

**WALDO COUNTY COMMISSIONERS COURT SESSION
DECEMBER 15, 2009**

PRESENT: Commissioners Donald P. Berry, Sr. (Chairman), Amy R. Fowler and William D. Shorey with County Clerk Barbara Arseneau to take minutes.

Commissioner Berry opened the court session at 9:00 a.m.

TREASURER'S REPORT:

Present with the Commissioners was Treasurer David A. Parkman and Deputy Treasurer Karen Trussell.

TAX ANTICIPATION NOTE BID PROPOSALS:

Present for opening of bid proposals along with the Commissioners, Treasurer and Deputy Treasurer were Amy Bowen and Kristy Richardson, both of Bangor Savings Bank, and Susan Saunders of Camden National Bank.

D. Parkman informed the Commissioners that three bid proposals were received but the proposal from Key Bank was received December 14, 2009 even though it was postmarked December 9, 2009. D. Parkman noted that the letter requesting proposals stated that only bid proposals received by December 11, 2009 would be accepted so he felt he had no choice but to eliminate Key Bank's proposal. The Commissioners noted this.

The other two proposals received were from:

1. **CAMDEN NATIONAL BANK:** The proposal was for loan of \$3.5 million, with an issue date of January 2, 2010 and a maturity date of December 31, 2010. **INTEREST RATE:** 2.33% on as-needed or lump sum. **Cash Management proposal:** Susan Saunders explained that Option 1 is a \$10,000.00 compensating balance. Exhibit A shows what the fees would be. Option 2 would be for an increased operating balance was increased for the General County loan (excluding the Jail portion) from \$10,000.00 to \$175,500.00. With the \$10,000.00 balance, there would be an estimated net fee of \$105.00 per month. S. Saunders suggested that the County would be better off having a higher target balance. If it's less, that would come back into review. Online Banking is at no cost. S. Saunders said that she would make sure the Treasurer's Office would run as efficiently as possible – some items would be at a cost; some not. This could be explained later. She noted that there were two options, but an arrangement could be made to "go half-way." She stated that if Camden National was awarded the bid, they could sit down and discuss this.

2. **FROM BANGOR SAVINGS BANK:** The proposal was for a loan of \$3.5 million, with a maturity date of December 31, 2010. No penalty for pre-payment. **FIXED INTEREST RATE:** 2.5%. For 365 days, it would be approximately \$86,000.00 in interest. Kristy Richardson explained that the individual who prepared the proposal could not be present, so any technical questions would have to be deferred to that individual. When asked, K. Richardson explained that the individual was not available by telephone, either.

D. Parkman recommended awarding the bid to Camden National. He commented that the interest rate was lower and he did not like the fee structure because the County had not budgeted for this. D. Parkman thought it might have to be paid from Interest. D. Berry and A. Fowler agreed that there wasn't much of

an option of how to fund this. D. Berry asked if there were any more questions. Seeing there were none, he called for a motion.

****A. Fowler moved, W. Shorey seconded to award the 2010 Tax Anticipate Note bid to Camden National Bank for an interest rate of 2.33%. Unanimous.**

RESERVES PROPOSALS:

1. FROM CAMDEN NATIONAL BANK: Free checks. Individual accounts; not sweep accounts.
2. FROM BANGOR SAVINGS: Option 1 – Government NOW Checking Account. Unlimited deposit and check-writing capabilities. Interest earned: .3% and subject to change. Anything above \$25,000.00 per reserve account will accrue at 1%. Option 2 - .3% Interest Rate. Interest is earned on the whole balance.

D. Parkman read the current status of the reserve accounts. It was noted that the Active account fluctuates some, and the Restricted Account also fluctuates a fair amount. D. Parkman thought it might take a long time before reaching the .3% and acknowledged that the Capital account fluctuates the most. D. Parkman recommended awarding this bid to Camden National Bank.

****W. Shorey, moved, A. Fowler seconded to award the Reserve Accounts bid to Camden National. Unanimous.**

REVENUE:

D. Parkman reported that revenue receipts were ahead by about \$100,000.00, including taking out \$200,000.00 to reimburse money borrowed from the County side for Corrections-related expenditures. The estimated revenue for 2009 was about \$500,000.00.

APPROPRIATIONS:

D. Parkman reported that all departments are going to end the year “pretty much in the black,” including the Communications Center. He commended the departments. He noted that there are two more warrants and one more payroll before the close of the year. He asked the Commissioners if there were any questions, and there were none.

