

**WALDO COUNTY COMMISSIONERS COURT SESSION  
JULY 8, 2008**

**PRESENT:** Commissioners John M. Hyk (Chairman), Donald P. Berry, Sr. and Amy R. Fowler. Also present were County Clerk Barbara Arseneau and members of the press.

Chairman John Hyk called the session to order at 9:00 a.m.

**\*\*A. Fowler moved, D. Berry seconded entering Executive Session at 9:03 a.m. according to Title 1, §405(A)(1), Executive Sessions, A. Unanimous.**

**\*\*A. Fowler moved, D. Berry seconded exiting Executive Session at 9:07 a.m. Unanimous.**

**\*\*A. Fowler moved, D. Berry seconded to deny a request to waive vacation leave owed to the County by an employee. Unanimous.**

**TREASURER'S REPORT:**

Present for this report was Treasurer David Parkman and Deputy Treasurer Karen Trussell.

**REVENUE REPORT:**

D. Parkman reported the following:

1. Deeds fees are a little bit ahead of what is anticipated for this time of year.
2. \$388,000.00 is in the Corrections Reimbursement Account at Bangor Savings Bank. The 2007 Corrections funds are due to be received from the State this month. D. Parkman asked what to do with the funds that the County can use (80%). J. Hyk replied that it might be good to fund handicap ramps repairs and possibly even for fuel oil.

**APPROPRIATIONS:**

1. The Commissioners Professional Services line is 99% expended, which is largely due to costs associated with union negotiations.
2. The Treasurer's budget is 53% expended, so it is a little high.
3. Inmate Boarding costs are at 23%, which D. Parkman stated were "good."
4. The Communications Center Budget has also been expended at a higher rate than where it should be at this point in the year, but D. Parkman commented that this is to be expected because it has historically been the case with the personnel line.
5. D. Parkman reported that the County has borrowed about \$2,000,000.00 from the Tax Anticipation Note at this point, which is an improvement over last year.

**WARRANTS:**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the June 10, 2008 Regular warrant in the amount of \$60,040.28. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the June 10, 2008 Restricted Reserve warrant in the amount of \$10,744.25. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the June 27, 2008 Regular warrant in the amount of \$44,012.74. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the June 27, 2008 Restricted Reserve warrant in the amount of \$7,587.91. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the July 8, 2008 Restricted Reserve warrant in the amount of \$3,582.52. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the July 8, 2008 Regular warrant in the amount of \$189,335.70. Unanimous.**

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

#### **2007 AUDIT:**

Present for this report were CPAs Harold and Pamela Blake and, who reviewed the 2007 Audit with the County Commissioners. He noted that the total assets are up \$2,688,412.24. He also reviewed pages 8, 20, 26 and described the review as "peeling an onion," in order to explain the figures and determining what those figures were. The only thing required are the notes of the statements and everything before them.

J. Hyk asked H. Blake to outline any problem areas. H. Blake said essentially things are done very well. Two things he suggested:

1. The County's portion of payroll is not on a warrant because nobody is cutting a check. He felt it should be on the warrant. It will show where the money is going, even though it comes automatically out of the County's account. J. Hyk asked if he meant it should be incorporated as an expenditure and was told yes.

2. The other departmental accounts should be reconciled before they are sent into the Treasurer's Office. By not reconciling them, in one case, there were three deposits made January 3<sup>rd</sup> that probably belonged in the previous year. Right now, the Treasurer's Office receives the statements. The Probate Registry does reconcile theirs. K. Trussell said she thought it was likely that the other departments were reconciling their accounts within their own department but she just wasn't getting copies of that.

D. Berry asked if there was a way to know if the other departments were doing that. K. Trussell said she reconciles the EMA one. There are two at the Jail, one at the Sheriff's, and one at Deeds.

According to H. Blake, other than these items, the County was receiving a "clean" opinion and an "unqualified" opinion, which was the top. The Commissioners commended the Treasurer's Office for doing a good job.

