for final review, consistent with the comments and concerns offered at the meeting. Generally, members suggested that this might be accomplished through the existing mandate of the Systems/Alternatives Subcommittee, but increasing membership.

Briefly, members expressed concerned about creating another committee with its own bureaucracy, rather than focussing funds on the actual delivery of new services and programs. Several suggestions were made (some serious) for a more concise title for this proposed group.

Sagadahoc County. Pierre reported in successful meetings with the Sagadahoc Committee. Halfway house plans are being explored, and the Committee has secured the support of the county commissioners for establishing a full-time "alternatives" worker in Sagadahoc County.

Halfway House. Pierre and Rick Romanow, with the assistance of Steve Johnson, will attempt to rekindle interest in a Portland halfway house.

County Corrections Board. The Subcommittee urged the full Committee to seek legislation on the upcoming Special Session, creating a County Corrections Board that would have the authority to operate the jail and related programs/settings. Such a board would be comprised of the Sheriff, a county commissioner, the District Attorney, a judge and possible others. After lengthy discussion and debate, the Committee concluded that this was premature and might confuse voters in the Fall. They suggested using the next few months to more fully develop the proposal, and to introduce it formally after the referendum passes.

c. Public Information Subcommittee

The Subcommittee has met two times, and will meet again on August 1. A second draft "flier" was distributed, and members were asked to comment on its contents. Generally, the work plan distributed several weeks ago is being implemented by the Subcommittee.

2. OTHER RELATED ACTIVITIES AND ISSUES

- a. Interrim House Efforts are continuing, moving toward a 36-bed expansion of the jail.
- b. Halfway House efforts will be re-started, as reported by the Systems/Alternatives Subcommittee.
- c. A new jail administrator has been hired. Wade Sanders will begin on September 11; his resume was circulated to members.

3. LEGISLATIVE REPORT

Status of most bills was reported in the preceding mailing. A.L. Carlisle discussed juvenile issues, noting that legislation has now required all juveniles to be "removed" from adult-serving jails by January 1, 1991. Unfortunately, funds to create alternative facilities have yet to be authorized, consistent with the proposals of the Juvenile Corrections Planning Commission.

4. OTHER BUSINESS.

The one-day Jail Industries Workshop will be held on August 31, in Portland. Interested members should contact Rod Miller, at 685-9090.

The meeting adjourned at 9:00 p.m.

ATTACHMENT: Second Draft Proposal, Jail Population Management Coordinating Committee

PROPOSAL

**Cumberland County
Jail Population Management Coordinating Agency**

July 24, 1989

Jail overcrowding results from a lack of systemwide planning and coordination among criminal justice and community agencies. As part of a long-term proactive strategy to help alleviate current and forestall future jail overcrowding, the Systems/ Alternatives Subcommittee of the Cumberland County Jail Committee recommends establishing a Jail Population Management Coordinating Agency.

Purpose:

The Cumberland County Jail Population Management Coordinating Agency (JPMCA) will coordinate criminal justice and community agencies, monitor the county's jail population, recommend program- and policy-oriented jail alternatives, and evaluate and adjust the implementation of these measures.

The JPMCA will report directly to the County Commissioners. The JPMCA will serve different information-sharing, planning, program development, and public education functions. Among other things, the JPMCA will:

- form a core membership;
- review characteristics of the current and the likely future jail population and of the extent and nature of current community agency-criminal justice system interrelationships;
- identify a range of administrative, program, and policy options which could be used to minimize the county's jail population, reserve jail space for serious offenders, and to avoid jail crowding;
- establish an on-going database concerning pretrial and sentencing practices;
- develop an on-going working relationship among criminal justice practitioners, community service agencies, the business community, and the public;
- develop consensus among these parties regarding particular administrative, program, or policy options;
- monitor the implementation of these initiatives;
- evaluate the implementation of these measures and recommend changes in procedures as they are needed; and

- respond to various situations as they arise.

In short, the JPMCA will serve as an information, planning, and coordination agency for criminal justice practices in the county.

Membership:

The JPMCA should consist of a balanced working group, representative of key criminal justice decisionmakers in the county. Minimally, this group should consist of:

- a District Court judge;
- a Superior Court judge;
- a representative of the district attorney's office;
- two law enforcement representatives selected by the Maine Chiefs of Police Association (one should represent the metropolitan Portland area; the other should represent rural, outlying areas);
- a representative of the Office of Probation & Parole;
- a defense attorney;
- a representative of the Cumberland County Jail;
- five representatives of community service agencies, including the Portland Adult Community Education (PACE), the Community Counseling Center, the Cumberland County Child Abuse and Neglect Council, the Cumberland County Bail Project, and the Council of Alcohol Services (CAS); and
- three citizen members.

Duration, Funding, and Staffing:

The JPMCA should be established for an initial six-month period. Prior to the end of this period, the JPMCA will be assessed and decisions will then be made whether to continue the agency. The JPMCA requires a full-time staff person who will be responsible for:

- staffing the JPMCA;
- serving as a liaison between members, County Commissioners, and the public;
- mobilizing criminal justice and community support;
- collecting information;
- conducting policy research;
- preparing and distributing information for JPMCA meetings;
- preparing program and policy briefs;
- meeting with criminal justice and community service professionals to augment their participation in programs and policies which serve the purpose of controlling jail population growth.

Thank you for your consideration of these ideas. We stand ready to assist you in the further development and implementation of them.

NOTES FROM THE ARCHITECTURAL SUBCOMMITTEE
Cumberland County Jail Committee

Meeting, July 17, 1989
5:30 - 7:30 p.m.

Present:

- | | |
|-----------------|-------------------|
| Daniel Boisot | Arthur Thompson |
| Steve Johnson | Phil Kaminsky |
| Stev Parker | Curtiss Pullitzer |
| Paul Coleman | Rod Miller (late) |
| Bill Jordan | |
| Brad Buck | |
| Ed Googins | |
| Bill McLaughlin | |

1. Female Housing.

Curtiss described an approach for housing females in, but separately, housing units with males, providing sketches. The concept generally met with opposition and the architects were instructed to revise this approach. As a compromise, female housing will be incorporated into Management Unit B.

2. Management Units

A revised approach, creating three management units was proposed. This was approved, with some amendments.

3. Pre-Release

A lengthy discussion focussed on clarifying the conditions and characteristics of the pre-release components. The group agreed that pre-release inmates would:

- not wear uniforms
- have their own laundry
- have their own kitchen
- be within the facility perimeter
- use the YMCA for exercise
- not use inside programs.

4. Housing Unit Design

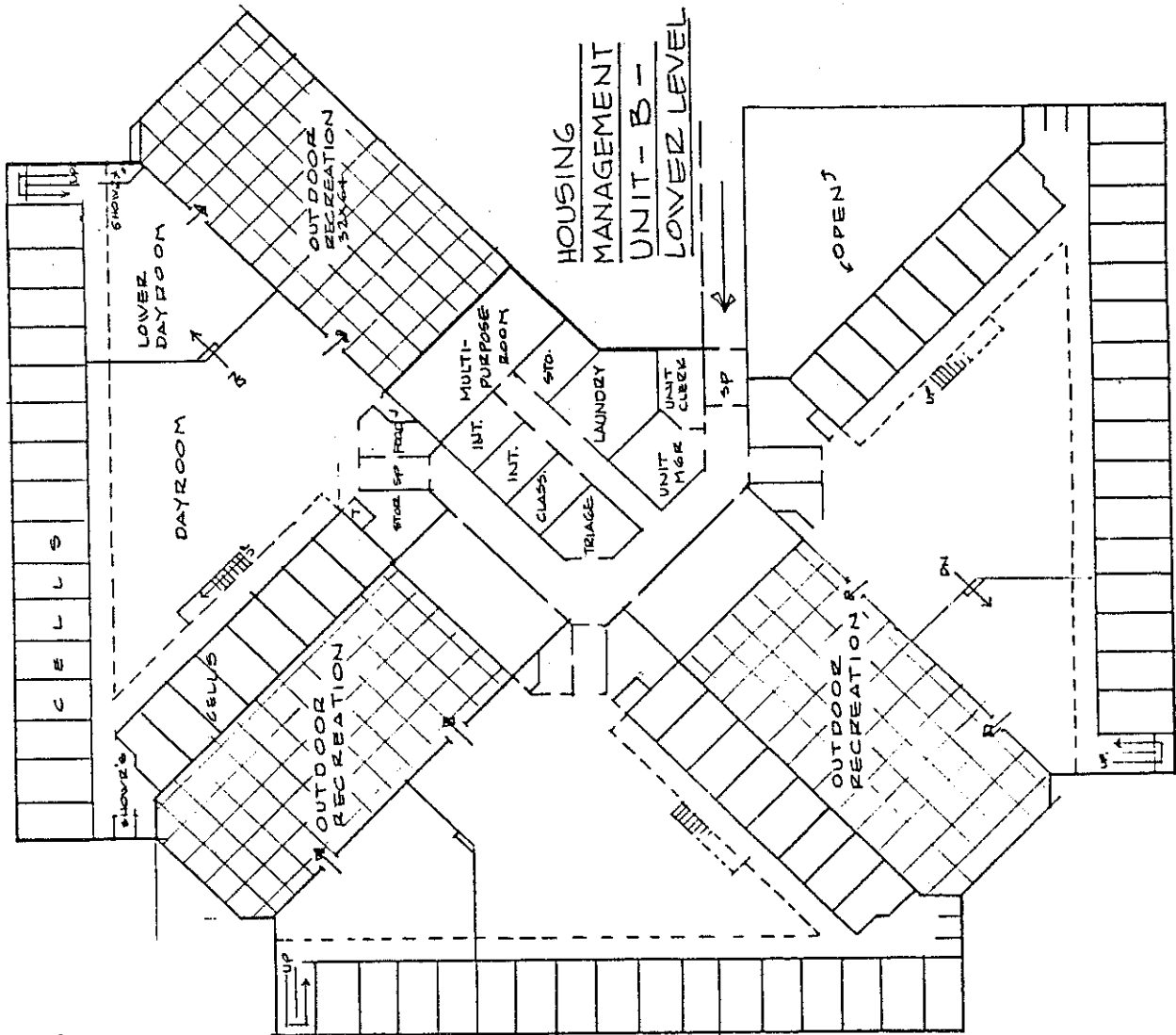
Sketches for a typical housing unit were distributed, discussed and revised.

