

WALDO COUNTY COMMISSIONERS COURT SESSION
June 13, 2006

PRESENT: Commissioners John M. Hyk (Chairman), Charles G. Boetsch and Amy R. Fowler. Also present was Deputy Treasurer Karen Ward and County Clerk Barbara L. Arseneau.

TREASURER'S REPORT:

Present with the Commissioners for this report was Deputy Treasurer Karen Ward.

REVENUE:

K. Ward reported that 48% of anticipated revenue had been collected this year.

APPROPRIATIONS:

K. Ward reported that the total County budget had been 38% so far. The maximum to have been spent at this point in the year is 42%, so the County is on track.

WARRANTS:

K. Ward submitted the County invoices for authorization of payment and the County Commissioners voted as follows:

****G. Boetsch moved, A. Fowler seconded paying invoices on the May 26, 2006 Regular Warrant in the amount of \$62,687.17. Unanimous.**

****G. Boetsch moved, A. Fowler seconded paying invoices on the May 26, 2006 Active/Restricted Reserves in the amount of \$13,333.97. Unanimous.**

****G. Boetsch moved, A. Fowler seconded paying invoices on the June 13, 2006 Capital/Restricted Reserves in the amount of \$13,961.87. Unanimous.**

****G. Boetsch moved, A. Fowler seconded paying invoices on the June 13, 2006 Regular Warrant in the amount of \$185,028.78. Unanimous.**

****G. Boetsch moved, A. Fowler seconded accepting the Treasurer's Report. Passed by two. (J. Hyk was momentarily absent.)**

MCCA CONVENTION:

Commissioners Fowler and Boetsch instructed B. Arseneau to cancel their rooming arrangements for the MCCA Convention in September because they planned on attending only a few of the courses and wished to save Waldo County money. Commissioner Hyk reported that he would not be attending at all.

DENTAL INSURANCE DISCUSSION:

Human Resources/Payroll Director Michelle Adams was present for this discussion. She explained that in response to a number of employee inquiries about the possibility of the County providing dental insurance, she had done some research. She had learned that dental insurance is offered via Colonial Life & Disability Insurance, which is already offered by the County at the employee's expense. This would be true of the dental insurance as well. The most popular plan is Delta Dental Option #4 and employees could opt for this provision through Colonial, if the Commissioners would agree to either paying the payroll company to issue

employee deduction checks each pay period, or they could be processed at no additional charge through the Treasurer's office.

****A. Fowler moved, G. Boetsch seconded offering Delta Dental Option #4 via Colonial Life and Disability Insurance to those employees who wish to enroll, with the checks being processed through the Treasurer's Office. Unanimous.**

J. Hyk asked if this needed to be reflected in the Personnel Policy. B. Arseneau did not think so, because it fell under the umbrella of Colonial Life & Disability Insurance, which was already mentioned in the Personnel Policy. It could be mentioned in more detail, if desired, the next time the policy was amended.

FACILITIES REPORT:

Present with the Commissioners was Keith Overlock and Architect Robert Fenney, who reported the following:

DISTRICT COURTHOUSE BOILER BIDS: K. Overlock reported that two bid quotes were received, and mentioned that they were "astronomical." They follow:

- Lakeside Burner Service at \$46,985.00.
- Maine Energy at \$42,279.00

These quotes were substantially higher than budgeted for, based on estimates gathered this past fall. There was some discussion of whether to do this now or budget more and wait until next year. After concerns expressed about an old system just burning more fuel, possibly breaking down and requiring repairs and how these would be a waste of money. The Commissioners agreed to do this project this summer.

After brief discussion about Lakeside Burner Service offering a welded header, R. Fenney said he would contact Maine Energy to see how much their quote on a welded header would be. Maine Energy called back and responded that they would add no extra charge to their quote.

****A. Fowler moved, G. Boetsch seconded accepting Maine Energy's bid at \$42,279.00. Unanimous.**

****A. Fowler moved, G. Boetsch seconded using \$35,000.00 from Surplus and putting it into the Courthouse Capital Reserve for this project. Unanimous.**

****G. Boetsch moved, A. Fowler seconded authorizing Chairman John Hyk to sign the boiler contract when that became available.**

K. Overlock also reported the following:

1. Dennis Kienow of Kienow's Refrigeration is waiting for a part before installing the air conditioning unit at the Jail.
2. Kienow's Refrigeration will also be adding more air conditioning to the equipment room at the Communications Center and they will be adjusting air in the building.
3. The work to be performed by GR Roofing on the Jail roof has been backed up due to inclement weather. K. Overlock was not sure when they would start working on that.
4. Burgess Brothers will start shingling the Sheriff's Office roof on June 26, 2006.