P. Blake recommended reading the notes first, and then look at the rest of the audit. H. Blake jokingly noted that if investors had read the notes of the Enron reports, all would have known to invest.

(The Commissioners now heard Tax Abatement Appeal Hearing Petition #340 Tri-Town Snow Riders, Inc. vs. Town of Morrill. See separates minutes.)

### **TECHNOLOGY REPORT AND GRANT UPDATE:**

Present for this report was Technology Consultant James Arseneau of J&B Diversified Associates, Inc.

1. J. Arseneau said the first thing he wanted to talk about was a second round of letters to the towns and agencies regarding technology. Half of the computers have been sold. The five laptops were gone within an hour after the letter went out. Those remaining will be silent auctioned, if permissible, with a minimum bid amount of \$350.00.
2. J. Arseneau asked if the Commissioners with Internet service at their homes wished to have access to the County email. If so, there is a portal available to do that.
3. A recent newspaper article on the Communication Grants listed EMA Director Dale Rowley as the one submitting those. J. Arseneau clarified that Communications Director Owen Smith should have been listed. Also, the equipment grant has been researched and written by J. Arseneau. He said he believed the error occurred because D. Rowley came down to get the paper signed and the newspaper journalist picked up on that.
4. J. Arseneau requested authorization to release the County's Web site, even though there are a few parts that aren't completed. The Commissioners authorized this.
5. All the digging for the conduit at District Court is done, and Lincolnville Telephone will come out with their trucks and start hanging the fiber optic. The other work at the Communications Center building will be done soon, as well.
6. J. Hyk asked how far behind the Technology Reserve account was since it had not been funded as intended over the past few years. J. Arseneau said it was supposed to have been funded at \$90,000.00 for 2008, but was reduced to \$45,000.00 approximately. He said he would have to look harder at where things were, and expressed some concern. Regarding the option of the county staying with the CSH computer-aided dispatch system rather than going with the Spillman System, the Commissioners would soon have Stockton Springs and Islesboro coming on to access the CAD system. He noted that Franklin County just stopped using CSH. All the police cars in the County will be outfitted with mobile data units. In using the Spillman system, he explained that this also fits in with the big picture of what the State wants to see accomplished, as well.
7. J. Arseneau will be talking with EMA Director D. Rowley about grant funding that will become available for new buildings for EMA. The infrastructure for this will need to be thought out very well. J. Arseneau mentioned that the Communications Center building was set up so that EMA could be built off the side of the building heading toward the Jail garden. The generator would have to be moved, but it would be a logical thing to do to have EMA and Communications together, particularly during emergency events. When asked if it would make sense to then move the Sheriff's Office down to the upper level of the District Courthouse, J. Arseneau said, long-term, the connection would be on the same network speed eventually, but to move them now would not work well because the network is so small.

### **EASTERN MAINE DEVELOPMENT CORPORATION REPORT:**

Present for this report was Christopher Shrum of EMDC. C. Shrum stated that he was here at the request of the County Commissioners. J. Hyk stated that the Commissioners were very unhappy that the promised grant funds via EMDC were not forthcoming.

C. Shrum stated that six or seven years ago, he would have been able to obtain funds for ADA projects even for the County. He stated that he had not kept up with the regulations and laws pertaining to this type of grant request, "got caught with his pants down," and apologized. J. Hyk responded that the Commissioners accepted the apology and that part of the discussion would now be over.

C. Shrum stated that he was working with another county to do a private jail, which would be a revenue-maker, and wondered if Waldo County might be interested in that. J. Hyk stated his opinion that private jails "are not a good idea."

D. Berry said that he was the main force behind not paying the invoices from EMDC. C. Shrum said he understood. He knew he had promised to deliver and had not been able to. He said he would continue to work with the County Department Heads to assist with other projects that might require grant funding.