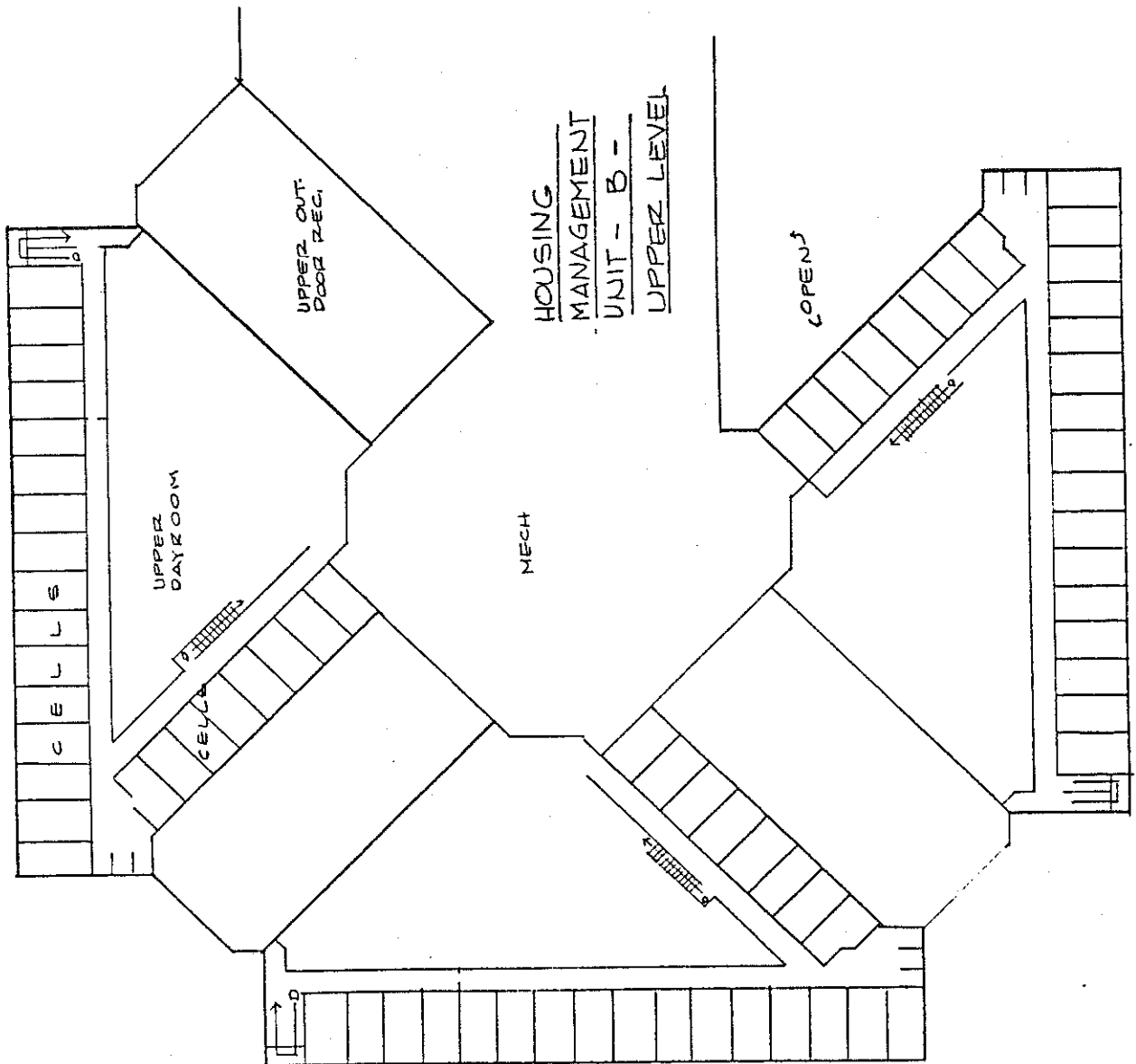
Members suggested that "as much natural light as possible" should be incorporated throughout the design.

5. Law Enforcement.

A sketch plan for a separate law enforcement facility was distributed, discussed and revised. A separate garage facility was approved.

Attachments: Four drawings

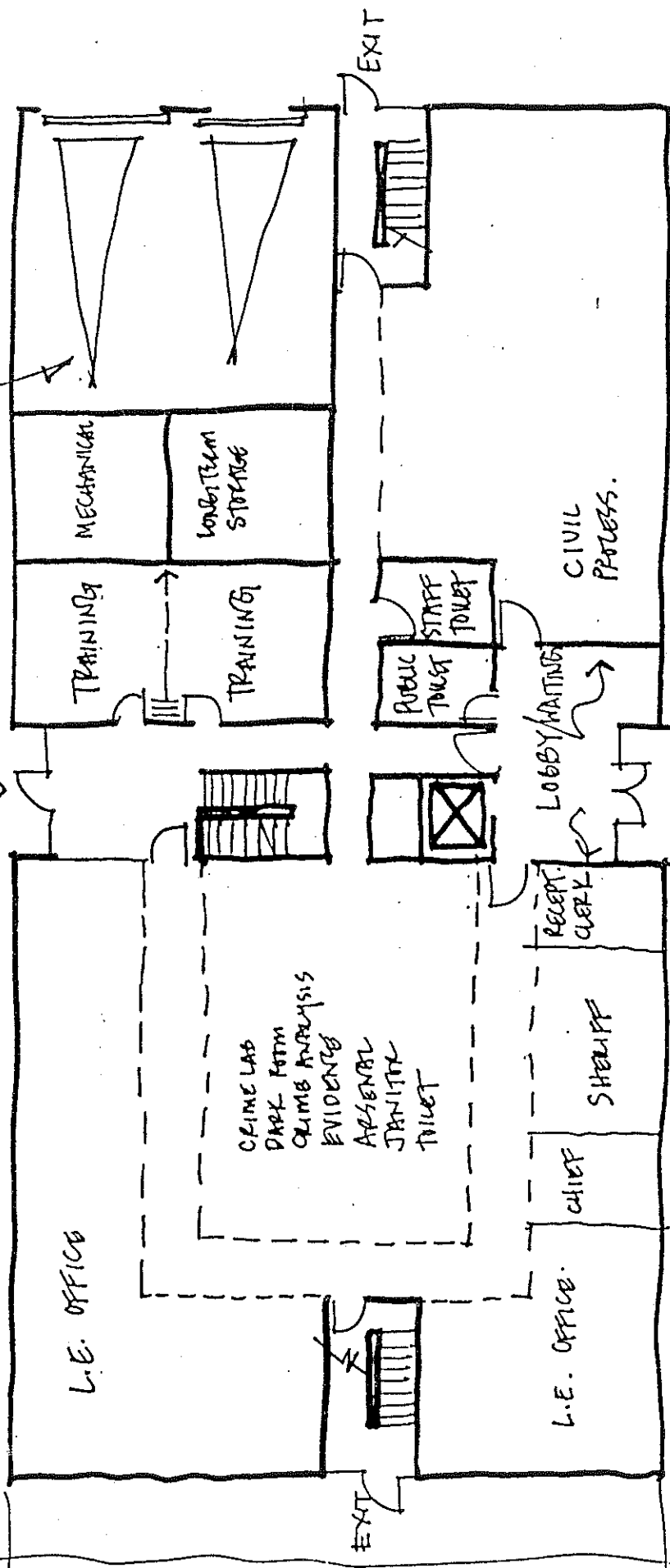




LOOK @
SEPARATE
GARAGE/MAINT.

135'

STAFF
↓



LAW ENFORCEMENT.

8100 SF/FLOOR
2 or 3 FLOORS.

**SYSTEMS & ALTERNATIVES
STANDING SUBCOMMITTEE**

**CO-CHAIRS: RUSS IMMARIGEON 871-7114
PIERRE SHEVENELL 774-1914**

To: Subcommittee & Jail Committee members, et al.
Re: Meeting notes for July 19 1989

Attending: Richard Romanow, Pierre Shevenell, Nancy Grayson, Stev Parker, and Russ Immarigeon

Halfway houses

Portland: programmed work release facility
Ric and Pierre will continue to pursue this avenue.

Sagadahoc County

Pierre and Stev met with the transition house creator Helen Wagner and Jean Parry as well as with representatives of the Sagadahoc County alternatives subcommittee. The house proposal was presented, reviewed and commented upon favorably with suggestions made for personnel and budgetary changes. The goal of the house creators is to be operational by December, 1989.

The subcommittee discussed the meeting results and voted to maintain a supportive, monitoring function on the house efforts. We recommend that an eye be kept open for suitable candidates, but don't anticipate committing to more than one or two slots at the beginning, perhaps six later on if all goes well.

System management/coordinating council

The committee reviewed Russ' draft proposal for a criminal justice coordinating council. Suggested changes were incorporated into a revised draft and presented to the full Jail Committee at their July 20st meetings (cf. jail committee meeting notes.)

Cumberland County Corrections Board

The sub-committee vigorously supported the idea of moving toward an August enactment of legislation that would allow the county to establish a county correctional board which would subsume some of the Sheriff's and County Commissioners' authority in setting policy and budgets for the county jail as a way of providing more effective overcrowding management. The sub-committee voted to bring the idea to the Jail Committee at their July 20st meeting.