CORRECTIONS REVENUE:

D. Parkman reported that all Corrections-related revenue has been received. \$915,946.00 has been paid to the State.

D. Parkman read expenditures from the Reserve Accounts, which were included in the warrants already approved.

D. Parkman informed the Commissioners that he called K. Trussell on December 7, 2009 to find out how things were coming along on the accounts and he could tell she was stressed. She had explained to him that she had been working on yet another request from the State regarding Corrections - in particular a request from Mitch Boynton from the State House. He called Mitch and said he understood his Deputy was doing a lot of work for him and asked when she was going to receive payment from the State. He said that he was mostly joking, but did follow up with a letter to M. Boynton, at his request, indicating concerns about the amount of work continually being requested of the Deputy Treasurer and notifying him

that the Treasurer's Office will continue to send the MTD appropriation and Revenue Report monthly, that any breakdown of figures will be the responsibility of M. Boynton and the Board, that reports will be sent from Waldo County by U.S. mail and that all other requests from his office, the office of Scott Ferguson or the Board of Corrections will require his approval before proceeding. The Treasurer's letter also stated, "Extra work without compensation from the Department of Corrections will not happen in this office." Later, he heard from Scott Ferguson by email, telling D. Parkman that he should not be calling Mitch Boynton and "repeatedly giving him a hard time." S. Ferguson clarified that the requests are coming, not from the DOC, but BOC. He commented that his department has also been subject to BOC's requests for data and information and that they have no additional staff to work on these requests, either. D. Parkman said he deliberately did not send a copy to Scott Story, because he is a member of the BOC, and if he had sent it to one member, he would have had to send it to the others.

WARRANTS:

The Treasurer submitted and the Commissioners approved the following warrants:

****D. Berry moved, A. Fowler seconded authorizing payment of the November 30, 2009 Corrections Accounts Payable in the amount of \$951,574.60, and the November 12 and 25, 2009 Corrections Payroll in the amount of \$47,752.12 . Unanimous.**

****W. Shorey moved, A. Fowler seconded authorizing payment of the November 30, 2009 General Fund Accounts Payable in the amount of \$88,612.76 and the November 12 and 25, 2009 General Fund Payroll in the amount of \$180,973.43. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the November 30, 2009 Capital/Active/Restricted Reserve account in the amount of \$77,509.88. Unanimous.**

****W. Shorey moved, A. Fowler seconded authorizing payment of the December 15, 2009 Corrections Accounts Payable in the amount of \$27,943.54 and the December 10, 2009 Corrections Payroll in the amount of \$31,454.81. Unanimous.**

****D. Berry moved, W. Shorey seconded authorizing payment of the December 15, 2009 General Fund Accounts Payable in the amount of \$129,742.50 and the December 10, 2009 General Fund Accounts Payroll in the amount of \$94,088.21. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the December 15, 2009 Capital, Active and Restricted Reserve account in the amount of \$73,173.05. Unanimous.**

TECHNOLOGY REPORT:

Present for this report was Technology Consultant James Arseneau, with Sheriff Scott Story, Chief Deputy Robert Keating and Lieutenant Jason Trundy sitting in. J. Arseneau reported the following:

1. LAPTOP REQUEST FROM PROBATE: Register of Probate Sharon Peavey recently sent a request to J. Arseneau for a laptop for her to use on the bench in the Probate Courtroom. The request was specifically for a Notebook. J. Arseneau noted that the Commissioners had established a standard for equipment and this type of unit was not within that standard. He obtained some pricing from CBE for the laptop standard the County Commissioners had set. He noted that he was not well-versed in the usage this would have in the courtroom, but noted that Probate holds court generally once a week with occasional

emergency sessions held at other times. He wondered if the Treasurer's Office laptop, which is not used very often, might be shared for this purpose. He noted that the laptop has been shared for transcription, etc. The Commissioners said they would consider the possibility of sharing that laptop and would discuss it further.

2. REENTRY FACILITY RENOVATION EXPENDITURES UPDATE:

J. Arseneau reminded the Commissioners that the original estimate for technology related work at the reentry facility was \$16,920.00 and reported that it ended up being \$24,300.00. A. Fowler asked why. J. Arseneau responded that cabling was a lot more costly, as running it through the lower level of the building was more complicated than expected and the actual cabling for the data was more than expected, as well. He submitted a spreadsheet detailing the expenditures. J. Arseneau noted that Ray Monreal of Quality Communications ran the cabling the video conferencing, data and telephones and commended Mr. Monreal for being "very meticulous" running the cabling to code.

3. ERRORS/CORRECTIONS IN CODING TECHNOLOGY INVOICES: J. Arseneau said he had requested copies of Technology invoice expenditures and found six (6) errors in coding on his part. He has asked the Deputy Treasurer if she might be able to make those corrections. This was noted by the County Commissioners.

4. There is a meeting this afternoon with WBRC at the EMA Office and J. Arseneau stated that he wanted to make sure that the information regarding drops, etc., is available to them, so he has created a detailed sheet with that information and noted that EMA Director Dale has already received this.

A. Fowler said she had been reviewing the appropriations report and asked J. Arseneau why the Technology Leases line was \$20,000.00 overdrawn. J. Arseneau reminded the Commissioners that they had decided to move ahead with bringing Stockton Springs and Islesboro Law enforcement agencies online with the Spillman CAD system, even though the Budget Committee had reduced the Technology Budget to the point that it would not cover that expenditure. Both A. Fowler and D. Berry recalled this and noted that this expenditure was authorized.

EXECUTIVE SESSION:

**** D. Berry moved, A. Fowler seconded entering Executive Session according to MRSA Title 1 § Title 1, 405, subsection (A) at 10:31 a.m. for a personnel matter. Unanimous.**

****A. Fowler moved, W. Shorey seconded to come out of Executive Session at 10:50 a.m. Unanimous.** No action was taken by the Commissioners.