#### **EMA REPORT:**

Present for the report was EMA Director Dale Rowley.

J. Hyk asked if D. Rowley had read the article in Waldo Independent and D. Rowley replied that he had not. J. Hyk explained that the article had reported that D. Rowley was writing all the grants. D. Rowley acknowledged that J. Arseneau had written one of the five grants. J. Hyk said others, such as O. Smith, were also involved and wanted to be sure the appropriate people got the credit.

1. D. Rowley submitted an EMA Strategic Plan, which required signatures by the Commissioners.
2. Jim Dittmyer of Searsport has been nominated to serve as the local EMA Director representative on the Board of Directors for the Communications Center.
3. The Disaster Recovery Reserve Account (\$6,500.00) has raised some questions: Supplies and materials that need to be purchased during an emergency will require authority to be spent. D. Rowley wondered if there was going to be a monetary limit and who would be authorized to make expenditures. The Municipality can declare a local emergency, the County EMA can declare a County emergency, and the Governor handles the State. The Commissioners authorized D. Rowley as EMA Director to spend up to \$10,000.00 out of that reserve without obtaining permission from the County Commissioners. The Commissioners inquired about fuel oil purchasing. D. Rowley said that the State is also trying to figure out how to deal with this. Something that has been talked about as a possibility is "warming stations," but these are a new concept and manning them needs to be figured out. D. Rowley also reminded the Commissioners that if the emergency became a Presidential Declaration of Emergency, that opened up a lot more opportunity for funding. (The Commissioners called in the Treasurer and Deputy Treasurer for this discussion.) The Commissioners inquired about how this would be accounted for. K. Trussell explained that it would run through the regular warrant. D. Rowley asked how it should be tracked. K. Trussell told him to keep track of the invoices, code them to the Reserve Account and then she would run them through the warrant that way.

4. D. Rowley asked if the County was going to do anything with the Hazmat reserve. D. Rowley said that one of the problems is that now, the spiller pays for another county for sending their own Hazmat team in. Sometimes this involves actually identifying the spiller and then possibly getting attorneys to go after this. A. Fowler wondered how much it would be for Waldo County to create its own Hazmat team. D. Rowley said he could run one for about \$35,000.00 per year. In some counties, a large municipality will host the team, but he reported that no municipality in Waldo County is interested in doing this.

(Now present were Facilities Manager Keith Nealley and Architect Robert Fenney.) J. Hyk felt it was time to now revisit this whole concept. He stated that it has taken some time to even start funding this, and maybe it was time to look into it more seriously. D. Rowley explained that he had been exploring some things. Today he is attending a seminar that will be offering instruction of different levels of Hazmat teams. J. Hyk asked if these were sort of “junior Hazmat” teams. D. Rowley said yes. Some are even called a “Go Team.”

6. D. Rowley reported that he is working on the EOC grant to build an Emergency Operating Center. A. Fowler asked where D. Rowley wanted to build this. He replied, “Near the Communications Center.” He stated he had been eyeing the area near the Jail garden. This would be a 75/25 grant, which would be about \$80,000.00 for the County’s portion spread over 1 to 3 years. D. Rowley estimated the cost at approximately \$125.00 per square foot, although J. Hyk stated that he believed it would be more. J. Hyk said he really didn’t want to invest anymore in the property on 45 Congress Street. He felt it would be better to try and utilize part of the 100 acre property. D. Rowley stated that this is limited to \$1,000,000.00. The advantage is that each state can only submit one package. J. Hyk said he could understand the logic of attaching it to the Communications Center. R. Fenney suggested that the Commissioners might consider using part of the Congress Street land that is closer to the road, which wouldn’t cost as much as moving farther onto the property. J. Hyk also thought there would be a huge expense in putting technology out there. D. Rowley, referencing the \$80,000.00, wondered where this money would come from. J. Hyk replied that it would come from “Future Land and Buildings.” D. Rowley noted that he was aware of only one other county in Maine that was considering sending in a grant application.

