

**WALDO COUNTY COMMISSIONERS COURT SESSION
MAY 13, 2008**

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

J. Hyk opened the Commissioners Court session at 9:00 a.m.

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

REVENUE CONTROL REPORT:

D. Parkman reported that the revenue received to date looks good. He noted that the Deeds fees, at 43%, were on target for what they should be, but usually more is brought in at this point in the year. EMA is at 24%, but this is for October through December of last year. The first quarter of the current year is not in yet.

APPROPRIATIONS:

D. Parkman stated that the budget could be expended by about 38% at the end of May and the County is at about 30% expended. It was noted that nothing could be done about the over-expenditure in the Communications Center Part-time budget line. Certain incidents have come up that were unavoidable and it was recalled that the Director had warned the Budget Committee that this line has consistently been overdrawn for a number of years. D. Parkman reported Jail Boarding costs as being "pretty healthy" at 18% expended.

RESERVE ACCOUNTS.

D. Parkman reported that the reserves are "coming right along." The County has borrowed as much on the Tax Anticipation Note (TAN) this year it did last year. \$2,850,000.00 is remaining in the TAN. D. Parkman reported that there would be about \$38,400.00 remaining in the checking account, once everything is paid.

K. Trussell warned the Commissioners that the Severance Reserve Account will be pretty much drained. Right now it is in the negative because funding for 2008 has not been put in yet. There was discussion about what is due an employee if they are fired. B. Arseneau explained that accumulated sick leave is not paid, but all hours worked, including comp time, must be paid to the employee.

D. Parkman read off expenditures paid during the end of April and beginning of May from the Reserve Accounts.

B. Arseneau informed all that the EOC training course "IS-100 Introduction to the Incident Command System" is required in order for the County to be NIMS compliant and the following people need to take this course: D. Parkman, K. Trussell, V. Stover and B. Arseneau. This training is scheduled at the EMA training room on June 19, 2008 from 1:00 p.m. to 3:00 p.m.

WARRANTS:

****D. Berry moved, A. Fowler seconded authorizing payment of April 25, 2008 Capital, Restricted Reserves in the amount of \$7,597.82. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the April 25, 2008 Regular Warrant in the amount of \$116, 326.39. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of May 13, 2008 Capital, Active and Restricted the in the amount of \$12,764.81. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the May 13, 2008 Regular Warrant in the amount of \$181,899.72. Unanimous.**

****A. Fowler moved, D. Berry seconded accepting the Treasurer's Report. Unanimous.**

GRANT OPPORTUNITIES AND MATCHES:

EMA Director Dale Rowley reported, via conference call with the County Commissioners, the following:

1. PSIC Grant Application: The Public Safety Interoperable Communications (PSIC) grant application package has been released by MEMA. Although this grant is 80% Federal funds and 20% matching funds, the State will be covering the match from funds already set aside for State communications upgrades. This means no money will have to come from the County of Waldo. The deadline for applications is July 1, 2008. \$4.1 million is available in a competitive grant process and the County is looking at the following projects:

- Replace the 45-year-old 60' Aborn Hill radio tower with a new 180' tower for an estimated cost of \$240,000.00.
- Acquire new narrowband radio licenses for all County and Municipal public safety agencies, the Communications Center and the EMA. Pay to reprogram all County-wide public safety radios. Project cost is estimated to be \$40,000.00.
- Install new radio equipment in the County EMA Communications vehicle. Project cost is estimated to be \$10,000.00.
- Upgrades to the Spillman CAD system. Unknown estimated cost at this time.

2. D. Rowley is waiting to hear about an Emergency Operations Center Grant Program from FEMA that may get released sometime this month. This will be a \$15 million competitive grant that has a 60-day application period. The funds would be released in September of 2008. It has a cost share of 75%/25% and will have to be built within three years. He requested authorization to apply for this grant.

J. Hyk stated that he only had a problem building another building on the current property instead of on the County's 100 acre site. He said that he had heard if EMA could get out of the basement, this would actually help the Jail. D. Rowley said he had spoken with the Jail Sergeant and had been told that the Jail could use the current EMA space to house pre-trial inmates. J. Hyk said if this was a building, technically, if the County didn't have funds for matching, it could use funds from Future Land and Buildings. D. Rowley said this building could be made big enough for the entire County to use for other purposes.

A. Fowler asked if there was still an opening in District 3, which was her district, for serving on the Waldo County Regional Communications Center Board of Directors and if not, who had been identified to fill the vacancy. D. Rowley replied that Kyle Wright was excited to serve on the Board. D. Rowley described him as being “super, super active” and that he had worked well with both the Communications Center Director and Dale. A. Fowler inquired about filling William Zito’s vacant EMS position. Both Corey Morse and Rick Petri were mentioned.