SHERIFF'S REPORT:

Present for this report was Sheriff Scott Story, Chief Deputy Robert Keating and Lieutenant Jason Trundy. S. Story reported the following:

1. Three former Corrections employees who were on the layoff list have made it clear that they do not wish to be rehired. This list has been submitted to Human Resources/Payroll Director Michelle Wadsworth and the Commissioners for the files.

2. Food Service supervisor Linda G. Paul will retire from the Maine Coastal Regional Reentry Center effective December 31, 2009.

****A. Fowler moved, W. Shorey seconded to accept with regret the resignation of Food Services Supervisor Linda Paul effective December 31, 2009. Unanimous.**

3. S. Story recommended the promotion of Cook Nancy Carrell to Head Cook to fill Linda Paul's vacancy effective January 1, 2009, with a pay increase from \$16.81 to \$17.31.

****W. Shorey moved, A. Fowler seconded to accept the promotion of Cook Nancy Carrell to Head Cook at the Maine Coastal Regional Reentry Center effective January 1, 2009 at \$17.31 per hour.**

Discussion: A. Fowler wondered if this one cook would be alone seven days a week working. S. Story explained that there would be part-time assistance and felt there was no need to hire another full-time employee at this time. He explained the nature of the position as being more of a supervisor to those staying at the reentry facility when they made meals for themselves. **Passed Unanimously.**

4. A motorcycle was seized by the Sheriff's Office as part of a credit card fraud investigation. S. Story explained that, technically, it belongs to PayPal (an online payment company which does billing services) and PayPal did not appear to be showing any interest in recovering their property. He would continue to try but would eventually like try to get the title turned over to the County. With the permission of the Commissioners, if they do not respond, the County will go ahead and start the process of obtaining that title.

****A. Fowler moved, W. Shorey seconded authorizing the Sheriff to move forward in obtaining the title for the afore-mentioned seized motorcycle. Unanimous.**

5. No silent bids have been received for the cruisers, so with the Commissioners approval, he would be scheduling an auction like the Sheriff's Office has done in the past. The Commissioners agreed. He will notify the Commissioners when that auction is scheduled.

****A. Fowler moved, W. Shorey moved to go into executive session at 11:01 a.m. for a personnel matter. Unanimous.**

****A. Fowler moved, W. Shorey seconded to exit executive session at 11:04 a.m. Unanimous.**

No action was taken by the Commissioners.

CLOSING DEEDS BOOKS 2009:

Present for this presentation was Register Deloris Page and Deputy Treasurer Karen Trussell. D. Page reported that there was a .16 error discovered but now the books have been adjusted and matches the County Treasurer's figures. K. Trussell confirmed this statement. The totals received by the Registry of Deeds for December 2008 through November 2009 are as follows:

Fees:	\$298,871.53
Surcharge:	\$ 25,197.00
Interest:	\$ 91.86
Transfer Tax:	\$ 43,112.30
GRAND TOTAL:	\$365,272.69

D. Page noted that there was only \$463.00 less received in fees than in 2008, but the transfer tax is less than half, and there was \$500.00 less interest received.

****A. Fowler moved, W. Shorey seconded to accept closing the 2009 books for the Registry of Deeds at \$367,272.69. Unanimous.**

SETTING DEEDS FEES - DISCUSSION:

There was brief discussion of fees. D. Page noted that some counties have come up with a fee structure of .01 cents per page per 100 images for a total of 19 cents for a bulk rate. It is not for individual copies in the office, etc. ACS is the County's vendor. On the computer are images of records starting since 1981. ACS has come up with a fee of .02 cents per image for Waldo County and .025 cents per line in the index for bulk rates. D. Page said they had been discussing this as County Deeds Registers for months. There are different criteria for the different counties – some use toner, paper, labor of the staff, etc. as part of the calculation for fees. As far as she knew, no other registry has come up with an exact criteria for what they use for fee charging.

D. Page said that she needed to confirm things with her ACS representative. A. Fowler noted that the County taxpayers had done all the work, had foot the bill for all this information and now the person requesting the images appeared to want it all at no cost. W. Shorey felt that probably at one point, counties perhaps should have sat down to discuss all this with the requester as it appeared that he might have been willing to do that. D. Berry noted that there was a cost entailed by the County to get this information to a point that the person could access it in the format requested. He wondered if the requester should be expected to pay for any format that needed to be developed so that they could receive it. W. Shorey asked if any of the Deeds Registers, in conversations, had come up with any ideas. D. Page said that they all had been “hung up” on what to use for criteria.

D. Berry wondered if MacImage had been invited to attend these discussions on setting fees. D. Page explained that Hancock's situation was that MacImage was their vendor at the onset, but later Hancock Registry used another vendor. MacImage was somehow able to get into the system and was then told they should not be.

W. Shorey felt that setting the fees, etc., was a tremendous responsibility and wondered how to go about this. D. Page said she would be meeting with the other Registers on Friday to see what others are doing. A. Fowler recognized that the Registries are using different methods of imaging, etc., but suggested that if there was unification of fee figures between the counties, this would help.