NEXT MEETING: WEDNESDAY • **AUGUST 2 • 4 pm to 5 pm**

**465 congress street, Portland- in the offices of Rick Romanow -
(MONUMENT SQUARE - 6th floor)**

air conditioning will be provided at no extra cost - bring a friend

CUMBERLAND COUNTY JAIL COMMITTEE

MAILING of June 27, 1989

The following items are enclosed (coded in the upper right-hand corner of the first page of each document):

- A. SCHEDULE AND CALENDAR. A summary of all upcoming meetings and a calendar.
- B. NOTES FROM PUBLIC INFORMATION SUBCOMMITTEE MEETING--
June 20, 1989
- C. NOTES FROM SYSTEMS/ALTERNATIVES SUBCOMMITTEE MEETINGS
- D. NOTES FROM ARCHITECTURAL SUBCOMMITTEE MEETING, June 19
- E. LEGISLATION--
 1. L.D. 1755, authorizing the referendum for a
a \$25,000,000 bond issue
(awaiting governor's signature)
 2. L.D. 1742, creating a Jail Industries Authority
(awaiting governor's signature)



CUMBERLAND COUNTY JAIL COMMITTEE

c/o Cumberland County Commissioners
142 Federal Street
Portland, Maine 04101

A

L. Daniel Boisot, Chairman
telephone 207/879-4000
Cushman Anthony
Edward M. Bonney
Brad Buck
Richard N. Bryant
A. L. Carlisle
Donnell Carroll
Michael Chitwood
Paul Coleman
James Conley
Gary C. Cooper
Lyle B. Cramer
G. William Diamond
John Dovinsky
E. Paul Eggert
John Flaherty
Joan Gauche
Edward Googins
Hamilton Grant
Nancy Grayson
Virginia Hildreth
Alan Hybers
Russ Immarigeon
Linda B. Johnson
Stephen Johnson
William Jordan
Stephen Parker
Peter Manning
Paul McCarthy
William McLaughlin
Pierre Shevenell
Barbara Strout

MEETING SCHEDULE AS OF: June 26, 1989

NEXT FULL COMMITTEE MEETING

Thursday, June 29, 1989
7:00 - 9:00 p.m. Training Room
(Main Building)
Maine Youth Center, So. Portland

ADDITIONAL FULL COMMITTEE MEETING DATES
(Evenings)
To Be Announced

ARCHITECTURAL SUBCOMMITTEE MEETINGS:

MEETINGS-- Commissioners Meeting Room
County Courthouse

Monday, July 17, 1989 5:30 p.m.

SYSTEMS/ALTERNATIVES

At Rick Romanow's Office-- 465 Congress Street

Wednesday, July 12, 3:30 p.m.
Wednesday, August 2, 3:30 p.m.
Wednesday, August 30, 3:30 p.m.

PUBLIC INFORMATION SUBCOMMITTEE

Tuesday, July 11, 1989
3:00 p.m.
97 State Street
Portland (Paul Eggert's Office)

RESCHEDULED (TENTATIVELY)

Jail Industry Conference
Tentatively Scheduled for August 30, 1989

See also....attached Summary Calendar.....

SUMMARY CALENDAR: Cumberland County Jail Committee

As of June 27, 1989

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
25	26 Commissrs	27	28	29 Full Comm 7:00	30	1
JULY 2	3	4	5	6	7	8
9	10	11 Pub. Inf 3:00 p.m.	12 Systems 3:30	13	14	15
16	17 Archl. Sub 5:30 p.m.	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2 Systems 3:30 p.m.	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	25
27	28	29	30 Systems 3:30 p.m.	31	1	2

PUBLIC INFORMATION SUBCOMMITTEE
Cumberland County Jail Committee

June 20, 1989
3:00 - 5:00 p.m.

NOTES FROM FOURTH MEETING.

Present: Linda Johnson, Paul Eggert, Dan Boisot, Rod Miller, Ed Hershey.

1. Conceptual Outline, Work Plan and Schedule

The members reviewed an outline distributed earlier by Rod and Ed, adapting it more specifically and adopting its contents (see last mailing to Committee members).

2. Protocols for Public Information Releases

Members discussed various methods for initiating and responding to media contacts. Eventually it was proposed that the county commissioners' office be the initial point of contact, with Gary Plummer serving as primary contact person. Additionally, Dan Boisot and as necessary, Rod Miller, would provide support contacts with the media.

As press releases and other materials are developed, Rod will distribute copies directly to Gary Plummer, Dan Boisot, and the Sheriff; he will secure their comments prior to proceeding. At the same time, copies will be distributed to all members of the Public Information Subcommittee, with instructions to contact Rod with comments (if any).

3. Editorial Board Contacts

Members identified specific media sources to be contacted in the coming week. These arrangements will be made by Rod.

4. Our First "Event."

The Subcommittee will ask the County Commissioners to participate in an opening event with special media coverage. At this, the Commissioners would formally establish the site for the proposed new jail and set the date of the referendum. Ideally, this would occur in mid-July.

5. Special Media Coverage.

The following media sources will be asked to consider developing special coverage features about the jail and related issues, prior to the referendum:

- All local access cable
- Press Herald (series)

- Maine Sunday Telegram
- WCSH
- WGME
- WMTW
- "Sunday"
- Maine Times
- WGAN radio
- MPBN

Some of the potential "angles" or topics that might be suggested include:

- public participation in the planning process
- looking at other counties and jails
- programming efforts--now, and new potential
- jail industries
- Portland Police Department perspective re: jail
- community service projects with inmate labor
- a night in the jail...or OUI program
- alternatives to confinement (tracking a case through the Bail Project or Sentencing Options)

6. Progress Reports.

Periodic one- or two-page reports will be sent to a selected mailing list, as follows:

- all councilors and selectmen
- town managers
- police chiefs
- human service agencies
- Department of Corrections (probation, juveniles, MYC, MCC)
- judges
- District Attorney and deputy DAs
- persons interviewed by Committee in systems study
- bail commissioners
- town clerks
- Portland Planning Board, city staff
- legislative delegation
- neighborhood representatives

7. Themes and Concepts.

Ed Hershey described several themes that might be considered for the public information initiative. These included:

1. Outmoded and overcrowded--the jail must be replaced, the costs of not acting, will not be the Taj Mahal but must meet minimum standards (for housing, but optimizing facilities for programming and diversion)
2. 21st Century--this facility will take the county well into the next century, explain how this proposal does not make the same mistakes as the 1964 jail (flexible, expandable, etc.)
3. Balanced--this is an intelligent choice, balancing difficult needs, demands and considerations, e.g...
 - secure/humane
 - public safety/social conscience
 - far-sighted/efficient now
 - bigger/not allow unconstrained growth
 - capital/operating costs
4. Civic pride and obligation--[this needs some careful work to develop approaches that work for urban, suburban and rural residents]
5. State takeover--however the Legislature decides this issue, the argument can be made for acting now.

In the subsequent discussion, two additional themes were suggested:

6. Costs--a clear description of costs in a manner that the taxpayer can understand (costs of acting, and costs of not acting)
7. Opportunities--the "opportunity cost" of not acting now, and the new opportunities for programming (e.g. industries) that are possible with the proposed new jail, emphasizing human productivity and advancement.

8. Adjournment.

The meeting adjourned at 5:00 p.m.

**SYSTEMS & ALTERNATIVES
STANDING SUBCOMMITTEE****CO-CHAIRS: RUSS IMMARIGEON 871-7114
PIERRE SHEVENELL 774-1914**

To: Subcommittee & Jail Committee members, et al.
Re: Meeting notes and update

Dear friends;

These notes encompass the subcommittee meetings of 5/24, 5/31 and 6/21.

Membership

A strong membership group re-enlisted. Areas needing more representation are the judiciary and community service agencies.

Program evaluations

Initial reports on the first OUI-SMVTI weekend are positive. The subcommittee strongly supports the continued employment of Bill Tanner as the programming director.

Pretrial services

On May 22 the Bail Project hired and began training the additional caseworker funded by the County at our request. She is Jeanne Herrick. She has completed her orientation/training and is now doing casework fulltime.

Halfway houses

Portland; programmed work release facility

Discussions with the Sheriff have not reached an agreement as to the number of inmates who could be classified as appropriate replacements for the work-release inmates who would be leaving the lockup for a programmed halfway house. Ric and Pierre will continue to pursue this avenue.

Sagadahoc County

Jean Parry from Bath and Helen Wagner from Wiscasset contacted subcommittee member Stev Parker in hopes that he or a committee member could attend an informational meeting which they held on June 12th concerning their proposal for a programmed halfway house to meet regional needs. Subcommittee members were unable to attend.

Pierre met with the Sagadahoc County alternatives subcommittee and has scheduled a meeting for July 6th at 1pm at the Sagadahoc County Commissioners' office in Bath for representatives from both subcommittees to meet with Helen and/or Jean. Please feel invited.

System management/coordinating council

Russ is drafting a proposed structure and implementation plan to present to the county commissioners at their July 10th meeting. Copies will be mailed to all beforehand for commentary...(Russ loves phone calls!).

Deferred prosecution

Stev and Laurence will be gathering and digesting information on deferred and diverted prosecutorial options. Target group is first time property offenders.

Legislative concerns

Discussions of a state jail takeover left the committee confused as to possible benefits, but reaffirming its commitment to exploring/implementing correctional alternatives.

