

WALDO COUNTY COMMISSIONERS COURT SESSION
January 9, 2007

PRESENT: Commissioners John M. Hyk (Chairman), Donald P. Berry, Sr. and Amy R. Fowler. Also present was Treasurer David A. Parkman, Deputy Treasurer Karen Trussell, and County Clerk Barbara Arseneau.

J. Hyk convened the meeting at 9:00 a.m. Several bank representatives were present for opening the Tax Anticipation Note bids, but because one representative was en route from Portland and the roads were bad, the Commissioners agreed to wait for that person to be present and decided to move ahead with the Treasurer's report.

TREASURER'S REPORT: Present for this report was Treasurer David Parkman and Deputy Treasurer Karen Trussell.

APPROPRIATION REPORT:

Treasurer D. Parkman reported the following:

1. That the Probate Registry had collected over \$7,000.00 in Restitution.
2. The following departmental budgets were overdrawn: Jail, Sheriff, Communications Center, Probate and Auditing.
3. After the final 2006 warrant, \$62,776.40 was remaining. The 2006 total budget was 99% expended.

D. Parkman stated, "It doesn't bode well for our County in the future. Surplus used to be \$200,000.00 to \$300,000.00. The Budget Committee has done such a good job cutting back to the point that now we're down to \$62,000.00." There was discussion of past practice with surplus. Generally, some of it is used to build the reserve accounts and even though the County never has enough excess funds remaining to be legally bound to reduce taxes, some surplus was usually put toward that as well. J. Hyk commented, "We've nothing to give! What little there is, we have to keep. This is pitiful!" The Commissioners decided to wait before determining what to do with the small amount of surplus there is.

D. Parkman stated again that this "does not bode well for next year." He expressed concern over the fact that if there was an emergency, the County had nothing to cover it.

****A. Fowler moved, D. Berry seconded to accept the Treasurer's Report as presented. Unanimous.**

The Commissioners thanked Karen Trussell for her hard work.

TAX ANTICIPATION NOTE BIDS FOR FY 2007:

Present for the opening of the bids for the \$4,000,000.00 Tax Anticipation Note were the following bank representatives:

Darrin Riley with Camden National Bank, Cathy Reynolds with Bangor Savings Bank, Paul Doody with Union Trust and Tammy Buchanan of TD Banknorth.

The bids were opened in the following order:

1. Key Bank: Interest rate of 3.91% per annum.
2. Bangor Savings Bank: Interest rate of 3.81% lump sum.
3. Union Trust: Interest Rate of 3.57% on an as-needed basis.
4. TD Banknorth: Interest rate of 3.57% on an as-needed basis.
5. Camden National Bank: Interest rate of 3.52% on an as-needed or lump sum basis.

J. Hyk remarked about the differences in borrowing, such as lump sum or as-needed. Some of the banks offered sweep accounts and some offered no-cost checking accounts and “Now” accounts. There was some discussion about these options and which were in the best interest of the County. D. Parkman related what the reason was for the overdraft in the County’s 2006 Interest budget, which was that the Budget Committee had cut the Treasurer’s request and the result was that there was not enough in the budget.

****D. Berry moved, A. Fowler seconded accepting Camden National Bank’s bid at 3.52% interest for the \$4,000,000.00 Tax Anticipation Note. Unanimous.**

Because of the length of time it took to review these bids, the Commissioners instructed B. Arseneau to allow more time in the future on the agenda. B. Arseneau explained that she had asked the Treasurer’s Office how much time was needed, but more bids were received than in previous years so it had been impossible to anticipate this.

RESERVES ACCOUNT BIDS:

K. Trussell explained that the reserve accounts will be handled separately under a three-year bid award arrangement. They will not be handled each year with the Tax Anticipation Note.