D. Page wondered if the Commissioners were having a meeting on December 29th and the Commissioners told her they were not planning on meeting on the 29th, but would if they had to. D. Page said she was aware that suggestion had been made for MacImage to be invited to the table during workshops and the Commissioners agreed with that suggestion.

D. Berry wondered aloud again how it would be handled to pay the bill to get the data in the medium that was being requested. W. Shorey wondered how MacImage thought he could get this information free in the first place. A. Fowler wondered how the taxpayers would feel and pointed to Thorndike Selectman James Bennett, who was now present and rhetorically asked him how he would feel, as a selectman, knowing that the taxpayers had paid for this work to be done and were then giving it away.

D. Berry said that to get this to a format that MacImage could receive the data as requested, the Commissioners would need to know how much it would be to get it in this format. D. Page said she planned on finding out from ACS how much that would cost. The Commissioners agreed that obtaining

this information was the first place to start and felt that this should likely not take to long to obtain. It was generally agreed that this cost would have to be recoverable by the requestor. A. Fowler expressed concern about losing revenue in the Registry of Deeds depending on the outcome of this whole issue.

W. Shorey asked if the Commissioners could hold a meeting with D. Page in the future to continue to discuss this, and to invite MacImage in for the discussion. He felt that it would be important to have the discussion with MacImage about how this extra cost to put the information in the requested format would be funded.

J. Arseneau, who was still present in the office, asked if he could ask a question and was told he could. He asked what format MacImage was requesting the information in. D. Page said that she thought it was TIF Files. J. Arseneau said he believed that the information was already in TIF image on the website. D. Page thought it might be a matter of transmitting all of that data. J. Arseneau wondered why MacImage did not want to go on the website for the information like everybody else and D. Page explained that MacImage does not want to pay \$1.00 per page but wants a bulk rate. J. A. wondered what would happen with the records that were not online. He then explained that there isn't sufficient bandwidth to allow someone to go onto the system and pull that information off.

The Commissioners requested that D. Page keep them informed on the topic at hand and any developments.

2009 SAFETY PRIZE:

Present to receive this \$100.00 prize was Deputy Register of Deeds Stacy Grant, for her suggestion to run non-slip rugs the entire length of the Superior Courthouse hallway to prevent the numerous slips and falls that occur when that floor gets wet from rain or snow that is tracked in. The Commissioners commended S. Grant for her suggestion.

CLOSING PROBATE BOOKS 2009:

Present for this presentation was Register of Probate Sharon Peavey along with Deputy Treasurer Karen Trussell. K. Trussell confirmed that the Register's report matched the County's report.

The totals received by the Registry of Probate for December 2008 through November 2009 are as follows:

Fees:	\$81,502.02
Surcharge:	\$ 2,997.01
Restitution:	\$ 4,243.92

****A. Fowler moved, W. Shorey seconded to accept closing the 2009 books for the Registry of Probate as read. Unanimous.**

CORRESPONDENCE:

Present to report Correspondence was County Clerk Barbara Arseneau with Human Resources/Payroll Director Michelle Wadsworth, and sitting in for the first portion was James Bennett of Thorndike.

1. A written request from Thorndike Selectman James Bennett was reviewed. The letter from Mr. Bennett was regarding photocopies he received in 2008 in the amount of \$18.50 and also mileage in the amount of \$20.00 for coming to get the copies. The letter requesting reimbursement for those expenses

was submitted to the County Commissioners Office December 14, 2009. D. Berry noted the date of the request for copies as being in 2008 and noted that the Budget Committee had discussed health insurance during a budget meeting that fall, that they requested that the total amount estimated for each department be provided to them, and that was furnished. D. Berry stated that later there was a request from Mr. Bennett requesting additional health insurance information. D. Berry stated that this additional information was not requested by the Budget Committee. Commissioner Berry noted that under the Freedom of Information Act, this is permissible. He noted that the law also provides that charges can be applied to these requests for information. He stated that Mr. Bennett came and picked up the copies and paid for them in the amount of \$18.50. He further noted that Mr. Bennett came to the Commissioners Office yesterday and submitted a bill for the County to reimburse him for the amount he paid for the copies, and the mileage to come get them. D. Berry noted again that the law allows for information to be charged by the copy. D. Berry further noted that the County does not pay people to come collect these copies.

J. Bennett asked if he might speak and D. Berry stated that he could. J. Bennett stated that he understood that a citizen should pay for copies but as a Budget Committee member he should be reimbursed for this expense according to statutes pertaining to budget committee expenditures. He claimed that the Budget Committee was denied that information. Commissioner Berry responded that the Committee was not denied that information. J. Bennett insisted that he had a right to have it and to be reimbursed as a Budget Committee member.

****A. Fowler moved, W. Shorey seconded to reimburse James Bennett for the photocopies and the mileage to obtain them, as requested. Unanimous.** Mr. Berry was provided a check immediately.

2. M. Wadsworth first explained that she was “just the messenger.” She explained that a number of employees had been asking if the December 24, 2009 would be considered a holiday. After brief discussion about this, the Commissioners said that it would continue to be considered a regular working day and if an employee wished to take the day off, they may do so by using accrued leave and working it out the time off with the department head.