5. The drainage ditch at the Jail is going well with inmate assistance. The inmates have dug a trench about 140' long by 4' deep and have installed drainage pipe and ¾" crushed stone. They have also chiseled out the area in the concrete wall around the pipes going into the EMA are and sealed them with a water plug. They are now back-filling the trench.
6. There is another problem with water running down the Communications Center parking lot so inmates are going to dig a trench across to the garden area to help resolve this issue. He recommended that approximately ten truckloads of gravel be brought in and leveled in place near the dumpster/garden area, this would help to solve this problem as well as provide a parking space for the growing number of emergency response trailers that could use parking spaces. Currently there are six trailers and these are taking up parking spaces in the Communications Center and Jail areas.
7. The neighbors' dog pen currently spanning County property will be taken care of as soon as the drainage problems have been resolved.
8. The heating and electricity budget lines will be overdrawn. The other buildings appear as though they will end up under the budgeted amounts.
9. There was a minor roof leak in the District Courthouse, which appears to have come from a valley near the Judge's Chamber. This roof will have to be replaced next year. Burgess Brothers will patch the roof this year.
10. K. Overlock will look at the University of Maine Cooperative Extension building on Rte. 137 with Architect Robert Fenney today. It is hoped that the plans for the ramp can be ready for the contractor soon.
11. K. Overlock reported that weather and other problems have interfered with inmate detail availability to do such things as mowing the area at the U. of M. building, as well as the courthouses' lawns.

SHERIFF'S REPORT:

Present with the County Commissioners were Sheriff Scott Story and Chief Deputy Robert Keating. S. Story reported the following:

1. Due to the resignation of Lieutenant Gary Boynton effective June 29, 2006, Sheriff Story recommended promoting current Detective Bryant White as Lieutenant, effective July 1, 2006 at the same pay level of 20 years at \$20.54 per hour.
****G. Boetsch moved, A. Fowler seconded accepting the resignation of Lieutenant Gary Boynton and appointing Bryant White as Lieutenant at a rate of \$20.54 per hour effective July 1, 2006.**
2. Part-time Deputy Richard Benedict will start working full-time for the Waldo County Sheriff's Office at the starting rate of \$14.41 per hour, effective July 1, 2006.
****G. Boetsch moved, A. Fowler seconded hiring Richard Benedict as full-time Patrol Officer at \$14.41 per hour, effective July 1, 2006. Unanimous.**

A. Fowler thanked Sheriff Story for "a night of fun and good food" at the Sheriff's award banquet.

The Commissioners asked S. Story to measure the square footage of the current Sheriff and Jail facilities. There was brief discussion of where to move the Sheriff's Office. The Commissioners felt that if money could not be obtained to build or rent a space, the Sheriff's Office may have to be moved upstairs in the District Courthouse building eventually.

RE-CLASSIFICATION OF FLSA-EXEMPT OR EXCLUDED EMPLOYEES:

M. Adams informed the Commissioners that while working with the Classification/Pay Scale Committee, the attorney had found another employee's position that needed to be reclassified from FLSA non-exempt to exempt was the Deputy County Clerk because it met the Administrative test for this classification. She informed the Commissioners that the Pay Scale/Classification Committee had voted to keep that position as non-exempt and had made the Commissioners aware of that decision. The Commissioners stated that it was not the authority of that committee to decide FLSA statuses and thereby voted as follows:

****G. Boetch moved, A. Fowler seconded changing the status of the Deputy County Clerk to FLSA exempt. Unanimous.**

CORRESPONDENCE:

Present with the Commissioners was County Clerk Barbara, Deputy County Clerk Veronica Stover and Deputy District Attorney Leane Zainea. Correspondence to the Commissioners was as follows:

1. Register of Probate Clerk Wanda Pinkham will reach her one-year pay step on June 19, 2006 and her pay will increase to \$12.11 per hour. The Commissioners noted this.
2. Communications Center Board of Directors member Carrie Peavey has notified Chairperson Sharon A. Reed-Hall that she is stepping down from her position on the board. This notice was sent on May 18, 2006.
3. During the May 9, 2006 Commissioners Court Session the Commissioners had requested a memo from Register of Deeds Deloris Page explaining why lines 1065-4105 and 1065-4115 have been so highly expended at this point in the year. A list of items expended from these lines has been received from D. Page and was submitted to the County Commissioners, who accepted it.
4. Archivist Cheryl Coats has gone through a number of old records that did not need to be retained, as had County Clerk Barbara Arseneau and Deputy Treasurer Karen Ward and C. Coats submitted the following list for authorization to dispose of: Old Commissioners records, old transitory payroll records and transitory Treasurer's records. The Commissioners authorized disposal of these records.
5. H.R./Payroll Director Michelle Adams and County Clerk Barbara Arseneau met with Ken Winters of Winters Associates on June 8th to review what has been accomplished thus far with the Compensation/Classification project. Points of interest noted from the meeting were that in most businesses, the spread from starting pay to ending pay in terms of longevity are approximately 30-40%. The starting point is usually with the higher rates (senior people.) The concerns are that part-time pay for cooks would end up higher than the full-time wages. It also appears that at times during the process, the "department" was being considered, not the "job" itself. Another concern is that the Corporal's position came out higher than the Sergeant, which is incorrect. K. Winters explained that in popular or common pay classifications with the Counties, longevity is often 4% between each pay step and there is usually a 5% spread between each classification. It is also common for the spreads to be larger percentages between the lower pay steps and for the spreads to become narrower as the pay steps go higher. It was noted that this is