D. Rowley said paperwork for the EOC Construction grant application would be coming out in thirty days and he wanted to be sure that the Commissioners would authorize applying for it. J. Hyk instructed D. Rowley to contact Architect Robert Fenney to be sure that this could even be built on the Jail property.

****A. F. moved, D. B. seconded to place Kyle Wright on the Waldo County RCC Board of Directors representing District 3. Unanimous.**

FACILITIES REPORT:

Present for this report was out-going Facilities Manager Keith Overlock and incoming Facilities Manager Keith Nealley.

1. K. Overlock introduced incoming Facilities Manager Keith Nealley, who thanked the Commissioners for the opportunity to work with the County. He stated he had met the other Department Heads and was already working along with them.

2. The mural on the concrete lower portion of the District Courthouse courtyard walls will be repainted with a new scene by local students. Furthermore, K. Overlock reported that the clapboard paint on the upper part of the walls is peeling, needs to be scraped and repainted. There is a lot of high ladder work, which would require proper equipment and scaffolding. He has requested bid proposals; the highest bid received was from Andrew Kirk Painting in the amount of \$4,200.00 and the lowest bid was from Busy Bee Painting at \$2,500.00. K. Overlock detailed the work that would be performed, including painting the soffits. He reported that Andrew Kirk has painted upstairs in District Court and has done a really good job. K. Overlock has also met the Busy Bee staff and has confidence in them. K. Nealley said after some rethinking the amount of work to be done, even the highest bid was not unreasonable. It might be a while before this project can be started. The Commissioners agreed to accept the bid from Busy Bee Painters. When asked what the theme of the mural is, the Commissioners were told that it would be an ocean theme.

****A. Fowler moved, D. Berry seconded accepting the bid proposal in the amount of \$2,500.00 from Busy Bee Painting. Unanimous.**

3. K. Nealley reported that some issues still on the table are ADA matters. Grant funding does not appear to be a reliable or viable source of funding, so K. Nealley asked if there was any funding available that could be utilized to work on at least work on one of the ramps, particularly the one at the University of Maine Cooperative Extension. When both Keith’s spoke with Rick Kersbergen at the Extension Office, Mr. Kersbergen expressed some disappointment that this might not be done this year. K. Nealley said he’d also like to have inmates do some yard work and possibly scraping and painting at the Extension Office. When asked if inmates would even be available, K. Nealley remarked that inmates had worked for about six weeks and had done repairs, painting, etc. and had done a good job. A. Fowler commented that she was against funding EMDC this year, since they had not come through with promised grant funding for these ADA compliance projects. B. Arseneau provided update – or lack thereof – from Chris Shrum of EMDC. The

Commissioners expressed that K. Nealley has also had experience with grant writing and wondered if he might have some success in researching funds.

FUEL OIL BIDS:

The following bid proposals were received:

1. \$3.93 per gallon fixed price from Maritime Energy. There was no submission for work on the burners.
2. \$3.875 per gallon fixed price from Thompson's Oil. Thompson's Oil also did not provide a submission for work on burners.
3. \$3.90 per gallon fixed price from Irving Oil.

K. Overlock remarked that about 2/3 of the heating season has passed. He believed there were cost savings from the new boiler in the District Courthouse; however, he feared that the Superior Courthouse heating budget line will be overdrawn. The Jail budget is 50% expended and the Sheriff's budget is 55% expended. Over-all, he thought the County would be pretty much on budget for heating costs, even with these expenditures. He commented that neither he nor the heating expert knew what to do with the Jail heating system. Keith Overlock commented that, two years ago, the County got "burned" by having a fixed price. This past year, the County locked in at \$2.17 per gallon and "made out like a bandit."

****A. Fowler moved, D. Berry seconded accepted Thompson Oil's bid of \$3.875 per gallon fixed price for 2008-2009. Unanimous.**

4. K. Overlock reported that the Superior Courthouse electricity bill was \$180.00 less per month now that the old Coca-Cola vending machine has been removed. D. Berry wondered if it would be worthwhile to purchase a usage meter. K. Overlock said that at Superior Court, there would be a large charge for that. He thought it might make a difference to know the usage. K. Nealley asked the Commissioners to establish a County-wide thermostat level for all departments. The Commissioners agreed to do so and would discuss this more with K. Nealley after he came back with information from the other counties.