The bids were received as follows:

1. Key Bank: Option 1 – Open four small business checking accounts and link to sweep accounts, or Option 2 – Open two small business accounts. It must be over \$50,000.00 and the interest would be 4.25%.
2. Bangor Savings: Corporate Money Account for investing. No minimum balance required at 4.95%, changing daily.
3. Union Trust: High-yield “Now” account, with a higher rate of returns on accounts over \$10,000.00. The checking account would incur interest posted to that account. The variable rate over \$10,000.00 is 5.25% with an annual percentage yield of 5.38%.
4. T.D. Banknorth: Sweep Cash Management. 5.03% interest with 5.15 on each account. This can be offered because of lack of activity, which is less than six transactions per month.
 - Restricted Checking Account - 5.3 to 5.15%
 - Active Reserve Account – 5.1 to 5.22%
 - Capital Reserve Account – 5.1 to 5.22% APY
5. Camden National: \$10,000.00 in account, 4.83%. A Sweep account was offered, or Repurchase at 4.83%, subject to change.

****A. Fowler moved, D. Berry seconded to accept Union Trust as the bank for the Reserve Accounts. Unanimous.**

The Treasurer and Commissioners thanked all bank representatives for their submissions and for attending the opening of the Tax Anticipation Note.

WARRANTS:

****D. Berry moved, A. Fowler seconded authorizing payment of invoices on the December 29, 2006 Capital Active/Restricted accounts in the amount of \$8,543.85. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of invoices on the December 29, 2006 regular warrant in the amount of \$147,907.23. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of invoices on the final regular warrant in the amount of \$73,099.40. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the invoices on the January 9, 2007 restricted reserve accounts in the amount of \$1,530.84. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of invoices on the January 9, 2007 regular warrant in the amount of \$248,326.00. Unanimous.**

EMERGENCY MANAGEMENT AGENCY REPORT:

Present for this report was EMA Director Dale Rowley (and, later, Sheriff Scott Story.) D. Rowley reported the following:

1. SEARSPORT GENERATOR HOOK-UP PROJECT: Attorney Matthew Tarasevich of BernsteinShur law firm will draw up a draft agreement for Mr. Mansfield to pay back the materials that the County will have to purchase for him to do the electrical work for the generator hookup at the Searsport school. Mr. Mansfield hopes to start two weekends from now. J. Hyk asked how the County would pay for these materials, as they were not in the budget. D. Rowley reminded the Commissioners that they had discussed this during the last court session and he had recommended that the Commissioners fund this from the Emergency Shelter Reserve, but J. Hyk had said no because the County was really only responsible for the generator hookup at the Troy Howard Middle School in Belfast. The Commissioners wondered if this should be paid from Contingency or if those funds were already needed for the 2006 budget overdrafts. J. Hyk decided he would talk with the Treasurer about this. After brief discussion, the Commissioners voted as follows:

****A. Fowler moved, D. Berry seconded paying the \$6,317.30 from the 2007 Contingency funds. Unanimous.**

2. VOLUNTEER DEPUTY EMA DIRECTOR DISCUSSION: D. Rowley briefly reviewed his request at the previous Commissioners Court Session to allow the EMA Administrative Assistant to serve as Acting Director in his absence.

****A. Fowler moved, D. Berry seconded giving authority to the EMA Administrative Assistant in the absence of the EMA Director. Unanimous.**

3. \$79,460.00 will be received in Homeland Security grant money. The County received funds for the Law Enforcement radio microwave and interconnection equipment in the amount of \$45,000.00, \$18,460.00 for Incident Command gear, and \$16,000.00 for the Searsport shelter. The request for decontamination equipment in the amount of \$33,000.00 was not approved. The Commissioners commended D. Rowley for his work in applying for and receiving these grants funds.

4. As requested by Commissioner Hyk, D. Rowley had contacted Verizon North States Area Manager Richard Powell to inquire as to how telecommunications would be handled in the event of long-term power outage, and an overview was provided regarding how service would be kept up and running during that time. J. Hyk felt that the County should proceed with trying to encourage better cell phone coverage, and suggested that the EMA, Sheriff and Communications Center departments come up with a map showing the poor cell coverage areas. S. Story interjected that actually, cell coverage had been improving steadily, now that Federal money is being used to set up more cell towers locally.