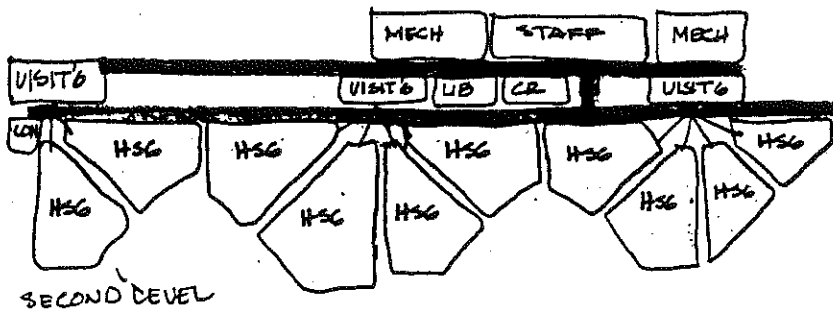
NEXT MEETING: WEDNESDAY • JULY 12 • 4 pm to 5 pm

465 congress street, Portland

- in the offices of Rick Romanow -

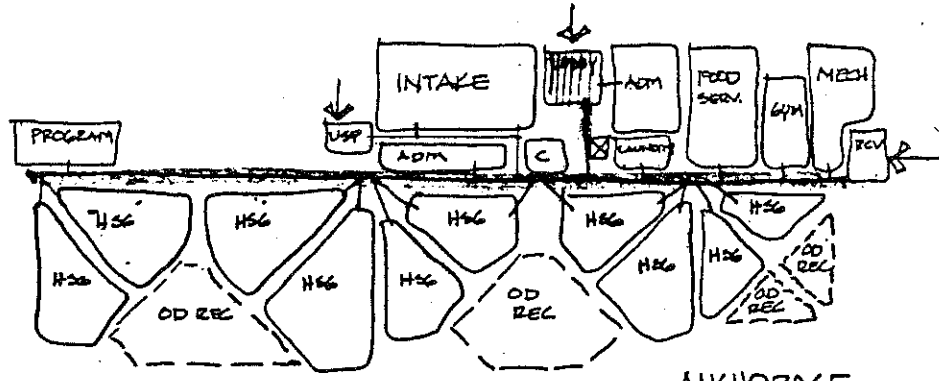
(MONUMENT SQUARE - 6th floor)

beverages will be served - Rick will be sporting white shirt and tie



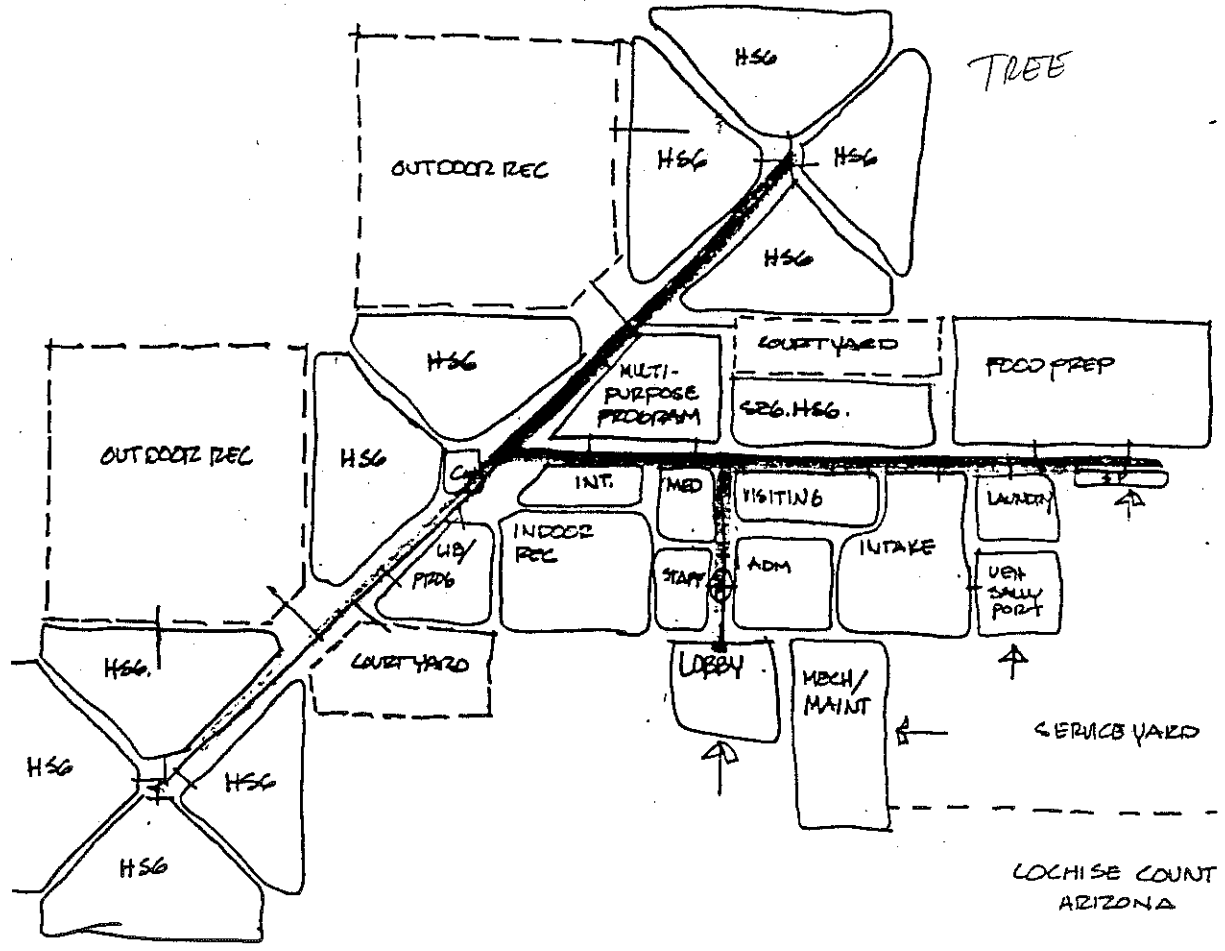
UNEAR -
 Note visiting on the
 unit requires 2nd
 circulation

SECOND LEVEL



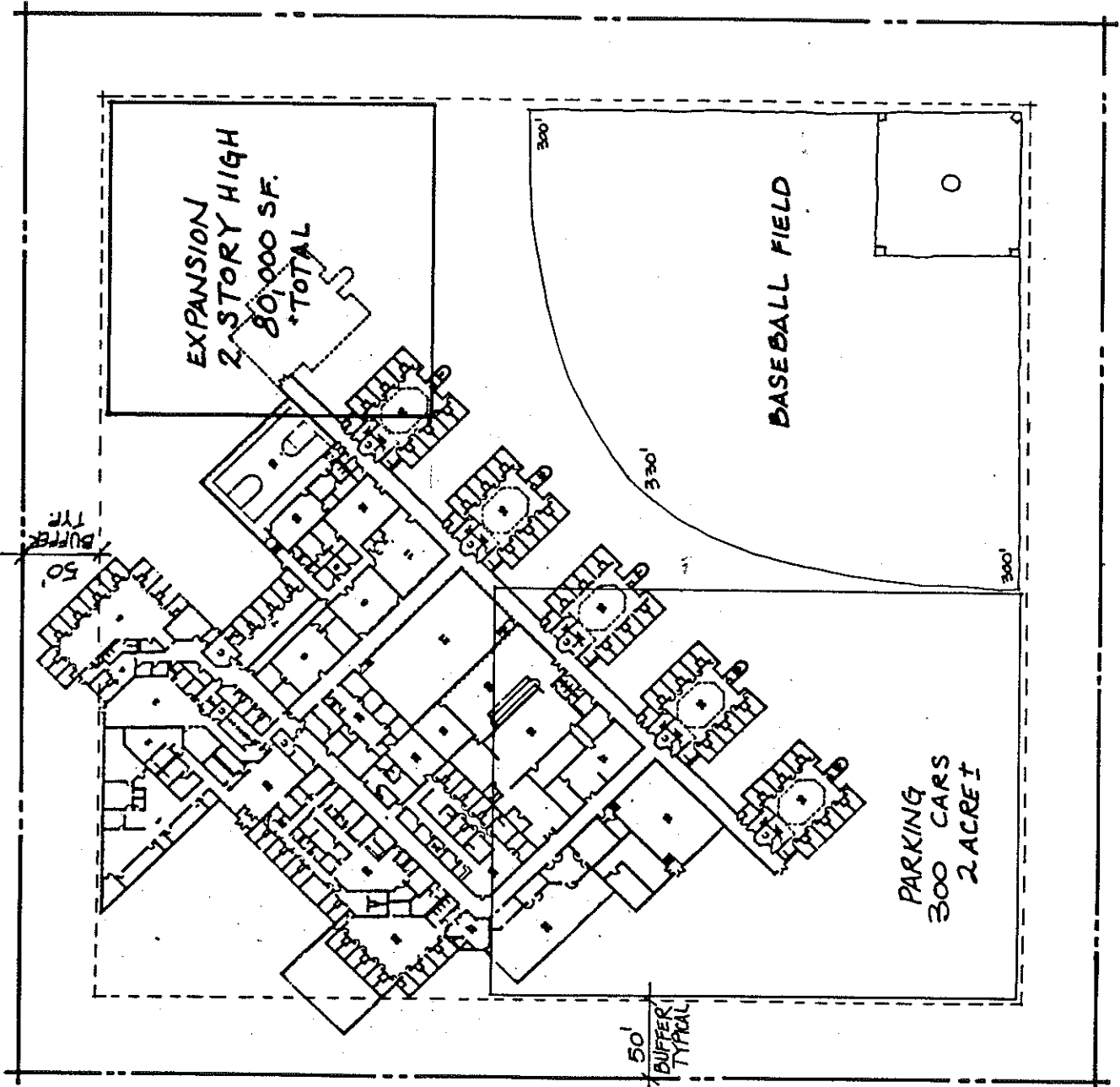
FIRST LEVEL

ANCHORAGE
 ALASKA



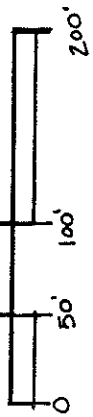
TREE

LOCHISE COUNT
 ARIZONA



660

660'
10 ACRES = 435,600 SF.





114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1755

H.P. 1258

House of Representatives, June 15, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on State and Local Government suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

Cosponsored by Representative STROUT of Windham, Representative ANTHONY of South Portland and Representative CARROLL of Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Authorize Cumberland County to Raise up to \$25,000,000
for Construction of a New Jail Facility for Cumberland County.

(AFTER DEADLINE)



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. To raise money for construction of jail facility for Cumberland**
4 **County.** The county commissioners of the County of Cumberland are
5 authorized to raise and expend a sum not to exceed \$25,000,000
6 for construction of a county jail facility located in Cumberland
7 County.