7. Currently there is \$222,412.00 in Federal money and \$44,482.00 in State money that has been calculated to be received for public assistance for the April 2008 Storm. J. Hyk commented that this “all was wonderful” and he was “thrilled.”

#### **FACILITIES REPORT:**

Present for this report were Facilities Manager Keith Nealley and Architect Robert Fenney, with Sheriff Scott Story sitting in.

1. **EXTENSION OFFICE HANDICAP RAMP:** Regarding Bid specifications for the handicap ramp at the Extension Building, R. Fenney said he had some questions that he needed the Commissioners to weigh in on, including printing the drawings (20 – could be done at the Commissioners’ Office), mandatory bid meeting, charging for the spec sets (\$10.00), etc. At the Extension Office, there are some plantings that need to be dug out and moved to another location. Otherwise, they are requesting some topsoil to do planting later. This would be handled in two payments: one halfway through; the rest upon completion. One of the big questions has to do with asphalt paving. It could be put in as an alternate, or contracted out separately. J. Hyk preferred having one person do the whole thing. R. Fenney said he has heard that paving has become very expensive. The Commissioners directed R. Fenney to do the paving as part of the whole

job. R. Fenney explained that he would like to advertise the coming two weeks. The Commissioners directed R. Fenney to run everything through Facilities Manager Keith Nealley.

2. K. Nealley reported that no oil has been used to heat water in recent months at the Jail. Right now, electricity is cheaper and more efficient than oil. The whole air handler goes through the furnace room, so the air was getting heated before it was circulating through the jail.

3. K. Nealley reported that he and County Clerk Barbara Arseneau met with Sheriff Scott Story on June 12, 2008 and he is happy to report that the inmates are doing a lot more for the County, including mowing the lawns. There has been discussion of having some inmates go out and paint the Extension Building in the fall. A. Fowler suggested having the inmates move the top soil and do some other work, as appropriate, at the Extension office, as well. K. Nealley has submitted a list of projects that the inmates can do and the Jail is working it into the schedule.

4. K. Nealley informed the Commissioners that he has been polling other counties about software to manage and track maintenance, noting that there have not been a lot of responses. K. Nealley has looked at a few of online presentations, and will be speaking with Technology Consultant J. Arseneau to determine which one will work the best.

5. In 2005, the Bureau of Labor Standard visited and found some issues. K. Nealley stated his desire like to request that Safety Works come in preemptively to point out any items that need to be changed. "This is more productive then waiting for fines," he explained.

6. The Janitorial bids will be coming up soon. J. Hyk asked how the cleaning was going. K. Nealley responded that it took a while to "catch up" with the current cleaner, but they've met and all is working better.

7. There was a brief discussion of considering hiring a part time Cleaner/Maintenance person for the Facilities Department. This person would spend most of the time doing things up at the Jail. K. Nealley explained that it is hoped someone would be doing that within the next few weeks. J. Hyk explained that the previous Facilities Manager had not been able to make the Budget Committee understand that cleaning needed to be done in the buildings, including the Sheriff's Office. "The Budget Committee seems to think that the Facilities Manager should be managing AND doing the work," J. Hyk observed. He asked K. Nealley to put together a presentation that accurately explains the needs of the buildings, how large they are, and the necessity for assistance with the cleaning and maintenance that these buildings require. K. Nealley suggested taking the Budget Committee on a bus tour around to the buildings and departments. The Commissioners said they had tried that a number of years ago, noting that it was getting harder to ask the Committee to take the time. K. Nealley offered to put together a presentation in Power Point format, etc. R. Fenney commented that the challenge would be to present a snapshot of where we are today and then a plan for 5, 10, etc. years down the road. His concern was that if things are put off and let go, money ends up being wasted on attorneys to deal with litigation. K. Nealley said it is a matter of putting facts and figures together and presenting them clearly. S. Story reminded all that the Jail budget will no longer be increasing and impacting the overall County budget, noting that any cost that goes above the 2008 budget amount has to go through the State. He explained that the County owns the land and building, but any cost above the cap of the 2008 budget must be paid for by the State. J. Hyk clarified that the County is still paying all the bills. S. Story said he will continue to present a budget each year, and will work with the Facilities Manager to look at the maintenance portion of the Jail. He will also work with the County