FACILITIES MANAGEMENT REPORT:

Present for this discussion was Facilities Manager Keith Overlock, who reported:

1. The heating project in the District Courthouse is nearly complete. A few more zones need to be revamped.
2. K. Overlock informed the Commissioners that he had looked at putting individual thermostats on the radiators in the Superior Courthouse, as there have been a number of issues with keeping the heat regulated. It would cost a little over \$7,000.00 to do this. J. Hyk requested that a specialist look at this first before any decision was made. K. Overlock mentioned that he had used one expert in the past and would consult with him again. It was noted that this was just for the main floor, as the upstairs appears to be fine.
3. Architect Robert Fenney has completed plans for the handicap ramp at the Waldo County Extension. K. Overlock asked if he should contact the contractor or if R. Fenney should do it. J. Hyk instructed K. Overlock to do the contacting. K. Overlock informed the Commissioners that the handicap parking space on the Spring Street side of the District Courthouse parking area will actually be the most expensive of the three handicap ramps/spaces that need to be addressed. The Extension Office ramp will be the next most expensive followed by the ramp at the front Church Street side of the District Courthouse. K. Overlock expressed concern that the unused funds that would have gone toward the ramps will now be gone because that unused money has to go to the general fund. The Commissioners stated that they planned to put some of the surplus funds toward reserves that could appropriately be used to pay for these ramp/parking projects.
4. The building for storage and recycling up at the Jail Complex will be going up. K. Overlock will obtain necessary permits from the City.
5. K. Overlock reported that the new building cleaner is doing a good job on the buildings.
6. The asbestos tiles in the Superior Courthouse Archive/Law Library will be removed at the end of January by County Abatement.

S. Story commended K. Overlock and complimented his work at the Sheriff's Office and Jail and stated that he was "making things nicer." K. Overlock explained that another project he would like to take care of is addressing the entrance between the garage and kitchen at the Sheriff's Office.

7. J. Hyk noted that the proposal of security doors for the District Attorney's offices had been "frowned upon" by the Budget Committee. He wondered how K. Overlock was handling this, now that the request had been submitted as a safety suggestion and was definitely being addressed. K. Overlock said that he was working on different doors and locks to try to accomplish this.

TECHNOLOGY UPDATE:

Present for this discussion with the Commissioners was James Arseneau of J&B Diversified Associates, Inc. J. Arseneau reported that the County would soon be purchasing a number of P.C.'s to replace those that are older and need replacing. He explained that the goal was to piggy-back the orders with a State contract or similar Government agency that would allow the County to order as groups of departments. The Commissioners agreed that this would be the most economical way to achieve the Technology goals.

D. Berry asked J. Arseneau if he purchased used equipment. J. Arseneau replied, "Never!" He elaborated that it is difficult enough to keep the new machines going until they could be cycled out. He explained that the Technology Committee had originally recommended a three-year cycle for all computers, but this had been dragged out to over five and six years, in some cases, due to reduced funding in the Technology Reserve as a result of budget constraints issued by the budget committees over the years. This has resulted in numerous problems experienced by machines that had been used too long, which were costly and time consuming to address, not to mention that it caused productivity issues for the departments. J. Arseneau recommended that there not be such a long cycle again, and the Commissioners agreed.

SUPERIOR COURTHOUSE SPACE USED BY STATE DETECTIVES DISCUSSION:

Present for this discussion was District Attorney Geoffrey Rushlau, Deputy District Attorney Leane Zainea, Sheriff Scott Story and, later, Assistant District Attorney Eric Walker.

G. Rushlau related the history of the use of the office space in question and mentioned that Lt. Bryant White also knew a lot of the history. B. Arseneau confirmed this, stating that Lt. Bryant had paid her a visit a few days ago and detailed the history for her.

According to G. Rushlau, Judge Anderson used that office a long time ago. G. Rushlau stated that the office "has always been District Attorney Office space." During the 1980's, a State Police detective was assigned to the District Attorney's office. This position "has done a tremendous amount of child abuse cases." G. Rushlau listed other State officers who have used that office, including Bryant White, David Tripp and now Dean Jackson and Scott Bryant. He acknowledged that they were not County employees, but are "Waldo County citizens." He went on to relate the efficiency achieved by having them there.

He further explained that Detective Scott Bryant has confirmed that they do use the County's telephones, but the computer connection is part of the State's network, hence, that does not cost the County extra. G. Rushlau emphasized that there really is no additional cost to the County by having them in that office. "They perform a service to the County," he stated.