9 **Sec. 2. Aid from other sources.** The county commissioners of the
10 County of Cumberland are authorized to borrow any portion of the
11 sums herein authorized from or through any agency or department
12 of the State of Maine and of the Federal Government. The county
13 commissioners are authorized to receive grants of money and other
14 assistance from or through any agency or department of the State
15 of Maine and of the Federal Government for any of the purposes
16 authorized in this Act.

17 **Sec. 3. Bonds.** To provide funds for the county jail
18 facility, the treasurer of Cumberland County, with the approval
19 of the county commissioners, may borrow from time to time upon
20 the full faith and credit of the county such sums, not exceeding
21 in the aggregate \$25,000,000, as may be necessary and may issue
22 bonds therefor which shall bear on their face the words
23 "Cumberland County Capital Improvement Bonds Act of 1989." Each
24 authorized issue shall be payable in such annual installments,
25 beginning not more than 2 years from the date thereof and not
26 earlier than the year 1991, as will extinguish each loan in not
27 more than 20 years from its date. The bonds shall be signed by
28 the treasurer of the county and countersigned by the majority of
29 the county commissioners. The county may sell the securities at
30 public or private sale upon such terms and conditions as the
31 county commissioners may deem proper, but at not less than par
32 and accrued interest.

33 **Sec. 4. Temporary notes.** The county treasurer, with the
34 approval of the county commissioners, may issue temporary notes
35 of the county, payable in not more than one year from their
36 dates, in anticipation of the issue of serial bonds under this
37 Act and may renew the same, but the time within which such serial
38 bonds shall become due and payable shall not, by reason of such
39 temporary notes, be extended beyond the term fixed by this Act.
40 Any notes issued in anticipation of the serial bonds shall be
41 paid from the proceeds of the bonds.

42 **Sec. 5. Bonds authorized but not issued.** Any bonds authorized
43 but not issued, or for which bond anticipation notes have not
44 been issued within 5 years of the ratification of this Act, shall
45 be deauthorized and may not be issued, provided that the
46 Legislature may, within 2 years after the expiration of that
47 5-year period, extend the period for issuing any remaining
48 unissued bonds or bond anticipation notes for an additional
49 amount of time not to exceed 5 years.

1
2 **Sec. 6. Referendum for ratification.** This Act shall be submitted
3 to the legal voters of Cumberland County. The dates of such
4 submission shall be determined by the Cumberland County Board of
5 Commissioners but not later than 18 months after adjournment of
6 the Legislature. The Cumberland County commissioners are
7 authorized to expend such funds as are necessary to implement the
8 referendum.

9
10 The county commissioners shall cause the preparation of the
11 required ballots on which they shall state the subject matter of
12 this Act in the following question:

13 "Shall the issuance of bonds be authorized in an amount not
14 to exceed \$25,000,000 for construction of a new jail facility for
15 Cumberland County?"

16
17 The ballot shall also contain the following information to
18 be determined by the county commissioners to be accurate as of
19 the date when it is necessary to begin preparation of the ballot
20 question:

21
22 1. A statement as to the total debt service of the
23 requested issue divided into principal and interest and
24 indicating the interest rate and period of the bond; and

25
26 2. A statement as to the county's bonded indebtedness prior
27 to the requested bond issue.

28
29 The voters shall indicate by a cross or check mark placed
30 against the words "Yes" or "No" their opinion of the same.

31
32 This Act shall take effect for all the purposes hereof
33 immediately upon its acceptance by a majority of the legal voters
34 voting at the election; provided the total number of votes cast
35 for and against the acceptance of this Act equals or exceeds 30%
36 of the total votes for all candidates for Governor cast in the
37 next previous gubernatorial election in the county. If at any
38 such first election, the total number of votes cast for or
39 against acceptance of this Act is less than 30% of the total
40 votes for all candidates for Governor cast in the county in the
41 next previous gubernatorial election, the county commissioners
42 may submit the question to voters not more than one other time
43 within the time prescribed in this section.

44
45 The result of such elections shall be declared by the
46 Cumberland County commissioners and due certificate filed with
47 the Secretary of State.

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STATEMENT OF FACT

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The purpose of this bill is to authorize the Cumberland County commissioners to seek approval from county voters to raise up to \$25,000,000 for construction and improvement of jail facilities for Cumberland County.

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L.D. 1755

(Filing No. H- 628)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE |
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1258, L.D. 1755, Bill, "An Act to Authorize Cumberland County to Raise up to \$25,000,000 for Construction of a New Jail Facility for Cumberland County"

Amend the bill by inserting after section 5 the following:

'Sec. 6. Service fees. The county may negotiate with the municipality in which the county jail facility constructed with funds provided under this Act is located for the annual payment of reasonable service fees reflecting the cost of municipal services associated with the county jail facility.'

Further amend the bill by renumbering the sections to read consecutively.

STATEMENT OF FACT

This amendment permits, but does not require, Cumberland County to negotiate the payment of service fees with the municipality in which the new jail is to be located.

Reported by the Majority of the Committee on State and Local Government
Reproduced and distributed under the direction of the Clerk of the
House
6/19/89

(Filing No. H-628)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

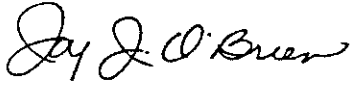
No. 1742

S.P. 647

In Senate, June 12, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Joint Select Committee on Corrections suggested. In Senate, under suspension of the Rules, Read Twice and Passed to be Engrossed, without reference to a Committee and ordered printed. Sent down forthwith for concurrence. In House, June 12, 1989, under suspension of the Rules, Read Once and tomorrow assigned for Second Reading, without reference to a Committee.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Representative ANTHONY of South Portland, Representative MELENDY of Rockland and Representative MAYO of Thomaston.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Create the Maine Jail Industries Authority.

(After Deadline)



1 Be it enacted by the People of the State of Maine as follows:

3 34-A MRS §1211 is enacted to read:

5 §1211. Jail Industries Authority

7 1. Definitions. As used in this section, unless the
8 context otherwise indicates, the following terms have the
9 following meanings.

11 A. "Authority" means the Jail Industries Authority.

13 B. "Private Sector Prison Industry Enhancement
14 Certification Program" means that program authorized by the
15 United States Justice Assistance Act of 1984, United States
16 Code, Title 18, Section 1761.

17 2. Authority created. The Jail Industries Authority is
18 established to provide a means by which counties may voluntarily
19 participate in the production of prisoner-made goods and services
20 for interstate commerce, under the provisions of the Private
21 Sector Prison Industry Enhancement Certification Program.

23 3. Board created. The authority shall be administered by a
24 board of directors, comprised of the following members:

27 A. One sheriff, to be appointed by and serve at the
28 pleasure of a statewide sheriffs association;

29 B. One county commissioner, to be appointed by and serve at
30 the pleasure of a statewide county commissioners
31 association; and

33 C. The sheriff of the county that has been certified by the
34 United States Department of Justice under the provisions of
35 the Private Sector Prison Industry Enhancement Certification
36 Program.

39 4. Duties. The board of directors shall:

41 A. Establish procedures for determining whether a county
42 jail program complies with the requirements of the Private
43 Sector Prison Industry Enhancement Certification Program;

45 B. Determine whether a program shall be designated as a
46 cost accounting center for the purposes of the Private
47 Sector Prison Industry Enhancement Certification Program,
48 and determine whether any such designation previously
49 approved shall be revoked; and

51 C. Monitor all designated programs to ensure continuing
compliance with the rules promulgated by the United States

1 Department of Justice under the provisions of the Private
2 Sector Prison Industry Enhancement Certification Program.

3
4 5. Fees and costs. The board of directors may receive
5 funds from local, county, state or federal sources and may
6 receive grants to support its activities. The board may
7 establish a reasonable schedule of fees to be charged to
8 participating counties.

9
10 6. Enterprise fund. Participating counties shall establish
11 a separate account for the operation of the program. This
12 account shall be operated as an enterprise fund, with continuing
13 authority to receive income and pay expenses associated with the
14 program. All funds remaining in such accounts shall not lapse at
15 the end of the fiscal year, but shall be carried over to the next
16 year.

17
18 **STATEMENT OF FACT**

19
20 In 1984, Congress authorized the United States Department of
21 Justice to certify up to 20 governmental entities for
22 participation in the Private Sector Prison Industry Enhancement
23 Certification Program. Congress established strict standards for
24 certification, requiring payment of free-world wages, deductions
25 for victim assistance, consultation with local industry and
26 labor, and prohibiting displacement of current free-world workers.

27
28 Aroostook County has applied for certification, and has been
29 designated as a pilot project by the National Institute of
30 Justice. This bill allows a certificate awarded to Aroostook
31 County to be extended to other counties which wish to
32 participate. Many other counties have expressed a strong
33 interest in jail industries and most have planned space for these
34 programs in their new jails.
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L.D. 1742

(Filing No. H-552)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 647, L.D. 1742, Bill, "An Act to Create the Maine Jail Industries Authority"

Amend the bill in that part designated "~~§1211.~~" by striking out all of subsection 3 and inserting in its place:

'3. Board created. The authority shall be administered by a board of directors, comprised of the following members:

A. Two sheriffs, to be appointed by the commissioner, one from a list of 3 nominated by a statewide sheriffs' association and one from the county that has been certified by the United States Department of Justice under the provisions of the Private Sector Prison Industry Enhancement Certification Program; and

B. One county commissioner, to be appointed by the commissioner from a list of 3 nominated by a statewide county commissioners' association.'

STATEMENT OF FACT

This amendment gives the Commissioner of Corrections the authority to appoint 2 sheriffs and the county commissioner to the board of trustees.

Filed by Rep. Melendy of Rockland
Reproduced and distributed under the direction of the Clerk of the House
6/15/89

(Filing No. H-552)

NOTES FROM APRIL 10 MEETING WITH COUNTY COMMISSIONERS:

CUMBERLAND COUNTY JAIL COMMITTEE

4:00 - 5:30 P.M.
Probate Court
County Courthouse

Present:

Members:

L. Daniel Boisot
Stev Parker
Pierre Shevenell
Bill McLaughlin
Stephen Johnson

Staff/Consultants:

Arthur Thompson, SMRT
Theo Holtwijk, SMRT

Rod Miller, CRS

County Commissioners Hewes, Plummer and Mazziotti

1. SITE REPORT

Dan Boisot presented the recommendations of the Architectural Subcommittee, providing copies of all key documents used to identify and rank potential sites (see previous mailings). He noted that only Sites A and B were found to be acceptable, and suggested that the county commissioners would need professional "land search" assistance if additional sites were to be sought.

