

**WALDO COUNTY COMMISSIONERS COURT SESSION
JANUARY 12, 2010**

PRESENT: Commissioners Amy R. Fowler, Donald P. Berry and William D. Shorey. Also present was County Clerk Barbara L. Arseneau.

****A. Fowler moved, W. Shorey seconded to nominate Donald P. Berry, Sr. as Chairman of the Board of County Commissioners for 2010. Unanimous.**

TREASURER'S REPORT:

Present for this report were Treasurer David Parkman and Deputy Treasurer Karen Trussell. D. Parkman reported the following:

REVENUE REPORT:

D. Parkman noted that the \$200,000.00 miscellaneous in the savings account was listed in Miscellaneous Income. K. Trussell acknowledged that more revenue than anticipated came in.

APPROPRIATIONS:

Two 2009 Departmental Budgets were overdrawn: Records Preservation by \$321.30 and Facilities Management by \$190.23. B. Arseneau explained that Records Preservation was overdrawn right at the beginning of the year because several 2008 de-acidifying and rebinding invoices were not received until 2009.

A Grand total of 97% has been expended in the 2009 budget, leaving \$123,806.00 UNOFFICIALLY remains in the 2009 budget. D. Parkman recommended that the Commissioners determine which reserve accounts they would like to place these funds into. He explained that A. Fowler had also reminded him that not since 2003 or 2004 has the County given any money back to the taxpayers. If the Commissioners did decide to do that, D. Parkman did not recommend giving more than \$50,000.00 because some of the Reserves need to be replenished.

W. Shorey said he "disagreed with Commissioner Fowler's good idea," because he felt that the undesignated funds remaining was "an insignificant amount to go back to the taxpayers" and felt that some funds should be put back in the various reserves where money had been drained of late. He also felt that money may need to be put away for the building programs going on, but did not recommend any concrete decisions be made at this point until it was clearer what funds were actually available and which direction the Commissioners should go in with those funds.

D. Parkman referenced the undesignated funds that the County has been building slowly over time as allowed by statute and felt that some of this should also be appropriated to reserve accounts as needed. D. Parkman discussed briefly the overlay and how it historically had been far too low in the past. This has been adjusted during recent years and "surplus" [undesignated funds] has finally been building up ever since. As a result, the County does not have to borrow money immediately in January the way it used to.

W. Shorey said he would love to be able to pay for the Sheriff's Building without the cost of going out to a referendum, if possible. The other Commissioners agreed. D. Parkman agreed that if the County had more like \$200,000.00 to \$300,000.00 leftover in a year, this would be the time to give back undesignated funds to the taxpayers. W. Shorey recommended tabling any decisions on where to appropriate undesignated funds until a

little further in the year and after holding a workshop with the parties involved. K. Trussell noted that the Commissioners usually wait to make decisions on this until after the audit has been performed.

2009 EXPENDITURES - BOTTOM LINE:

D. Parkman reported that everything has to be paid for 2009 has been paid. He reported that there is \$1,323,809.76 in the fund balance, and remarked that this was “up from \$900,000.00 that was in there last year.”

CORRECTIONS BUDGET UPDATE:

D. Parkman reported that the Corrections budget has, as of December, received revenue at 94%, with another six months to go in the year. D. Parkman believes that is all that will come in.

RESERVE ACCOUNT EXENDITURES: D. Parkman read expenditures from the Reserve Accounts.

****W. Shorey moved, A. Fowler seconded to accept the Treasurer’s Report. Unanimous.**

WARRANTS:

****D. Berry moved, A. Fowler seconded authorizing payment of the December 30, 2009 Corrections Accounts Payable in the amount of \$58,898.94 and the Corrections Payroll for December 23, 2009 in the amount of \$22,453.52. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the December 30, 2009 General Fund Accounts Payable in the amount of \$177,851.42 and the December 23, 2009 General Fund Payroll in the amount of \$90,053.50. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the December 30, 2009 Capital/Active/Restricted Accounts in the amount of \$9,977.31. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the December 31, 2009 Final 2009 General Fund Warrant in the amount of \$90,294.96. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the January 12, 2010 Corrections Accounts Payable in the amount of \$110,349.27 and the Corrections January 7, 2010 Payroll in the amount of \$27,883.21. Unanimous.**

****D. Berry moved, W. Shorey seconded authorizing payment of the January 12, 2010 General Fund Accounts Payable in the amount of \$71,881.03 and the January 7, 2010 General Fund Payroll in the amount of \$100,018.74. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the January 12, 2010 Capital/Active/Restricted Reserve Warrant in the amount of \$17,183.38. Unanimous.**

DEEDS FEE SCHEDULE DISCUSSION:

Present for this discussion were John Simpson of MacImage of Maine, Register of Deeds Deloris Page, Deputy Register of Deeds Stacy Grant, Technology Consultant James Arseneau, Deputy Treasurer Karen Trussell and Treasurer David Parkman.