3. County Government Week 2010 – Hall of Flags: B. Arseneau informed the Commissioners that, as requested by them, she has contacted Becky Morgan at the Maine County Commissioners Association and reserved a table for Waldo County in the Hall of Flags on April 14, 2009. There was discussion of what should be displayed on this table and who should be in attendance. D. Berry said he would plan to attend that day provided he did not have to be away on other business. A. Fowler suggested promoting the new mission change at the Waldo County’s Maine Coastal Regional Reentry Center. W. Shorey thought a video showing the changes at the Center from the previous mission and now the current mission would be very interesting and D. Berry thought it might be run as a continuous loop on a screen. A. Fowler also suggested that other departments consider attending to promote what their departments offer.

4. MCCA Dues: Commissioner Fowler said that her recommendation back to the MCCA Board would be for whatever is cheapest. She understood that it was unfair for larger counties to have to pay more in dues. No decision has been made by the Board of Directors at this point. A. Fowler noted that she, Communications Center Director Owen Smith and Treasurer David Parkman all serve as representatives on this Board of Directors.

5. PAYMENT OF PROPERTY TAXES – CORRECTION: B. Arseneau noted that during the Treasurer’s report in the October Commissioners Court Session minutes, the Town of Winterport’s payment of 2009 property tax assessment had been omitted from the minutes. The Town of Winterport did, in fact, pay in full on September 23, 2009.

6. Deputy C. Glenn Graef has resigned his position as Patrol Deputy at the Waldo County Sheriff’s Office effective December 31, 2009, but wishes to continue at this agency as a part-time officer.
****W. Shorey moved, A. Fowler seconded accepting with regret the resignation of C. Glenn Graef as full-time Patrol Deputy, with the understanding that he wishes to continue as a part-time officer with the Sheriff’s Office, effective December 31, 2009. Unanimous.**

6. Darrin Moody has been hired as full-time Patrol Deputy at the Waldo County Sheriff’s Office effective December 13, 2009 at \$16.28 per hour.
****A. Fowler moved, W. Shorey seconded accepting the full-time hire of Darrin Moody as full-time Patrol Deputy at \$16.28 per hour effective December 13, 2009. Unanimous.**

7. Corrections Officer Chad Corbin will be returning to work at the Maine Coastal Regional Reentry Center full-time effective December 14, 2009. He had been on the call-back list from lay-off that occurred this summer, so he will continue to keep his original date of hire as 07/22/2007. He will be paid at the two-year pay step of \$15.54 per hour.
****A. Fowler moved, W. Shorey seconded re-hiring Corrections Officer Chad Corbin effective December 14, 2009, retaining his original date of hire as 07/22/2007, at a rate of \$15.54 per hour. Unanimous.**

8. PAY STEP INCREASES: The Waldo County Commissioners noted the following pay step increases:

- Chief Deputy Robert Keating will receive a seven-year pay step at 4% increase, according to the current pay scale.
- Probate Clerk Tracy Rackliffe has satisfactorily completed the six-month probationary period on December 22, 2009 and will receive a pay step increase to \$13.00 per hour.
- Dispatcher Elizabeth Daggett reached her one year pay step on August 24, 2009 with a pay step increase from \$15.00 per hour to \$15.52. The Communications Director had already corrected this with H.R./Payroll Director Michelle Wadsworth and apologized for the oversight in submitting it to the Commissioners for their minutes.

9. Communications Director Owen Smith sent an email message to the County Commissioners informing them that the Knox County Regional Communications Center personnel had worked from the Waldo County Regional Communications Center while theirs was closed for renovation and reported that this “went off very well.” There were a couple of “technical glitches” that were resolved quickly and O. Smith commented that he “could not have asked for a better four days.” He added that this “was a good test to affirm that it can work and work well.” Knox County donated, unsolicited, a ream of paper to replace what they had used. O. Smith also felt it was a good opportunity for Waldo County’s dispatchers to get to know Knox’s dispatchers on a working basis. He said he felt “very comfortable” that, if needed, Waldo County Dispatch could transition down there in an emergency and noted that Knox County’s center has the same brand of touch screen system for the radios and ergonomic furniture very similar to WCRCC.

10. DEFERRED COMPENSATION MATCH TAX ERROR: M. Wadsworth and Deputy Treasurer Karen Trussell spoke with the County Commissioners about an error recently reported by Paychex Payroll Company. When Advantage Payroll Company was bought out by Paychex, the company discovered that employer matches on the 457 ICMA Deferred Comp had not had FICA taxes paid on them. For 2009, the correction was done in the amount of \$608.22 and this needed to be paid to the IRS. M. Wadsworth said she does not know how long this error may have gone on, but this was what is known at this point. The Commissioners told K. Trussell to inform the auditor about this.

****W. Shorey moved, A. Fowler seconded to pay the \$608.22 to the IRS. Unanimous.**

11. Bookkeeping Practices: The Commissioners asked if the auditor had done any training with the departments regarding handling money. K. Trussell said he had been visiting with each of the departments to find out how money is handled and will make recommendations for this in the near future.