Arthur Thompson distributed a "Site A and B Considerations" report, as requested by the Architectural Subcommittee (attached).

The commissioners discussed the site report, asked several questions, and reported on their discussions with city officials.

Commissioner Mazziotti complimented the Jail Committee on its "sophisticated analysis" and thanked members for completing this task on time. The commissioners will contact Portland officials directly and will advise the Jail Committee of their decision in the coming weeks.

2. TEMPORARY HOUSING FOR INMATES

Arthur Thompson reported on meetings with City planning staff concerning potential use of modular housing on the jail site to relieve overcrowding. Such a proposal would be treated as permanent construction, and according to staff, would have difficulty securing Planning Board approval.

3. SYSTEMS SUBCOMMITTEE RECOMMENDATIONS

Pierre Shevenell presented two recommendations from the Systems Subcommittee (attached). After some discussion, the commissioners adopted the proposal for enhanced pretrial services, allocating \$12,600 from the Jail Improvement Fund, and referred the proposal for community residential beds to Sheriff Joyce for a formal response.



Site A and B Considerations

CUMBERLAND COUNTY JAIL

April 10, 1989

STEVENS MORTON ROSE & THOMPSON

Architecture Engineering Survey

73 Oak Street
P.O. Box 618
Portland, Maine 04104
207.772.3846

CUMBERLAND COUNTY JAIL COMMITTEE
c/o County Commissioners
142 Federal Street Portland, ME 04101
(207) 871-8380

ENCLOSURES/ATTACHMENTS:

APRIL 12, 1989

1. Meeting Schedule (below)
 2. Notes from County Commissioners Meeting (4/10/89)
 3. REPORT on Sites A and B, April 10, 1989
 4. PROPOSALS from Systems Subcommittee (4/10/89)
 5. Notes from Architectural Subcommittee (4/10/89)
 6. Initial REPORT from Operations Subcommittee (4/10/89)
 7. Notes from the 4/5/89 Meeting of the Systems Subcommittee
-

MEETING SCHEDULE: (As of April 12, 1989)

Site Visit to New Housing Unit at Me. Correctional Center
RESCHEDULE FROM APRIL 17-- DATE TO BE ANNOUNCED

NEXT FULL COMMITTEE MEETING

Thursday, April 27, 1989

7:00 - 9:00 p.m. Training Room (Main Building)
Maine Youth Center, So. Portland

ADDITIONAL FULL COMMITTEE MEETING DATES (Evenings)

Thursday, May 18, 1989

Thursday, June 1

Thursday, June 29

ARCHITECTURAL SUBCOMMITTEE MEETINGS:

MEETINGS-- Commissioners Mtg. Rm., County Courthouse

Monday, April 24, 1989 5:30 p.m.

Monday, May 8, 1989 5:30 p.m.

Monday, June 5, 1989 5:30 p.m.

Monday, June 19, 1989 5:30 p.m.

Monday, July 17, 1989 5:30 p.m.

OPERATIONS SUBCOMMITTEE:

Work group to meet 4/14

SYSTEMS/ALTERNATIVES

Meetings held at Probation/Parole Office

175 Lancaster Street, Second Floor

Wednesday, April 26 3:30 p.m.



CUMBERLAND COUNTY JAIL COMMITTEE

L. Daniel Boisot, Chairman
telephone 207/879-4000

Cushman Anthony
Edward M. Bonney
Brad Buck
Richard N. Bryant
A. L. Carlisle
Donnell Carroll
Michael Chitwood
Paul Coleman
James Conley
Gary C. Cooper
Lyle B. Cramer
G. William Diamond
John Dovinsky
E. Paul Eggert
John Flaherty
Joan Gauche
Edward Googins
Hamilton Grant
Nancy Grayson
Virginia Hildreth
Alan Hybers
Russ Immarigeon
Linda B. Johnson
Stephen Johnson
William Jordan
Stephen Parker
Peter Manning
Paul McCarthy
William McLaughlin
Pierre Shevenell
Barbara Strout

c/o Cumberland County Commissioners
142 Federal Street
Portland, Maine 04101

ENCLOSURES/ATTACHMENTS:

May 2, 1989

1. Meeting Schedule (below)
2. Notes from April 27, 1989 Full Committee Meeting
3. Report of the Systems/Alternatives Subcommittee
4. Comparison Charts: Operations Subcommittee Recommendations

MEETING SCHEDULE: (As of May 2, 1989)

NEXT FULL COMMITTEE MEETING

Thursday, May 18, 1989

7:00 - 9:00 p.m. Training Room
(Main Building)

Maine Youth Center, So. Portland

ADDITIONAL FULL COMMITTEE MEETING DATES (Evenings)

Thursday, June 1

Thursday, June 29

ARCHITECTURAL SUBCOMMITTEE MEETINGS:

MEETINGS-- Commissioners Meeting Room
County Courthouse

Monday, May 8, 1989 5:30 p.m.

Monday, June 5, 1989 5:30 p.m.

Monday, June 19, 1989 5:30 p.m.

Monday, July 17, 1989 5:30 p.m.

OPERATIONS SUBCOMMITTEE:

Subcommittee has completed its
assignments

SYSTEMS/ALTERNATIVES

Meetings to be relocated.....

Dates to be announced.

PUBLIC INFORMATION SUBCOMMITTEE

First Meeting!

Tuesday, May 16, 1989

3:00 p.m.

97 State Street

Portland (Paul Eggert's Office)

CUMBERLAND COUNTY JAIL COMMITTEE
c/o County Commissioners
142 Federal Street
Portland, ME 04101
(207) 871-8380

NOTES FROM April 27, 1989, FULL COMMITTEE MEETING

Present:

Dan Boisot, Chair	A.L. Carlisle
Pierre Shevenell	Paul Eggert
Brad Buck	Russ Immarigeon
Stephen Johnson	Stev Parker
Linda B. Johnson	
Bill McLaughlin	Phil Kaminsky (SMRT)
Ed Bonney	Arthur Thompson (SMRT- Architect)
	Rod Miller, CRS

AGENDA

Cumberland County Jail Committee

April 27, 1989

1. Subcommittee Reports
 - a. Architectural Subcommittee
 - (1) Site Selection Activities
 - (2) Facility Tours
 - b. Systems/Alternatives Subcommittee
 - (1) Proposal re: Jail Size
 - (2) Proposal: continuing activities/other
 - (3) Other
 - c. Operations Subcommittee
 - (1) Preliminary Report
2. Sagadahoc County
3. Other Related Jail Activities and Issues
 - a. Interim housing efforts
4. Legislative Report
 - a. Community Corrections Act
5. Other Business

1. SUBCOMMITTEE REPORTS

a. Architectural Subcommittee

Site. Dan Boisot reported on the status of the search for a jail site. Earlier in the week the commissioners asked the Committee to re-advertise for potential sites, and to evaluate sites outside of the City of Portland. At the same time, the commissioners will continue to discuss potential Portland locations (e.g. Transportation Park) with City officials. June 12 has been established by all parties as an absolute deadline for action on a site.

b. Systems/Alternatives Subcommittee

Report. Co-chairs Russ Immarigeon and Pierre Shevenell distributed copies of a report from the subcommittee (enclosed). They summarized their work and their findings. While recommending that the 278-bed projection not be changed at this time, they left the option open to re-visit this before the project is bid in 1990. Russ noted, in response to a question from Paul Eggert, that crowding naturally "limits" bedspace needs, and therefore the 278-bed projection might be expected to be "tight" when the facility opens--thereby keeping pressure on the system to use jail space sparingly.

Pierre noted that "saving" beds was only part of the Subcommittee's charge; work has also focused on developing alternatives within the facility and in the community. Paul asked if the District Attorney and others are receptive to alternatives, and Pierre responded that all parties seem very open to change.

Dan Boisot summarized by asking if the Subcommittee's conclusion was that the 278-bed projection was supportable only if the systems group does its job well--a "bare bones" facility size. Russ responded affirmatively.

Moved by Ed Bonney, second by Brad Buck:

The Systems/Alternatives Subcommittee should be become a standing subcommittee to continue its work.
Passed unanimously.

Moved by A.L. Carlisle, second by Linda Johnson:

The Committee recommends that the County Commissioners establish a Jail Population Task Force, as described in the Systems Subcommittee report.
Passed unanimously.

Dan Boisot complimented the Subcommittee on its work to date, noting especially the work with the county commissioners that has reinforced their support for alternatives.

c. Operations Subcommittee

Rod summarized the work of the Subcommittee using charts that compared the classification categories and corresponding operational recommendations (enclosed with these notes). Members generally agreed with the Subcommittee's work. Following submission of the final report, the Subcommittee's work will be complete.

2. Sagadahoc County.

Dan reported that county commissioners from Sagadahoc and Cumberland Counties met earlier this week. As a result of the meeting, the Cumberland County Commissioners have asked the Jail Committee to work with the Sagadahoc County Jail Committee to explore potential collaboration.

This new was generally met with concern by members, who asked what advantage a collaboration might have for Cumberland County. Ed Bonney asked if this was a way for Sagadahoc to make their jail planning efforts easier. Bill McLaughlin urged members to focus on Cumberland County and not to let other counties distract the focus from the crisis currently faced here. Linda Johnson stated that, under no circumstances, should a collaboration be allowed to slow Cumberland County's efforts.

Paul Eggert asked why the County should make a commitment of beds to Sagadahoc, rather than simply renting bedspaces as available. Pierre expressed concerns about programming, especially with regard to community-based programs and services. Stev Parker and Brad Buck worried that, once Sagadahoc County has jail beds available, its bedspace needs would "explode." Steve Johnson stated that he saw no advantage for Cumberland County in any arrangement with Sagadahoc. Arthur Thompson noted that such an effort might also carry with it a "political risk."