L. Zainea shared her knowledge of the history by confirming that this was Bill Anderson's Office at first, then it was used for a secretary shared with the Commissioners. When the Commissioners stopped sharing the space, they moved to what is currently the Victim/Witness Advocate's Office. For a short period of time, the office space in question was not occupied by detectives; an Assistant District Attorney utilized it by the name of Jim Deal. It was then used as a Victim/Witness Waiting Room. Following that, the space

was used by then-Detective Bryant White, who shared it with a State Detective. L. Zainea addressed the issue of keys and stated that the Commissioners had asked for a list of all who possessed keys to County property and she was aware that David Tripp had a key, but did not know how he had obtained it. Scott Bryant now has one.

A. Fowler asked if the State Police have a substation at the Wentworth building in Belfast, just a mile or so down the road, and also had one at Liberty.

L. Zainea responded that the one in the Wentworth building is for Troop D. It was explained that the two Detectives use the small office in the Superior Courthouse for interviews. A. Fowler asked if there weren't already county officers that are doing that now. S. Story explained how the room was now used by detectives in the past and how they conduct business now.

(Lt. Bryant White was now present.)

G. Rushlau further explained that the State Detectives "don't work for us and don't answer to us, but can be assigned cases. They are a tremendous asset to us. They are also an asset to the Sheriff's Department."

S. Story agreed that they do work well with the County and that both "flip-flop" cases. He did state, however, that he "didn't have a dog in this fight," and that this was between the District Attorney's Office and the County Commissioners as to whether the County should provide space to the State Detectives or not. He referenced the call-sharing agreement and stated that, though hard, the work is getting done. He explained that there is "too much work for just one agency."

J. Hyk expressed his frustration. "There is no space in the County anywhere. I am distressed that there isn't enough space, and nobody wants to do anything about this. We can't even have an office for the Commissioners themselves! We don't even have a desk!"

A. Fowler stated that she would rather be able to say that County employees were using that space.

D. Parkman said that what mattered to him was not the space, but it's the money. He fumed, "The Jail budget is \$1.7 million and the State only gave the County \$162,000.00 in 2006 toward it!"

G. Rushlau commented that the crime lab provides free service to all Law Enforcement, regardless of which agency they are with. He hated to think they would start charging for this. A. Fowler countered that it is the taxpayers who pay.

It was further explained that the State Detectives are not there 24 hours a day. They are a benefit to the County Citizens and homicides are their priority.

B. White commented that he used to be the Domestic Violence Coordinator and now Matt Curtis serves in that capacity. "There's too much work for one person," he stated.

L. Zainea detailed an additional benefit of having the Detectives in that space. "These detectives provide security for us. When Detective White was there, it provided law enforcement presence. There was no cost associated with this."

A. Fowler said she understood this, but it was a taxpayer who asked why these Detectives were using space in the Courthouse when there was a substation just down the road.

J. Hyk sympathized with the security situation and commented, "The Chief Justice has alluded that most courthouses are woefully lacking in security."

G. Rushlau felt that the State was making progress on this. J. Hyk concluded that there was "not going to be a good resolution to this. If you leave here today and this [the Detectives using the space] goes on, you can't expect us to be happy about it. If things change, we can't expect you to be happy about it."

A. Fowler re-stated that she would like to see a County person in that office space. She thought she might need to go up to the Sheriff's Department to see about their situation. S. Story informed all present that he had no additional space to put the State Detectives at the Sheriff's Office.

B. White stated, "I've argued the values one hundred times and lost. If you can do it, great. With only two detectives, they can get 'fried.' That's why there are three. When I was there, if someone came in with an attorney, the D.A.'s Office can't talk to them; they must talk to an attorney." He argued that a rapport had been established, but he lost the argument and was moved up to the Sheriff's Office. When he left, State Police Detective Dave Tripp was still there using that space. When Dave left, State Detective Scott Bryant came in and now State Detective Dean Jackson was in that space, too.

J. Hyk noted that everyone had had their say. He wished to say that the Commissioners would follow a line of reasoning and would continue to address this later, after further thinking and discussing the matter.

B. White added that the State Detectives assist with DNA and evidence. The County does not have money to get a crime lab. He further mentioned that Detective Scott Bryant's over-time when assisting the County is paid for by the State.