12. B. Arseneau informed the Commissioners that the latest NACo Prescription Drug Discount Card Program Report was available if they wished to review it.

COUNTY COMMISSIONERS' BUSINESS:

There was no special Commissioners Business to report or discuss at this time.

SHORT TERM INCARCERATION IN BELFAST:

Present for this discussion was Deputy District Attorney Eric Walker, Sheriff Scott Story, Facilities Manager Keith Nealley and Jail Administrator Robert Walker.

E. Walker explained that with the recent mission change of the Waldo County Correctional Center, many of the prisoners are housed at Two Bridges Jail. The inmates are arraigned with the lawyer, usually by video, by a judge in Wiscasset on Mondays, and Wednesday and Fridays they do arraignments of videos here in Belfast. E. Walker informed the Commissioners that he is spending "a huge amount of energy and time to do in custody arraignments. Waldo County can now only hold three inmates of one gender and one of the other gender. With the split between the prisoners in Two Bridges Jail and here, this means that E. Walker has to transmit by email the complaint, and then he has to try to explain who the people are, what they have allegedly done, what he wants to see for bail conditions, etc. This has to be done with every prisoner. Before the mission change, he knew this and could just go over and explain it. Now it eats up his mornings trying to get this information there by noon. He further explained that Lincoln and Sagadahoc Counties have Waldo inmates, as well. He indicated that Waldo County does not have the ability to do three-way conferencing and went on to describe the settings of the Judges, etc. and how it is only possible to do two-way conferences at this point. He recognized that money is tight. He asked if there is a way to find extra space at the Jail for inmates or if this is a State matter.

A. Fowler asked Jail Administrator Robert Walker if two more inmates could be added in Waldo's Re-entry Center. R. Walker responded that with some accommodations and approvals, this could be done. S. Story stated that what Deputy District Attorney Eric Walker was asking for was not unreasonable. He did agree that there were some issues. If money were needed to do this, he noted that it would not come from the County but would need to come from the Board of Corrections (BOC) and he would be in favor of whatever would be needed if the BOC approved and funded it. He added that he had often felt that the judiciary and prosecution people should be at the meetings during planning discussions. He just wanted to be sure that whatever is decided would completely fix the problem. It was his understanding from R. Walker's figures that it would conservatively cost about \$20,000.00 to add two more inmates there.

A. Fowler asked E. Walker what the chances were that Chief Justice Saufley and other “wise people” could come together and come up with some resolution. This was followed by silence. “Exactly,” said A. Fowler.

There was discussion on how to get everyone together in the same room to come up with feasible solutions. E. Walker felt that even the Judges would agree that this was not working. He noted that Lincoln and Sagadahoc Counties were working fine with their inmates in the Two Bridges Correctional Center “until they threw Waldo into the mix.” He felt that Belfast was “paying a disproportionate amount for the price of this mess.”

S. Story thought that the BOC should look at the budget and maybe the County would send back \$20,000.00 less. He said that if this saved money on the other side and the BOC felt that this was appropriate, it would then be very reasonable.

E. Walker explained that these were just people that were there to be arraigned. Many people are there for unpaid fines, or bail issues and they are disposed of that day. He said it was frustrating and there could be four inmates and two of those four might be in Two Bridges. “It is costing us a huge amount of time and resources that we didn’t have to expend before,” he stated.

W. Shorey asked how the number of inmates allowed at Waldo was determined. S. Story said that he thought the building itself dictated the number. He described the current set-up and said that the problem becomes that if the facility is filled up and an officer brings in somebody else, they have to send someone to another facility, anyway.

S. Story said he really believed this was a BOC issue and he felt that it should be understood that the implications reach beyond into the judiciary and prosecution realm. “The repercussions of these decisions are starting to roost now,” he said. He was convinced that it truly is a BOC issue. W. Shorey noted that the County spent about \$100,000.00 on setting up a facility with a new mission and he felt that the State had benefitted from the savings, so the discussion needed to be held there.

D. Berry thought maybe something in the “technology arena” might be changed. J. Arseneau was called back into the room and asked if the Jail had a three-way capability. He explained that it did not – it was a two-way. He thought three ISDN circuits could support this. S. Story asked if the one upstairs in District Court worked. A. Fowler asked how this could be determined. J. Arseneau said he would call Dan O’Connell at Maine Telemedicine to see.

G. Rushlau said this may have already been discussed, but wondered if there was a decision made to make any changes to establish two more places in Waldo’s facility was a BOC matter or not and was told that this had been discussed and that it would be the BOC’s decision to pay for this or not.

W. Shorey asked who would make the approach to get the people at the table to discuss this. S. Story said he didn’t think that the D.A.’s Office should be the “lone soldiers” in this matter. He felt the courts should be there, as well. He noted that the D.A.’s Office is on the receiving end of this, Waldo’s facility is on the receiving end and the third party is the courts, who are “screaming up and down” about the work this has caused.

G. Rushlau felt that Judge Field and Judge Worth would both need to be involved in this.

S. Story said that there wasn't enough notice to get everybody together at the BOC meeting scheduled tomorrow, but he suggested that someone request that this become an agenda item at the next subsequent BOC meeting. He thought that if they could add two more inmates, it might be the simplest and most cost-effective solution, but it would need to be raised to the BOC. A. Fowler noted that this would be a lot less than many of the other counties' requests to the State.