Paul Eggert offered a motion concerning a meeting with county commissioners, which was later withdrawn. Linda asked if the Committee should simply vote against the concept at this time. A.L. suggested that it might be better to express the "sense of the Committee" that there were many concerns at this time. This suggestion was adopted, with members noting the following issues that prompt their reluctance to support the concept at this time:

1. Sagadahoc County does not know its bedspace needs.
2. Community-based services would be difficult to provide to residents of another county.
3. The timing of the two jail initiatives does not match up--they are not ready to vote in November.
4. Collaboration could result in confusion by the public, clouding their understanding of Cumberland County's needs and proposal.

5. Voters might perceive a joint-effort as a means of "importing" criminals from another county, to "my back yard."
6. Cumberland County already enjoys an economy of scale--additional beds will add to the future problem of too many beds in a single facility.

3. Interim Housing Efforts

Jail administrators reported on the status of a temporary addition to the jail and a proposed halfway house.

4. Legislative Report

A.L. reported that juvenile detention legislation is being drafted and will be submitted to this session of the Legislature. Rod described a recent hearing for bills that would amend the Community Corrections Act.

5. Other Business

Dan Boisot asked the Public Information Subcommittee to begin its work. A meeting has been scheduled for:

Tuesday, May 16, 1989
3:00 p.m.
97 State Street
Portland (Paul Eggert's Office)

Adjournment. The meeting adjourned at 9:00 p.m.

Report of the Systems/ Alternatives Subcommittee

Cumberland County Jail Committee

April 27, 1989

History:

The Systems/ Alternatives Subcommittee was formed by the Cumberland County Commissioners and the Cumberland County Jail Committee in January 1989. During the first phase of the jail planning process, the Jail Committee estimated that Cumberland County would need a jail for housing approximately 278 prisoners. Certain community corrections options or resources not currently available were needed to assure that this projected population figure was feasible. In addition, the Jail Committee agreed that other community programs could potentially reduce the projected population estimate even further. The Jail Committee also agreed that broader participation by key criminal justice and corrections officials was vital to the successful development and implementation of such community options. Thus, a subcommittee was established to describe the types of programs and/ or resources that were needed to assure the feasibility or even reduce the size of the 278 population estimate for the new jail. A 17-member committee was organized with representatives from the courts, probation, the district attorney's office, victims' groups, and community-based agencies. These persons were selected because it was felt that their participation was needed to take a systems-oriented approach toward jail population management.

Members:

Pierre Shevenell, Russ Immarigeon, co-chairs.

Cathy Ansheles, Nancy Grayson, Richard McCallum, Stev Parker, Dori Bishop, Joan Gauche, Marilyn Robb, Keith Peaco, Richard Romanow, Laurence Gardner, Judge Peter Goranites, Justice Stephen Perkins, Lucky Hollander, Kathi Fields.

Process:

The Subcommittee met on a weekly basis for eight weeks in the conference room at the Portland office of the Division of Probation and Parole. The Subcommittee outlined its concerns, reviewed statistical data on jailed offenders, surveyed subcommittee members to assess agency or organization interests vis-a-vis alternative sanctions, and mapped some program proposals. The Subcommittee placed first emphasis on devising and implementing program options to assure that 278 would be the maximum number of beds needed in a new jail. The Subcommittee then began work on identifying programs that would potentially reduce the number of these proposed beds. In this way, the Subcommittee would not be speculating on how many beds could be saved. Rather, the Subcommittee would be able to identify - in specific terms - how and how many beds could be saved by working

directly with those people who would be responsible for carrying out particular program options.

Achievements to Date:

On April 10, 1989, the Subcommittee asked the County Commissioners to appropriate \$12,600 to increase the staff capacity of the Cumberland County Bail Project to implement supervised pretrial diversion services, and to authorize at least one residential work release center in the community. These proposals could save the county approximately 37 beds. The county commissioners approved the enhanced pretrial services proposal, and referred the work release center proposal to the Sheriff to assure that any such facility functioned with the approval, cooperation and support of the Sheriff.

The Subcommittee also provided technical assistance to jail staff who have been developing an OUI program similar to one started in 1986 by Sheriff Frank Hackett in Kennebec County. Sheriff Hackett addressed one Subcommittee meeting, and provided helpful information about what to do and what not to do in the program design and implementation process.

Finally, the Subcommittee identified the need for prosecution-based diversion programs, defense-based alternative sentencing planning services, and alternatives to incarceration for female offenders. The Subcommittee also reaffirmed the Jail Committee's assessment of the need for a jail population management task force.

Future Objectives:

The future work of the committee is to examine the criminal justice system in light of the jail committee's mission statement searching for increased use of community options, to review different programs proposed by single agencies within the system, and to provide a vehicle for reducing and forestalling jail crowding. A central aspect of this strategy is to continue the work of the Systems/ Alternatives Subcommittee and to develop a Jail Population Management Task Force which would coordinate the development of population-affecting criminal justice programs and policy in the county.

Objectives:

The Subcommittee has identified a number of short-term, mid-term, and long-term objectives for its future work.

- Short-Term -

- (1) establish Standing Committee on System Alternatives;
- (2) help create Jail Population Management Task Force;
- (3) help define Task Force membership/ duties;
- (4) help define Task Force assignments;

- planning alternatives to incarceration
 - research and evaluation
 - program acceptance criteria
 - system monitoring and coordination
- (5) describe sentencing practices in the county;
 - (6) conduct female prisoner study; and
 - (7) present viable residential housing proposal to county commissioners.

- Mid-Term -

- (1) staff Jail Population Management Task Force;
- (2) design county sentencing options program;
- (3) describe fiscal resources needed;
- (4) develop local legislation;
- (5) design alternative programs for women;
- (6) design prosecution diversion programs; and
- (7) implement operation of work release facility.

- Long-Term -

- (1) implement sentencing options program;
- (2) implement female offender diversion options;
- (3) further enhance pre-trial release services;
- (4) implement prosecution diversion programs; and
- (5) develop public education campaign on use of alternatives to incarceration.

Conclusion:

The Cumberland County Jail Committee, after long deliberation, estimated that in the future the county would need jail bed space for 278 prisoners. Prisoner population projections are fraught with uncertainty, however. Actual population figures could be higher or lower depending upon future criminal justice policies. The Subcommittee found that the jail's limited housing capacity served the positive function of encouraging planning for alternatives to incarceration. In the future, however, self-initiated planning is a key to preventing future overcrowding. The Subcommittee has begun this process by proposing and supporting enhanced pretrial services, a public service program for first-time OUI offenders, and a residential center for work release offenders. County commissioners and other system actors have been extremely helpful and supportive in this process. The Subcommittee hopes to continue its work on identifying and implementing alternative options. Over the next year, up until bidding for the jail contract in August 1990, the Subcommittee has the opportunity to describe specific bed savings. The flexible design of the future jail allows for jail cell reductions which the Subcommittee, the full Jail Committee and/ or the proposed Task Force feel can be put into place in a safe and effective fashion. As a final note, we recommend that the Jail Committee (1) make this Subcommittee as Standing Committee on Systems/ Alternatives, and (2) urge the County Commissioners to create a Jail Population Management Task Force.

SUMMARY CHART-- COMPARISON OF CLASSIFICATION LEVELS

The following charts were presented at the Full Committee meeting as a summary of the work of the Operations Subcommittee. They are drawn from over 25 pages of preliminary reports submitted by the Subcommittee, and will be incorporated into a final Operations report.

SUBJECT AREA	a MIN SEC	b MED SEC	c MAX SEC	d SPECIAL MANAGE	e SHORT- TERM	f PRE- RELEASE	g COMMUNITY CUSTODY
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RISK:

ESCAPE	no	may be	yes	may be	may be	no	no
VIOLENCE/ ASSAULT	no	may be	yes	may be	may be	no	no
PREDATOR	no	may be	may be	may be	may be	no	no
PREY	may be	may be	no	may be	may be	may be	may be

**SUPERVISION
FORMAT**

Direct Continuous	X	X					
Direct Intermittent	x	x	X	X	X	X	X
Backup Immediately Available?			X	X	X		
Continous Observation--							
Dayrooms			X	X	X		
Cells				P	X		
In Programs-- Program Super Only	X	X		Some		X	X
Correct. Super.			X	Some	X		

SUMMARY CHART-- COMPARISON OF CLASSIFICATION LEVELS

SUBJECT AREA	a MIN SEC	b MED SEC	c MAX SEC	d SPECIAL MANAGE	e SHORT- TERM	f PRE- RELEASE	g COMMUNITY CUSTODY
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MOVEMENT

Restricted		X	X	X	X	X	
Escort-- Always			X	X	X		
Sometimes		X				X	
Outside-- Exceptional with Super.		X	X	X	X		
Exceptional no Super.		X					
Regular with Super.	X					X	
Regular with no Super.							X

SERVICES

Programs

Central	X	X	Some	Some			
Unit (sub)	X	X	X	X		X	X
Delivered			Some	Some	X	X	
Community						X	X

Library

Central	X	X		Some			
Unit (sub)	X	X	X	X		X	X
Delivered			X	Some	X	X	
Community						X	X

Commissary

Central	X	X		Some			
Unit (sub)	X	X	X	X		X	X
Delivered			X	Some	X	X	
Community						X	X

SUMMARY CHART-- COMPARISON OF CLASSIFICATION LEVELS

SUBJECT AREA	a MIN SEC	b MED SEC	c MAX SEC	d SPECIAL MANAGE	e SHORT- TERM	f PRE- RELEASE	g COMMUNITY CUSTODY
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WORK/INDUSTRIES

Housekeeping/
Maintenance

Own Housing Areas (Clean)	X	X	X	X		X	X
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Clean Other Areas Facil.	X	X		Some		Own	Own
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Work/Indus.