true even of the State Police. Equity adjustments would be necessary, according to Winters, because Waldo's proposed pay scale needs "fine-tuning" as the lower pay steps are paid too high in comparison with the higher pay steps. It was suggested that if the lower pay steps are too high, "freeze" the hourly salaries of those employees until the pay scale catches up with the employee's current pay. It would have to be explained to the employees in this position that they are not being cheated; they have just been overpaid up to this point. If some pay steps are currently too low, these might have to be "bumped up" individually one or two times over a one-year period until it catches up with the proper proposed pay.

A tentative date to review this further was set for June 27th.

6. Patsy Crocket of the MCCA has sent a form for all counties to use if a plaque needs to be ordered to honor any County Commissioner who will be retiring or leaving county government in 2006. The Commissioners noted that none needed to be ordered.

7. Knox County Administrator Bill Post has sent email correspondence asking for background on any regional jail discussions between Knox and Waldo Counties. Knox has a jail study committee that has begun meeting and they wish to continue to explore all their options. He had also inquired about Knox and Waldo jointly co-hosting the 2007 MCCA Convention and the Commissioners had instructed B. Arseneau to send a letter stating that Waldo County did not wish to participate in a joint effort, which had been drafted, approved, signed and sent.

8. EMA Director Dale Rowley sent a long list of information and inquiries to the Commissioners as he could not be present. The list included:

- Searsport Generator: The panel going into the Searsport Middle School should be sized approximately for a 55KW set up. Raymond Paul, Sr. has a 65 KW generator that he would like to offer to the County. It is a 1979 "Katolight" 65 KW propane-powered generator with a 440 hp industrial engine. It has 127 hours on the clock and is liquid-cooled. It is a single phase, 240 volt generator. The asking price is \$6,500.00. D. Rowley thought he would pass this information on.
- The Troy Howard Middle School generator is in place and hooked up. S.A.D. #34 will be constructing a building over it later this summer. They are also going to hook-up a larger fuel tank.
- If there are any funds left in the County EMA budget at the end of the year, can the remaining funds be put into the Shelter Reserve account? B. Arseneau reminded the Commissioners that this has been frowned on by the Auditor. Undesignated funds from the entire budget that remain at the end of the fiscal year can be used to fund reserve accounts, but money cannot be taken directly from an operating budget line item and moved into a reserve.
- D. Rowley asked if the Commissioners had any issues if he acquired a fabric shelter to store his Communications Trailer and Incident Response Trailer in. The Commissioners felt that if the money is available, that would be fine.
- There are now 24 active municipal emergency management directors. Only two towns are not set yet. Both Thorndike and Prospect have newly active emergency management directors.
- D. Rowley performed a Mutual Aid to York County on May 14, 2006 to assist Bob Bohlman with setting up his Emergency Operations Center at the beginning of the flooding problem. D. Rowley commented that this was "a good learning experience."
- Waldo EMA will be holding a hazmat exercise in Searsport on September 9th.