There was discussion of some counties not doing video arraignments.

S. Story commented, "If Waldo County was inefficient with a two-to-one ratio, look at those that are four-to-one. It's an uglier picture."

A. Fowler noted that Waldo County is already saving them money. S. Story felt that once the 32 re-entry inmates come in, this will take that many people out of the other counties' jails.

K. Nealley briefly explained that, out-of-pocket, this would mostly be a lot of labor, plumbing, etc.

When asked if he "felt better" after this discussion E. Walker said he didn't, really. He just wanted to emphasize that this was taking up a great amount of his time and was taking him away from other work he needed to do. G. Rushlau stated that the "opportunity for miscommunication was increasing exponentially." E. Walker added that if officers don't get the information to him until later in the morning, it is a real rush to read it, process it and get it emailed. G. Rushlau cited one instance in which one Judge did not receive information.

W. Shorey asked if S. Story felt that this should be a discussion with the BOC. S. Story said that because he sits on the BOC, he was not comfortable initiating this. He felt that the judiciary and prosecution needed to be there with the D.A.'s Office in order for this to be really heard.

G. Rushlau noted that a very smart and capable attorney named Don Pelletier had been hired on and S. Story stated that this individual had attended some of the BOC meetings. He mentioned that Chief Justice Saufley had also attended a few of the meetings.

J. Arseneau reappeared and said the multipoint capability would be about \$5,000.00. As for upstairs, they do not have that capability either. It would cost about \$2,500.00 for the software key and a monitor to make it easier to see what's going on, or can show numbers off sides. All agreed that this would be cheaper than added space for two more inmates.

D. Berry felt that the technology upgrade would be the logical way to go and felt that the State should pick up the tab.

The Commissioners thanked all for being present.

****W. Shorey moved, A. Fowler seconded adjourning the meeting to move to the Emergency Management Agency to meet regarding the new EMA Building Project at 12:51 p.m. Unanimous.**

EMA BUILDING PROJECT:

The Commissioners re-opened the Commissioners Court Session at 1:05 p.m. at the Emergency Management Agency.

Present for this discussion with the three County Commissioners were WBRC associates Michael Pullen, Ray Bolduc and Matthew Carter. Also present were Deputy EMA Director Olga Rumney, EMA Director Dale Rowley, Facilities Manager Keith Nealley and County Clerk Barbara Arseneau.

D. Rowley opened the meeting by stating that costs would not be discussed today. All introduced themselves.

Mike Pullen asked if there was a copy of the NEPA permit application and D. Rowley will get that. M. Pullen submitted copies of the AIA Document B101, which is a fairly standard contract. Three levels of designs: The design gets more and more thorough as the project. Good to start in spring time and to be done in 2010.

In Phase 1, it will be good to learn as much as possible about the Sheriff's building and to see how both buildings will fit on the campus. The document also details that WBRC will be involved during the construction phase, as well. This is a thorough document and it defines everyone's relationship. The project needs to be scoped.

Matt said that at the time of signing there would be a definition of the scope of project. Whatever the defined schedule ends up being and any other relevant information will be included at that time as well.

After today's meeting, there will be discussion of whether there will be any additional services needed. D. Rowley felt that the property site plan needed updating as some utilities may be missing, etc.

M. Pullen said that geo-technical (soil) engineering will determine what the sub-surface conditions are on this site. WBRC could make recommendations and has forms to request those services, or if the County knows someone and prefers to work with them that is possible as well.

K. Nealley asked B. Arseneau if there had been a property dispute and B. Arseneau said she recalled that there was a fence between the county property and the neighbor directly behind and it was found that the neighbor's fence was on county property.

A. Fowler asked at what point the Sheriff's Office would be included and wondered if some of the work could be done simultaneously or should be separated.

R. Bolduc said that surveying and geo-technical could be done for both at the same time. M. Pullen said that this would be part of the Phase 1 work.

M. Pullen mentioned that there would need to be consideration of sewage, etc.

D. Rowley noted that the property can be accessed by two streets and M. Pullen acknowledged that this was beneficial.

M. Pullen noted that Dick Rollins will be responsible for commissioning. A mechanical designer would be involved in critiquing the design and performance of the HVAC system after it is installed. Sometimes

this is linked with LEED certification. This building won't likely have high performance requirements. The LEED is a checklist of the greenness or stability of the project. He stated he was not trying to promote LEED, but there WBRC tends to work and think along those lines anyway.

M. Carter explained Commissioning is separate from LEED and has to have a commissioning agent.

M. Pullen discussed furniture. D. Rowley said he would mostly be using what he already had and the Commissioners acknowledged that they had cut that request from his budget.

Drawings would be available to the owner so that changes can be noted. WBRC would "bubble" and explain any changes that might be made in the design. If a contractor makes changes they are unaware of, they wouldn't be "Bubbled." It was noted that this is especially important with underground utilities.