Central	X	X		Some			
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Unit (sub)	X	X	X	X		X	X
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Community Projects						X	X
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Work Release						Few	X
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FOOD SERVICE

Group Dining Area	Some					X	X
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Dayroom	X	X	X	X	Some		
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Work Site	X	X		Some		X	X
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Cell				Some (Disc.)			
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CUMBERLAND COUNTY JAIL COMMITTEE
c/o County Commissioners
142 Federal Street Portland, ME 04101
(207) 871-8380

ENCLOSURES/ATTACHMENTS: APRIL 5, 1989

1. Meeting Schedule (below)
 2. Notes from Architectural Subcommittee (4/3/89)
including Site Evaluation Report
 3. Notes from Operations Subcommittee (4/3/89)
 4. Notes from Systems Subcommittee (3/29/89)
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MEETING SCHEDULE: (As of April 4, 1989)

Site Visit to York and Strafford Counties
9:00 a.m. - 4:00 p.m., Friday, April 7, 1989
Meet at Sheriff's Office at 9:00 a.m.

NEXT FULL COMMITTEE MEETING

Thursday, April 27, 1989
7:00 - 9:00 p.m. Training Room (Main Building)
Maine Youth Center, So. Portland

ADDITIONAL FULL COMMITTEE MEETING DATES (Evenings)

Thursday, May 18, 1989
Thursday, June 1
Thursday, June 29

ARCHITECTURAL SUBCOMMITTEE MEETINGS:

MEETINGS-- District Court Room, County Courthouse
Monday, April 10, 1989 5:30 p.m.
Monday, April 24, 1989 5:30 p.m.
Monday, May 8, 1989 5:30 p.m.
Monday, June 5, 1989 5:30 p.m.
Monday, June 19, 1989 5:30 p.m.
Monday, July 17, 1989 5:30 p.m.

OPERATIONS SUBCOMMITTEE:

No meetings scheduled

SYSTEMS/ALTERNATIVES

Meetings held at Probation/Parole Office
175 Lancaster Street, Second Floor
Wednesday, April 12 3:30 p.m.
Wednesday, April 26 3:30 p.m.

TENTATIVE DATE TO MARK IN YOUR CALENDARS:

June 22, 23 Portland
U.S. Department of Justice, Bureau of Justice Assistance
"Symposium: Developing Private Sector Jail Industries"
(This symposium has been proposed to BJA)

NOTES FROM THE OPERATIONS SUBCOMMITTEE

Cumberland County Jail Committee

April 3, 1989

3:00 p.m. - 5:15 p.m.

Present:

Stephen Johnson
Brad Buck
Dick McCallum
Rod Miller

The notes from the last meeting were reviewed and discussed.

Work continued on the process of defining operations of the proposed new jail. The focus shifted from the "community custody" classification, to the "short-term" category.

Additional discussion about halfway house beds in the community identified the need to create another classification-- (g) halfway house.

Discussion was started on the "special management" classification of inmates.

A draft work product for this Subcommittee will be prepared by Rod for the April 10 Architectural Subcommittee meeting. Based on reactions to that document, additional tasks for the Operations Subcommittee will be considered.

NOTES FROM THE April 3, 1989 MEETING:

ARCHITECTURAL SUBCOMMITTEE
CUMBERLAND COUNTY JAIL COMMITTEE

5:30 TO 7:15 P.M.
District Courtroom
County Courthouse

Present:

Members:

L. Daniel Boisot
Edward Googins
Bill Jordan
Paul Eggert
Brad Buck
Peter Manning
Stev Parker
Stephen Johnson

Staff/Consultants:

Dana Morton, SMRT
Theo Holtwijk, SMRT
Paul Stevens, SMRT
Rod Miller, CRS

Guests: James Saunders, Howard Reiche, Louise Reiche,
Alan R. Cavar, John Ferland, Bill Webster, Tom Ainsworth

1. PUBLIC WORKSHOP MEETING--Review of Notes

Dan Boisot asked if members had any comments or corrections for the notes that were distributed last week. None were offered and the notes were accepted.

2. UPDATE ON SITES

Dan related the results of recent phone calls concerning Site C. Initially, an alternative means of accessing the site was identified, but the owner of the adjacent property later decided that he would not allow such a use.

3. SITE EVALUATION REPORT

Theo Holtwijk distributed a report prepared by SMRT, the architects for this project. A copy of this document is attached. He reviewed the contents in some detail, highlighting key findings and conclusions.

a. Clarification of County's Rights and Responsibilities. Peter reported that the County does not have the right of eminent domain unless property abuts current structures. Rod reported that the statutes limiting relocation of the jail to another town or city were repealed, effective March 1, 1989.

b. Calendar. Rod reviewed the key dates associated with this project, reminding members that Legislative approval must be secured prior to adjournment in June. By that time, a site and corresponding costs must be established, or it is likely that a November referendum will not be held. Costs to delay this project are estimated to exceed \$1,000,000--for construction cost escalation. Bill Jordan noted that there are many other considerations that make delay very undesirable.

c. Comments on Report. Page 1 provides a summary ranking chart describing an overall comparative analysis. Page 5, accessibility to courts: Dan Boisot asked if it would be possible to develop an electronic system to allow jail transport vehicles to "switch" traffic lights to speed transports. Ed Googins said that the Fire Department had sought such a system and was refused. Page 6, Public Transport; Theo reported that public transport officials were very pessimistic about extending bus service to Site C.

d. Soils and Topography. Dana Morton described troubling soil conditions on Site A. A layer of marine clay will likely require very expensive foundation measures. Additional geotechnical evaluation should be conducted if that site is considered further. Hazardous waste concerns were voiced for sites A and B, to be addressed by the seller if pursued. Ledge problems on C were discussed. Rod questioned whether the additional 5 acres available with Site A would really provide any flexibility or protection. Bill Jordan asked if the configuration of Site B could be reconsidered by the seller.

e. Zoning. Theo reported that only one zone allows a jail activity without special permission--B-4, as a municipal use. There are very few parcels zoned as B-4 and none are available to us at this time. Either an I-2 or R-3 zone will require approval from the Zoning Board of Appeals; this could likely be secured prior to the end of June, if sites A, B or C are pursued.

f. Costs. Cost estimates were clarified. For a ten acre parcel, comparative "developed" costs for each site were summarized as follows:

A	\$2,250,000 to \$3,000,000
B	\$2,500,000
C	\$1,200 to \$1,500,000

4. DISCUSSION AND ANALYSIS

Dan Boisot reported on a meeting that he had with City officials earlier in the day. The City would like to jail to be located on the Maine Youth Center site in South Portland. If the jail is located on a site such as A or B, the City would like a \$50,000 annual payment to compensate for lost tax revenues. Peter Manning reported that he had been asked by the City to explore such an arrangement through the Legislature.

Dan related a response from A.L. Carlisle, Associate Commissioner of the Maine Department of Corrections, and a member of the Jail Committee. She expressed the official position of the Department, finding it highly inappropriate to locate a new jail on the Youth Center grounds because:

- a. An adult facility should not be located on the same grounds as a juvenile facility

- b. A jail is not compatible with the mission and role of the Youth Center
- c. The role of the Youth Center is being re-assessed
- d. The site does not have a 10-acre parcel that would be appropriate for a jail facility.

Peter asked if locating a jail on the MYC grounds would violate federal regulations; Rod responded that it would not--technically. Peter offered his assessment of the likelihood that the Legislature would approve use of the MYC site for the jail--no chance.

A discussion of the proposed County "service fee" followed, with members generally disagreeing with the concept. They noted the "disproportionate" use of the jail by Portland (42% of all admissions are by Portland PD, while 27% of the County budget is paid by Portland). Peter reminded members of the arrangement between the City and the County with regard to the Portland Public Safety Building lockup.

Members wondered if 10 acres would offer enough room and flexibility for a jail. Dana Morton stated that, if the site was all usable, it would be adequate. Rod and Arthur discussed actual "footprints" for the proposed jail.

Additional sites were mentioned, some having been identified by Ford Reiche. These included five acres by the regional waste facility, Thompson's Point, and 7 acres by BIW.

Paul Eggert expressed reservations about the sites offered to the Committee, based on the discussions. He suggested that if the county commissioners want to identify additional sites, they should retain a professional realtor to conduct a thorough search for sites that might be offered. Members concurred.

Stev Parker asked if costs should be a concern for this Subcommittee. He wondered if the commissioners had "room to move" to negotiate for Site A or B, and suggested that it was not the Subcommittee's responsibility to let costs influence their deliberations further at this time.

Dan Boisot told members that the county commissioners had specifically asked for a rank-ordering of all sites submitted for consideration. Members agreed to do this, and proceeded to discuss an appropriate sequence.

During this discussion, Tom Ainsworth noted that Site G is partially located in a historic district--threatening any federal funds for the project if it is used.

Moved by Bill Jordan, second by Stev Parker:

- (1) The Architectural Subcommittee submits the following rank-order of sites submitted for consideration:

First	Site A
Second	Site B
<hr/>	
Third	Site D
Fourth	Site C
Fifth	Site E
Sixth	Site F
Seventh	Site G
Eighth	Site H

- (2) The Subcommittee considers only Sites A and B suitable for the jail, with reservations.
- (3) If either Site A or B are pursued by the county commissioners, several key considerations and conditions should be negotiated, to be articulated in writing by the architects; consideration should be given to reconfiguring Site B; and additional geotechnical services should be provided for Site A.
- (4) If the county commissioners decide to seek additional sites, professional real estate assistance should be enlisted.

The motion passed by a vote of 8 to 0, with one abstention (Googins).

Chairman Boisot will convey this recommendation to the county commissioners on Monday, April 10.

5. PUBLIC COMMENTS

Dan Boisot asked if any of the guests had comments for the Subcommittee. Howard Reiche stated that finding a site for the jail was a "tough job" and he complimented the Subcommittee for their efforts.

6. NEXT MEETING

The Subcommittee will meet at 5:30 p.m., Monday, April 10, in the District Courtroom, County Courthouse. The primary topic for discussion will be the development of an "architectural program" for the proposed facility.

The meeting adjourned at 7:15 p.m.

Attachment: Site Evaluation Report