L. Zainea stated that all the departments conduct interviews in that office space and the D.A.'s staff at times use that space, too.

J. Hyk stated that the discussion was now done and dismissed the group.

The Commissioners later briefly discussed the County's obligations in providing space for the Court systems and the District Attorney's Offices and decided they would do more research in the statutes.

CORRESPONDENCE:

Present for this report was County Clerk Barbara L. Arseneau who reported the following:

1. Tax Abatement Hearing Requests: Four tax abatement hearing appeals had been received within the past month from the following residents: Jack Howe of Brooks, William Shepherd of Burnham, Francis Grignon of Burnham and Don Wolph of Troy. (Don Wolph later withdrew his request, as he and the Town of Troy had reached an agreement.) The Commissioners reviewed the requests and decided to hold hearings on the morning of February 6, 2007, starting at 9:00 a.m. and allowing one half hour for each. B. Arseneau was instructed to send out notices to the petitioners and the town assessors.

2. COMMUNICATIONS CENTER AND EMA PHOTOCOPIER LEASES TO BE SIGNED: The Commissioners signed leases for two photocopiers; one for the EMA Office and the other for the Communications Center Office.
3. The Committees Commissioners and Clerk would be serving on in 2007 were discussed. The decisions by the Commissioners were as follows:
- LEPC Meetings: One Commissioner will try to attend each meeting on a rotating basis.
 - MCCA Risk Pool and Board of Directors Association Meetings: Commissioner Amy Fowler will continue to attend these.
 - Coastal Counties Work Force: Commissioner Donald Berry will be attending these.
 - Senior Resources Collaboration: Since Jethro retired, nobody has been attending these meetings. B. Arseneau was instructed to request that the minutes and agendas continue to be sent to the Commissioners Office for informational purposes only.
 - Healthy Communities Coalition: A few years ago, the County Clerk had been assigned to attend these meetings periodically. B. Arseneau explained that when attending the meetings, she found that the group was in hopes that she could be involved in some of the actual work that they are doing and she did not have the time, nor had she thought that this was the intention of the Commissioners when they sent her to those meetings. The Commissioners told the Clerk that she no longer was assigned to attend these meetings but was to request minutes and agendas for informational purposes only.
 - Health Insurance Study Committee: Commissioner Fowler volunteered to be the first of the Commissioners to attend on a rotating basis. She instructed B. Arseneau to schedule this meeting directly after the Commissioners Court Session on February 6, 2007 and to notify those on the Committee.
4. Representative Lance Weddell submitted, at the request of the County Clerk, the wording of the proposal for LD 32 "An Act to Create a Regional Jail System." This bill would be heard on January 22, 2007 at 10:00 a.m. After reading the proposal, the Commissioners agreed that this was not of piece of legislation they would choose to support.
- **A. Fowler moved, D. Berry seconded sending a letter to the chairs and members of the appropriate legislative committee informing them that the Waldo County Commissioners do not support this piece of legislation. Unanimous.** B. Arseneau was instructed to draft this letter for the Commissioners' review.
5. S.M.R.T. Update: The Commissioners decided that it would be best to bring S.M.R.T. architectural firm up to date regarding funding issues. J. Hyk instructed B. Arseneau to contact Denis Jud of S.M.R.T. and ask him to call J. Hyk at home.
6. The next LEPC meeting is January 18, 2007 at the EMA Office at 10:00 a.m. The Commissioners instructed B. Arseneau to contact them later to see which one would attend.
7. B. Arseneau informed the County Commissioners that Belfast Mayor Michael Hurley had contacted her to inquire of the Commissioners if they would be willing to request that Waldo County receive one of the two flag poles from the Hancock/Waldo Bridge before it is demolished. His reasoning was that it would be appropriate for the two counties the bridge was named for to each have one of the poles from the now defunct bridge. The Commissioners agreed that this idea and instructed B. Arseneau to draft a letter to the

Commissioner of Transportation requesting permission for each County to receive a flag pole. The letter should also be copied to the Belfast City Mayor and Governor Baldacci.