K. Overlock asked if it made sense to increase the inmate capacity at the Jail. If EMA no longer occupies the lower level, inmates could be moved in. The Commissioners stated that now with the new legislation, this was up to the State. K. Overlock remarked about the "conundrums" of air exchange in the Jail and the air handling system that has to be used. A. Fowler explained that, technically, the 2008 budget is locked in. If it increases, the State has to decide whether it will allow the increase or not. J. Hyk added that the Board budget line number is locked in.

CORRESPONDENCE:

Reporting correspondence to the Commissioners was County Clerk Barbara L. Arseneau with Deputy County Clerk Veronica Stover.

1. **TEMPORARY HIRE – COMMISSIONERS OFFICE:** B. Arseneau brought up the matter of Deputy County Clerk Veronica Stover going out on anticipated leave in August and the need to hire a part-time person to fill in for her for up to 28 hours per week. B. Arseneau recommended hiring for the same hourly wage (\$13.15) as a Victim/Witness Advocate due to the nature of some of the work that would need to be performed, with confidentiality and responsibility levels required. The Commissioners preferred

setting this at the \$11.74 part-time rate. During discussion of where the funding would come from, B. Arseneau suggested using funding from Binding/Rebinding and Training, as the staff could put off training for the year and she could also put off binding any books for one year. A. Fowler suggested checking with a temporary hire agency. It was noted that depending on the number of hours, Maine State Retirement Group Life would need to be offered. B. Arseneau recommended a one-week overlap so that Veronica could train the temporary person. The Commissioners authorized running an advertisement for this position in the local newspaper, local online news and in JobsinMe.com, since the County has a subscription. B. Arseneau was instructed to notify all departments when the person was hired. Interviews will be held the last week in June.

2. EMA Director Dale Rowley sent notification via Email on May 5, 2008 that this year there is the added requirement to have all EOC staff trained in the course IS-1000 "Introduction to the Incident Command System." Some have already been trained the previous year, but for those who have not, a class has been scheduled for Thursday, June 19, 2008 from 1:00 p.m. to 3:00 p.m. This course is mandatory in order for the County to maintain its compliance with the National Incident Management System. An online class is also available if someone cannot attend the June 19th class.

3. EMA Director Dale Rowley sent to the Commissioners photographs of the flooding that took place in the EMA basement on April 29, 2008, with a note that fourteen of the County's Towns suffered some sort of flood damage.

4. The Commissioners Office received on May 7, 2008 an Inspection Report from the Department of Corrections regarding the oil-fired hot water boiler located at the Waldo County Jail. This inspection was performed on May 2, 2008 at the request of Facilities Manager Keith Overlock. There are several conditions that must be corrected by a person properly licensed by the State of Maine.

5. The May 14, 2008 MCCA Board of Directors meeting will be held at the Kennebec County Governmental Center, 125 State Street in Augusta. The time remains the same and a revised agenda was submitted.

6. The County Commissioners will hold a Tax Abatement Appeal on June 10, 2008 at the request of the Tri Town Snow Riders. The Morrill Selectmen will be attending. (Later the Town Selectmen requested that the hearing be held on July 8, 2008 as Mr. Peeler would not be able to attend in June. The Commissioners agreed to this.)

7. The Commissioners signed the Service Contract with DRG Specialty Services, L.L.C. with the rate remaining at the 2006 level of \$35.00 per hour for grant research.

8. Health Insurance Administrator Malcolm Ulmer sent notice of formulary changes that became effective April 1, 2008, which would have resulted in certain drugs changing categories and having a new co-pay amount that was either higher or lower than the prior co-pay amount. The impacted employees should have received a notice, but it appeared that some did not, including M. Ulmer as the Administrator. He has been assured that these notices will be received in the future by both the impacted employees, and M. Ulmer. Furthermore, M. Ulmer sent notice that there will be additional formulary changes effective July 1, 2008.

J. Hyk asked how the health insurance plan was going. B. Arseneau replied that the first round of payments went out and out-of-network claims are to be treated the same as in-network claims. A. Fowler described it as “a long, painful process.”