Commissioners staff regarding the personnel part of the budget. Anything above that budget must be presented as a written request to the State for approval. It goes to Bureau of Corrections for approval or denial and they go to Appropriations with the request. S. Story explained that he will end up doing two budgets – a six-month and then a 12-month - because of the difference in fiscal years between the County and State. He felt that now the Jail budget would not be increasing, it will enable the Budget Committee to review the other budgets without the same pressure to balance the Jail budget via the other budgets.

### **SHERIFF’S REPORT:**

Present for this report was Sheriff Scott Story, who reported the following:

1. S. Story recommended hiring Gerald Lincoln as full-time Patrol Officer, effective today.  
**\*\*A. Fowler moved, D. Berry seconded to hire Gerald Lincoln as full-time Patrol Officer at the starting rate of \$14.96 per hour effective July 8, 2008. Unanimous.**
2. There are four (4) in-cruiser video units available. S. Story requested authorization to purchase two (2) from the Asset Forfeiture funds. The Commissioners granted authorization to do so.
3. S. Story informed the Commissioners that he is working with DRG Specialty Services on a possible JAG Grant. “It isn’t looking as promising as in previous years because rumor has it the funding has been reduced and it is now being funneled through the State instead of individually, “ he explained.

### **CORRESPONDENCE:**

Reporting correspondence to the Commissioners was County Clerk Barbara L. Arseneau with Deputy County Clerk Veronica Stover taking minutes, as follows:

1. Reminder: there is no Risk Pool or MCCA meeting in July. The next meetings are in August.
2. Regarding Cumberland County Commissioner Esther Clenott leaving office in December; there is a plan to “roast” her at the MCCA Convention, and B. Buckley is requesting pictures of her from anyone in passion of some. B. Arseneau has determined that the Waldo County Commissioners Office has no pictures of Ms. Clenott. A. Fowler questioned why she is being roasted. D. Berry stated that she should be honored, not roasted.
3. B. Arseneau reminded the Commissioners that the County has still not paid the quarterly allocation to EMDC. The Commissioners stated that they were still not authorizing payment at this time.
4. Health Insurance Administrator Malcolm Ulmer sent notice that two certificates of Deposit, both in the amount of \$75,000.00 each, have been purchased. He reported that both of these investments are FDIC insured up to \$100,000.00. Further, both CDs will pay the account approximately three (3) times as much interest as simply leaving the funds in the money funds portion of the checking account, while also providing the stability, security and liquidity required in order to properly manage this account. (Treasurer Parkman took this information very well.)
5. Wendell Story submitted the following question to Commissioners: the new Federal Mileage Rate is .585, effective July 1<sup>st</sup> and he wondered if the County’s rate will change. The Commissioners responded that it will change and ordered the Clerk to send out the new mileage rate to all departments.

6. A letter dated June 24, 2008 was sent to the Commissioners from the State of Maine Department of Transportation notifying them that arrangements have been made from a public meeting to discuss the Searsmont, Mill Bridge Project (#2555) on July 17, 2008 at 6 p.m. in the Searsmont Community Center.