9. There has been a rumor circulating via email that the County is just throwing away records indiscriminately. One person sent an email offering money to assist the Archive but the Commissioners were not sure the County could accept money as a gift.
10. Deputy District Attorney Leane Zainea was present for the next items of correspondence:
- L. Zainea wished to speak with the Commissioner about suggestions for the District Attorney's Office space, as explained in a letter dated May 22, 2006 sent by District Attorney Geoffrey Rushlau. The recommendation of the D.A. is to move the D.A.'s Office to one side of the hallway in the Superior Courthouse building for security purposes. L. Zainea expressed concern over the security of the offices with the staff comprised predominantly of women and only two males in the building. She spoke of the tensions arise due to "witnesses mingling with defendants and victims." It was her recommendation that the five offices associated with the District Attorney be located all on one side and interconnected so that the employees would not have to go out into the hallway to get from one office to another. J. Hyk stated that space issues were a problem in every building in the County except the Communications Center. The Commissioners said they would keep this request in mind while trying to address current ADA issues in that building and requests from the State for some renovations. They also instructed B. Arseneau to send a copy of the District Attorney's letter to Facilities Manager Keith Overlock.
 - L. Zainea reminded the Commissioners that the Budget Committee had approved \$150.00 toward the purchase of a wooden bench to replace the current couch located in the Victim Witness Advocates' Office. This office is used for interviews as well as a waiting room during trials, for victims and witnesses. Seating is limited and often people must wait long periods of time before they are called to the courtroom. L. Zainea felt that a wooden bench would be difficult to sit on for long periods of time so an attempt is being made to find an upholstered couch for \$150.00. The least expensive one is \$299.00 and so L. Zainea asked if \$149.00 could be taken from the Office Supply line (5335) to pay the balance. She was comfortable that the remaining budget would be enough to cover other office needs until the end of the year. The County Commissioners approved the use of the funds for this purpose.
 - L. Zainea asked permission to dispose of a partial set of Maine Statutes that are currently in the D.A.'s Office. No other County departments need these. She asked if these could be disposed of or offered to outside agencies or individuals. The Commissioners told her to dispose of them or give them away as desired.
 - District Attorney Geoffrey Rushlau sent a letter indicating that L. Zainea had alerted him that the witness fee line has been expended more than anticipated for this time of the year. Much of this, he explained, is because of the cost of out-of-state witnesses in a long-delayed 2003 prosecution. The line fluctuates from year to year. G. Rushlau assured the Commissioners that they would continue to monitor this line for the remainder of the year and will do everything possible to limit expenditures.
11. The Classification/Compensation project had raised questions regarding Fair Labor Standards and as directed by the Commissioners, an attorney opinion was obtained. The opinion stated that several positions, including the Deputy County Clerk position, should be considered FLSA-exempt. When this opinion was read at one of the Classification/Compensation meetings, several of the department heads did not agree with the opinion and wanted the Deputy County Clerk position to remain as it currently was, as non-exempt. The Commissioners considered this and decided that the attorney's opinion should hold and should not be questioned.

****A. Fowler moved, G. Boetsch seconded changing the Deputy County Clerk's position to FLSA-Exempt, as noted by the attorney. Unanimous.**

12. B. Arseneau had sent a memo to the County Commissioners dated May 31, 2006 bringing to their attention that on a few occasions department heads have allowed employees to take paid bereavement leave for relatives other than what is specifically outlined in the Personnel Policy. One department head in particular even expressed the opinion that how that policy is interpreted should be at the discretion of the department heads. The policy clearly states in 8.9, "In the even of death in the immediate family of an employee, the employee may be granted up to the equivalent of forty (40) hours leave with full pay to make household adjustments or to attend funeral services. 'Immediate family' is hereby defined to include spouse, domestic partner, parents, children, brothers, sisters, brothers-in-law, sisters-in-law, parents-in-law, grandparents, grandchildren, stepparents, stepchildren and foster parents. Any bereavement leave beyond this policy may be granted as sick leave, vacation leave or accrued compensatory time, with the approval of the Department Head."

After considering this, the Commissioners expressed their disappointment that this "very generous policy is being abused," and a memo should be issued instructing the departments to handle this according to the personnel policy.

13. There is need to address an error in the pay scale. Because a previous vote by the Commissioners only changed the pay for the 20-year level, the rest of the pay steps for that position had not been changed accordingly. The Commissioners received a new, accurate pay scale from H.R./Payroll Director Michelle Adams, which they signed.

14. The Commissioners have been invited to a meeting of the Regional Diversion/Re-Entry Team in Waldo County, to be held on June 28, 2006 from 9:30 a.m. to 11:30 p.m. at the University of Maine Hutchinson Center, Rm. 106 in Belfast. Commissioner Hyk said he would try to attend.

15. There was brief discussion about the proposed TABOR legislation.

MISCELLANEOUS COMMISSIONERS' REPORTS:

SMRT has sent an authorization statement and scope of professional services. Phase 1 Planning at the "Boynton Property as described in the attached proposal letter dated May 16, 2006. Phase 1 would be hourly with a budget of \$5,000.00 plus normal reimbursables.

****A. Fowler moved, G. Boetsch seconded accepting SMRT's proposal for Phase 1 Planning at the "Boynton Property." Unanimous.**

FUTURE COMMISSIONERS COURT SESSIONS:

The Waldo County Commissioners Court Session established the following dates for Commissioners Court Sessions:

- ❖ **Tentatively June 28, 2006 to enroll with MSRS**
- ❖ **July 11, 2006 for the regular court session**

****G. Boetsch moved, A. Fowler seconded adjourning the meeting at 11:37 a.m. Unanimous.**

Respectfully submitted by *Barbara L. Arseneau*
Waldo County Clerk