9. ICMA-RC sent notice to plan participants of certain fund changes that became effective April 11, 2008 and others that will become effective July 18, 2008. This meant that some plan funds have been cancelled and replaced. B. Arseneau spoke with ICMA-RC Representative Mark Gosselin, who explained that the fund additions are not major and actually provide some balance to investment areas that were not well represented currently. Regarding the default fund changes, this is in response to a Department of Labor change. ICMA-RC has, for the purposes of establishing an appropriate fund category for the defaults, chosen a retirement age of 60. Any employee not electing a fund choice when enrolling will be placed in a Milestone model determined by their current date of birth and years to age 60. This does not affect any other part of the County’s 457 Plan Document. Currently, the County does not have a retirement age on the 457 Plan, allowing terminating employees to access their accounts as soon as they separate from service, which is a standard plan feature. B. Arseneau reported that the District Courthouse lease has still not been signed. She detailed recent attempts to find out what is holding this up, including speaking with Court Clerk Terri Curtis and then calling a woman named “Deb” at the State. “Deb” offered a little explanation about the question of whether or not the language needed to be a simple “Memorandum of Understanding” regarding just the changes in the lease, rather than the entire lease being re-written, which the County had done. B. Arseneau also followed up with Regional Court Administrator Ted Glessner, who replied by Email on May 12, 2008 indicating that he would also speak with “Deb” to follow up on this matter. After brief discussion, D. Berry instructed B. Arseneau to send a “for-your-information” letter informing the Court that the heating oil has doubled in price.

10. Penobscot County Administrator Bill Collins sent an Email dated May 9, 2008 explaining that the Maine Association of County Clerks, Administrators and Managers has been asked to write a resolution supporting the MCCA hiring an Executive Director. He would include MACo’s request as an agenda topic. B. Arseneau asked the Commissioners which way they wished for her to respond regarding this request. A. Fowler commented that she believed MACo was a “joke” and she was in opposition to supporting it. “It is just another ridiculous form of government,” she stated.

11. The Governor’s Office has contacted MCCA to ask that the association submit a name or names for appointment to one of the four county positions on the Intergovernmental Advisory Committee, which is currently vacant. A. Fowler nominated Sheriff Scott Story and Commissioner George Jabar on behalf of the Board of Waldo County Commissioners and instructed B. Arseneau to submit those names.

12. There was brief discussion on the need for guest speakers at the Convention and A. Fowler suggested that someone reach out to attorneys that are frequently used by the counties, to see if one or more would offer free seminars.

13. A request for interest in serving on the Corrections Working Group has been sent by Becky Morgan of the MCCA. None of the Waldo County Commissioners wished to serve on this committee.

14. Bernstein Shur Attorney Linda McGill sent a statement of services for January and February work, noting that the majority of the services and attendant costs have been related to negotiations for the collective bargaining agreements with the two MSEA units. As discussed at the outset, first contracts require a big “up front” investment, and negotiations for subsequent contracts will be considerably shorter

and less costly. The invoice came to \$28,804.88. The Commissioners briefly discussed the cost of negotiating. J. Hyk predicted, "It's going to get worse."

15. Register of Probate Joanne Crowley submitted notice of her resignation as Register effective June 30, 2008, along with copies of her letters of resignation to both Governor Baldacci and Probate Judge Susan Longley. She also included a copy of a letter from Deputy Register of Probate Sharon Peavey indicating that she has filed papers to be a candidate for the Register of Probate position in the upcoming election, and requesting that she be considered for appointment to fill the vacancy for the remainder of Ms. Crowley's term.

16. Captain Jason Trundy sent a memo dated April 30, 2008 regarding concerns about Superior Court security. Recently he undertook the task of revising the Waldo County Correctional Center's Transport Policy, which resulted in touring the Superior Court building with the view to provide safe and secure transportation of inmates in and out of that building while still maintaining the integrity of the judicial system. A second goal was to provide safe and secure area for the court staff and Judge. The new Transport Policy will require that all inmates transported to the Superior Court building be brought into the building through the back door and taken up the back staircase to the law library as a holding area. A transport officer would be present at all times. Of concern is the inmates' subsequent knowledge of the back stairway and the proximity to the Judge's Chamber and the courtroom. J. Trundy had asked B. Arseneau about holding inmates in the Waldo County Archive. She explained that permanent records are housed there and prior to creating a separate locked door to this room, people had been allowed to use this space while waiting for court and there was vandalism and theft that occurred. J. Trundy said he had not realized the extent that this space was already being used. B. Arseneau reminded the Commissioners that the Commissioners and the temporary Archivist that had been working for the County at the time had originally requested that the Law Library be where the Archive is now and vice-versa, but the others had not been willing to do that. "The State made its bed on this one," A. Fowler commented. J. Hyk felt that this matter should be made as simple as possible and suggested that this was the State's responsibility; therefore, any concerns should be addressed with Regional Court Administrator Ted Glessner or Justice Mills.

17. Communications Director Owen Smith asked for approval to hire Julia Lawler as part-time Dispatcher Trainee for the Communications Center, effective May 19, 2008.