D. Rowley explained that Jim Arseneau is not a County employee, but is the County's consultant and will be very involved in coordinating the electronics between the two parties.

M. Carter said that if some out of the ordinary system had to be coordinated, there might be special notes about that, but he doubted that this would be the case.

M. Carter asked if J. Arseneau would be responsible for putting in the equipment. D. Rowley responded that as much as possible, he felt the contractor should be doing that. D. Rowley said that J. Arseneau had put in a very thorough report of what is needed. D. Rowley told him that this was not the day for that. M. Carter said that actually, it was good to have this now and J. Arseneau said that he would make copies. D. Rowley noted that J. Arseneau had requested about 1/3 of the space for technology and D. Rowley disagreed with that.

There was discussion of linking the projects and D. Rowley said that, for example, boring for geo-technical for EMA would be billed for that and borings done for the Sheriff's building would be billed to that project. Some costs could be split. M. Carter said that there would need to be future discussion and decisions about how to handle some of these shared costs.

D. Berry said it was important to be aware that the Commissioners will definitely be moving ahead with the Sheriff's Office. There are some funding grants that are being applied for and there will be a referendum process. He felt that as much prep work could get done as possible now was imperative. He assured WBRC that as long as the building was moving forward, he and the other Commissioners were in agreement that WBRC would also be used to build the Sheriff's Office. W. Shorey said he felt that plans should be developed simultaneously for both buildings. Plans had to be done in advance for the grant application process.

M. Carter said that he imagined that this would have to be accomplished with separate contracts. He inquired about how the Sheriff's funding would impact the EOC project and was told it would not. It was discussed that having a design will make the dollar figure much clearer. D. Berry said there would be money up front for that portion of the work, but it would be up to the people in the referendum to decide if that will move forward from there.

M. Pullen said he would need more documentation from the Sheriff's Office and D. Rowley said that he would produce what he and the Sheriff had worked on.

There was brief discussion about video arraignments, etc.

M. Pullen felt that there would need to be more discussion of the Sheriff's Office. Square footage would be needed along with other information.

M. Carter said it was important to understand that the schedule accurately reflect when the construction really needs to be done. WBRC has experienced schedules that did not need to be as aggressive as they were.

D. Rowley noted that the Commissioners are always more than willing to come in for Special Commissioners Court Sessions as needed.

D. Rowley suggested that the Sheriff's Office "lag" just a little behind so that mechanicals that are finished in the EMA then can jump over and do those.

Referendum will need to be planned for June. It was generally agreed that if the referendum passed, the project would go out to bid directly thereafter, with the goal of getting things enclosed by winter. It was generally thought that the design contract for the Sheriff's Office needed to be started right away.

M. Pullen said they would amend the schedule to reflect the Sheriff's Office work running simultaneously but a bit behind the EMA project.

R. Bolduc said that they would need to meet with the Belfast City Planner to get the topographic work done as soon as possible. Submit timelines in late Feb or March with approval hoped for in April/May timeframe.

M. Pullen asked if this would be a combined building or separate. The Commissioners were not sure but so far every discussion they had seemed to indicate that they would be separate. M. Carter asked if the two could be on the same concrete pad with a firewall in between. The Commissioners thought they could ask the question. Another complication, according to Dale, is that the EMA building had to be Davis/Bacon, whereas the Sheriff's Office is not. W. Shorey said that this would be USDA money.

M. Pullen asked about the vacated EMA space and was told that Corrections would be inhabiting it.

D. Rowley said that land did not need to be acquired. M. Carter said that this was simply a template and some of it would not apply.

There was brief discussion of the Project Budget sheet. M. Carter said that WBRC would assist the County in filling out this form and would send it in for them after it was signed by the County.

M. Pullen said that an Owners Representative will need to be present. It was felt that for the EMA Building this would be Dale Rowley.

WBRC charges .50 cents per mile. Printing that needs to be done can be sent out by WBRC and will need to be charged. D. Rowley noted that some of this could be done in-house. M. Carter explained that they have a printing company down the street from them that they often use, if the County preferred that.

It was noted that if there are equipment costs for Technology that need to be included in this budget, there is a place for that in the project cost estimate.

Once this Project Budget form is completed, a cost per square foot can be established and it is easier to determine what is needed versus what is wanted.

D. Rowley noted that if another antenna or tower might be needed, perhaps another grant could be applied for to cover that cost.

D. Rowley said he thought that the base thing is the square footage. He said he can work with putting stuff in the building as time goes on.

M. Pullen asked if the EOC would be multi-purpose and D. Rowley said that it will and will serve as the largest class and/or meeting room in the County buildings.

There was some discussion of taking down the fenced in area that was used for inmates at the former Waldo County Correctional Center.

M. Pullen thanked all for using WBRC and for their confidence in their firm.

A. Fowler asked who they would call with questions, etc. M. Carter said it would be him, or D. Rowley could be the County's point of contact and Dale could speak with Mike with WBRC. D. Rowley said he would be contacting B. Arseneau to coordinate meetings with the Commissioners.

The meeting adjourned at 2:15 p.m.

FUTURE COURT SESSIONS:

The next County Commissioners court session is scheduled on January 12, 2010.

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