7. Letters have been sent to the Selectmen/Councilors in Districts 1, 2 and 3 and All 2008 Budget Committee Members inviting them to caucus for the purpose of receiving nominations from the floor for the fiscal year 2009 Budget Committee. B. Arseneau reported that this letter was the same template she had used before, and it requested that the First Selectmen contact her to indicate whether a member of the 2008 Budget committee whose municipality's term has NOT expired intends to serve again, and if not, to send a municipal officer from that municipalities district be sent to nominate a willing, qualified municipal officer from the municipality with the vacancy to attend, or to have the officer send the nomination in writing. Two selectmen had called to complain that the First Selectmen were asked to handle this responsibility. B. Arseneau explained that she had started requesting that the First Selectmen respond to this because in the past, some municipalities neglected to send nominations because they "thought the other selectman had done it", or even sent in two different nominations by two different selectmen. The thought was to assign the responsibility to one person so it would get handled correctly. She noted that she would remove the "First Selectmen" wording in the future and replace it with "Selectpersons," expressing her hope that she would not experience the same problems again.

8. New Hires:

**\*\* A. Fowler moved, D. Berry seconded to approve the following hires:**

- Corrections Officer January Hapworth has been promoted from part-time to fill the full-time position vacancy left by the resignation of Ivan Flaherty, with a starting pay of \$14.32 per hour, effective July 4, 2008.
- Brian Pike has been selected to fill the position of part-time Corrections Officer at \$11.74 per hour, effective July 14, 2008 for undetermined hours.
- Paul Lisenby has been selected to fill the position of part-time Corrections Officer at \$11.74 per hour, effective July 14, 2008 for undetermined hours.
- Carrie Bennett has been selected to fill the position of part-time Corrections Officer at \$11.74 per hour, effective July 14, 2008 for undetermined hours.

9. Jail Administrator Jason Trundy submitted a copy of the Agreement for Pharmacy Services between the Waldo County Department of Corrections and Correct Rx Pharmacy Services, Inc. J. Hyk signed the Agreement.

10. The Commissioners agreed to issue a Proclamation for Family Day – Eat Dinner With Your Children – to be Observed September 24.

11. Deeds Clerk Debbie Berry submitted a letter of resignation, tendered to Register of Deeds Deloris Page July 2, 2008, effective July 16, 2008.

**\*\* A. Fowler moved, D. Berry seconded to accept the resignation of Deeds Clerk Debbie Berry effective July 16, 2008. Unanimous.**

12. Commissioner Fowler requested that County Clerk B. Arseneau ask Becky Morgan at MCCA about changing times for tax abatement classes during the upcoming Annual MCCA Convention.

13. The Commissioners reviewed a draft letter from them to Senator Carol Weston regarding the actions of the Swanville Selectmen related to tax abatement appeal matters. The Commissioners directed the County Clerk to send this letter.

14. Regarding Waldo County hosting the 2009 MCCA Annual Convention, B. Arseneau received pricing for the Commissioners to consider related to possibly holding this event at Point Lookout in Northport, Maine. H.R./Payroll Director Michelle Wadsworth and A. Fowler agreed to attend an open house that coming Thursday so they could sample food and visit the facility. The Commissioners agreed to keep working with this facility to negotiation on pricing, services, etc. for hosting the convention.

**MISCELLANEOUS COMMISSIONERS BUSINESS:**

1. MOA for Information Technology: After final review, the Commissioners instructed B. Arseneau to submit the latest version to the Judge of Probate as is, with attorney.
2. Waldo County/MLU Agreement (Health Insurance-related Services): After review of the changes in the agreement as recommended by the County's legal counsel, the Commissioners instructed B. Arseneau to send this latest draft to Malcolm Ulmer of MLU for his review and possible signature.

**EXECUTIVE SESSION:**

**\*\*Fowler moved, D. Berry voted to enter Executive Session for legal and personnel matters according to MRSA 405 (6)(A) and (D) at 12:43 p.m. Unanimous.**

**\*\*A. Fowler moved, D. Berry seconded exiting Executive Session at 1:26 p.m. Unanimous.** No action was taken.

**\*\*D. Berry moved, A. Fowler seconded to adjourn the court session at 1:26 p.m. Unanimous.**

The next Commissioners meeting will be August 12, 2008.

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