**** A. Fowler moved, D. Berry seconded to approve hiring Julia Lawler as part-time Dispatcher effective May 19, 2008. Unanimous.**

18. Pay step increases were duly noted by the Commissioners for the following employees:

- Corrections Officer Gregory Mackay with a two-year pay increase from \$14.73 to \$14.94 per hour effective June 11, 2008.
- Sheriff's Administrative Assistant Brenda Dakin with a five-year pay increase from \$15.17 to \$15.73 per hour effective June 1, 2008.
- Corrections Officer Ruben Page with a pay increase from \$14.00 to \$1.32 per hour for completing the Corrections Certification Course on May 9, 2008.
- Corrections Officer Bruce Rust with a pay increase from \$14.00 to \$1.32 per hour for completing the Corrections Certification Course on May 9, 2008.
- Dispatcher Melissa Pooler has completed the six-month probationary period and has been promoted to full-time status but will not receive a six-month raise as she was already hired at the six-month rate based on prior experience.

- Dispatcher Arthur Butler with a pay increase from \$19.06 to \$19.59 per hour for reaching twenty years of employment. The Commissioners wished to congratulate Mr. Butler for this achievement.

19. The Commissioners reviewed a letter sent by Commissioner John Hyk on behalf of the Board of Commissioners thanking the Belfast Dunkin' Donuts Manager Rhonda Lilley and employees Steve Loring and Deanna Knowlton for their quick assistance and donation of three boxes of coffee during the emergency response to the tragic death of Waldo County Deputy Sheriff Mark Schade on April 10, 2008.

20. Probate Confidentiality MOU: There were some questions back and forth among the Commissioners, particularly about the filtering program. The Commissioners decided to set up a conference call with an attorney to review this document.

Drug testing survey to other Counties: B. Arseneau reported that she had conducted a survey of the other Counties regarding which performed drug testing before hiring employees and which do not. She had learned that most counties do not do this. Most commented that policies regarding this matter are quite technical and it is difficult to get the Department of Labor's approval. Other counties noted that they do this only for the Sheriff's Office personnel as part of pre-employment checks. One County reported that random drug testing is not permitted by the State unless the County is prepared to take care of the employee through an employee assistance program and the county's expense. A. Fowler said she was appalled and disgusted that it was so difficult to do pre-employment drug testing or random drug testing.

21. MCEMS Regional Coordinator Francis "Bill" Zito sent notice on May 1, 2008 that he must submit his resignation as Waldo County Regional Communications Center Board of Directors member effective immediately, but offered to continue to be a resource, as with other emergency agencies MCEMS serves. The Commissioners instructed that a letter of thanks be sent to Mr. Zito for his service on the WCRCC Board of Directors.

22. Eastern Maine Development Corporation had submitted an invoice for the 1st Quarter dues of \$1,250.00. In February, the Commissioners had refused payment until they heard an explanation from Chris Shrum of EMDC inquiring about the grant research for the ADA projects. Now the request for the 2nd Quarter payment in the amount of \$1,250.00 has been received. B. Arseneau said she sent an Email to Mr. Shrum requesting a response to the Commissioners' request for a report on the status of the funding research for the ADA project back on March 19, 2008 and then sent a follow-up Email on the same topic. On May 12, 2008, Mr. Shrum responded by Email, stating that he and EMDC "still remain interested and engaged in searching various grant sources on behalf of the County." He indicated that he has added additional staff, specifically a community development specialist who is searching grant sources for a host of initiatives that EMDC is working on. He requested the list of grant research projects that the County may be interested in. The Commissioners instructed B. Arseneau to inform C. Shrum that no payment will be made to EMDC at this point.

23. Emergency Operations Center Training course: There will be an EOC training course on June 25 - 26 from 8:00 a.m. to 4:30 p.m. in Augusta at the Maine Emergency Management Agency. Nobody from the Commissioners Office was available to attend due to previous commitments.

EXECUTIVE SESSION:

****A. Fowler moved, D. Berry seconded entering Executive Session at 11:15 a.m. according to Title 1, 405 (A), (E) and (F) for a Legal/Personnel Matter at 11:15 a.m. Unanimous.**

**** J. Hyk moved, A. Fowler seconded exiting Executive Session at 12:44 p.m. Unanimous.** No action was taken.

NEXT COMMISSIONERS COURT SESSION:

The next regularly scheduled Commissioners Court Session is June 10, 2008.

****A. Fowler moved, D. Berry seconded adjourning the meeting at 12:45 p.m. Unanimous.**

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