8. The following employees were scheduled to receive pay step increases:
- EMA Administrative Assistant Olga Rumney will receive a one-year pay step increase on January 3, 2007 at \$14.03 per hour.
 - Facilities Manager Keith Overlock was due a one year pay step increase on November 28, 2006 from \$15.23 to \$15.89 retroactive to that date.
 - Dispatcher Katie Jewel will receive a one-year pay step increase on January 29, 2007 from \$14.00 to \$14.49 per hour.
 - Dispatcher Jenny Kronholm will receive a one-year pay step increase effective January 29, 2007 from \$14.00 to \$14.49 per hour.
9. Communications Director Owen Smith recommended the promotion of Dispatcher Andrew Cardinale from part-time to full-time effective January 1, 2007, to fill the vacancy of Cheryl Pike's position. The rate of pay will be \$13.54 per hour.

****A. Fowler moved, D. Berry seconded promoting Dispatcher Andrew Cardinale from part-time to full-time Dispatcher effective January 1, 2007 at \$13.54 per hour. Unanimous.**

10. Communications Director Owen Smith recommended the promotion of Dispatcher Jennifer White from part-time to full-time effective January 1, 2007 at \$13.54 per hour to fill the vacancy left by Avis B. Davis.

****A. Fowler moved, D. Berry seconded promoting Dispatcher Jennifer White from part-time to full-time Dispatcher effective January 1, 2007 at \$13.54 per hour. Unanimous.**

11. As requested, B. Arseneau researched the November 9, 2006 response made by Islesboro Town Manager Damaris Diffin on behalf of the Islesboro Board of Selectmen in which the statement was made that the County Commissioners should, "find space for low risk inmates elsewhere, which another county has just succeeded in doing..." The Commissioners had wondered which county was being referred to. B. Arseneau had contacted Damaris Diffin, who informed her that it was Piscataquis County and that there was an article in the Bangor Daily News about it.

12. The Commissioners received a copy of a letter sent to Commissioner David Cole, State of Maine Department of Transportation requesting that a key staff person from the Commissioners' Office meet with Mr. Mack Page, CEO of City Point Central Railroad of Belfast to discuss asking the State of Maine to reopen the lines between Thorndike and Belfast, which have been discontinued from service for some time. The Commissioners decided not to respond at this time.

13. B. Arseneau reported that DRG Specialty Services had researched possible grant funding for the asbestos removal project soon to be done in the Superior Courthouse Archive/Law Library, but no funding was available because it did not fit the right criteria.

PERSONNEL POLICY AMENDMENTS/CORRECTIONS:

B. Arseneau informed the Commissioners that two policy omissions had been brought to her attention and she had discussed them briefly with the attorney who had assisted with updating the policy in the spring. The following needed to be changed in order to correctly reflect the intentions of the policy:

1. The updated minimum amount of Personal Leave to be used by full-time employees is 8 hours and should be included in the policy wording, as it was inadvertently omitted.
2. The updated policy regarding accumulating of sick leave was found to have incorrectly omitted the sentence "up to half of" the cap of 360 hours will be paid to employees terminating employment with the County of Waldo on good terms.

The Commissioners approved the corrections and asked that these be sent out with payroll slips to be inserted in the employee's personal Personnel Policy binders.

MISCELLANEOUS COMMISSIONERS' REPORTS & APPROVAL OF MINUTES:

1. D. Berry showed the Commissioners the form he would sign authorizing payments of payrolls as required by the Auditor. K. Trussell had developed it for him.
2. A. Fowler informed the Commissioners that she had attended the Penobscot Narrows Bridge opening ceremony in December. She commented that it was very cold that day, and unfortunately the activities were quite disorganized. Still, she felt it was important that the Waldo County Commissioners be represented on this occasion, as the bridge spans both Waldo and Hancock Counties.

MINUTES APPROVED:

****A. Fowler moved, D. Berry seconded accepting the Waldo County Commissioners Court Session minutes from December 19, 2006. Unanimous.**

NEXT COMMISSIONERS' SESSION:

The next Commissioners Court Session will be February 6, 2007 to address four possible tax abatement hearings.

- Amy Fowler instructed the County Clerk to schedule the first meeting of the Health Insurance Study Committee after that Commissioners meeting on February 6, 2007.

****D. Berry moved, J. Hyk seconded adjourning the meeting at 12:05 p.m. Unanimous.**

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