D. Berry asked that Register of Deeds Deloris Page start off the discussion. D. Page submitted a five-page document including the current Recording Fees at the Deeds Registry, the Registry Copy Expense list for 2009, a page of figures to consider for fees with detailed explanations of the amount of time it takes to record a document (approximately 20 minutes), how many documents there are, the average hourly rate of the staff, minus benefits, Amounts Billed and Pages Viewed for 2009, and all expenses except electricity and utilities, which were not included in the cost estimates.

D. Page noted that there is an average of 30 Web Subscribers per month and that digital records go back to 1981.

J. Arseneau asked if there is a budgeted amount for staff in the Deeds Budget, benefits budgeted for those people in a separate budget, technology expenditures in the Commissioners' why those would not also be part of the starting point for calculating actual costs. D. Page acknowledged that she had not known until after she had put this together, that she could include those costs. D. Page explained that ACS is going to charge 2 cents per image and 2.5 cents per document, which is the indexing.

J. Arseneau said, for clarification, that a document may be one page or many pages. D. Page agreed, explaining that a single document can be as much as thirty pages, or more.

D. Page explained that the outcome in determining the fees structure will be dependant on which numbers are decided to be used to calculate the cost.

D. Parkman asked for clarification about how much was collected and asked how this would affect Deeds' revenues for the year. D. Page responded that it would depend on how much Deeds could charge on the Internet. There are many things to consider – in-house copies, faxes, Internet, etc. There could be about \$23,000.00 lost in revenue just with the Internet.

J. Arseneau thought it was possible that revenue might be obtained, not just from copies but also when someone logs in to do some of the research.

D. Berry asked Mr. Simpson to speak. J. Simpson thanked the Commissioners for being present. He stated that he hoped all could see he had no horns growing on his head. He said he had been portrayed as wanting to get all county information for free and to make money on it and that nothing could be farther from the truth. He stated that he wants to make a system that could be unified.

W. Shorey interrupted briefly to ask Mr. Simpson if he was recording this meeting because he had a small electronic-type device in his hand. Mr. Simpson assured W. Shorey that he was not recording the meeting and that the item was being used as a calculator.

Mr. Simpson went on to say that currently someone researching in the State of Maine has to go to fifteen different web sites and pay individual subscriber fees. He commented that any search throughout the state is a cumbersome process for anyone that does this work. His goal was to put this all on one web site. He illustrated how cumbersome this was when Verizon was sold to FairPoint because research had to be done. When CMP needs to research, the roads often go through several counties. He stated that in one case, 4,000 people accessed the same web site and it can be assumed that there would be about 20,000 different people who would use the registries on line if it would not cost a lot of money. He was trying to address this. He was aware that the Counties use revenue from copy fees, and these are hard economic times. He was hoping that his joint venture

would give back something to the counties and accomplish a one-system arrangement. He felt that most counties make as much revenue from their web sites as they pay for the vendor to run it and wondered what would happen if he gave the counties the system for free, and then split the copy costs. He said he has had one county willing to talk with him about this, and Waldo was the second to at least speak with him, which he appreciated. Piscataquis was the other county, and he proposed to them that if they would like to have their registry fully digitized, he could do this. He noted that this is very expensive to do. He offered to reinvest 100% of the profits from their website and pay for scanning, creating indexes, etc. so that the County is getting something out of this. If the County is happy with the work, eventually down the road, they might want the system. Right now some work is funded by Deeds surcharge. In the case of Piscataquis, it would take roughly sixteen years with ACS's price. He is willing to do it in two years, and take income for eight years to pay for it. Yes, down the road, he hoped to make some money on this, but he also wanted to partner with the counties so that the counties get something from it as well. This has been his philosophy and every county has said they would talk with him soon, or set fees soon. He supplied this as a background. He said that he hoped the County and he could come to some agreement that was of benefit to the County. He hoped that this made sense.

Mr. Simpson explained that he was calculating while Deloris was speaking and thought the cost would be somewhere around \$1.3 million dollars. As he understood the court's decision [Hancock County vs. MacImage] the standard is essentially the same as the FOAA – counties can charge what it reasonably costs to make copies. He understood that this was for the costs directly related, but not such things as heat for building, etc. He described that it be shared with the subscribers and the second part of the cost with ACS. He had not reviewed Waldo's contract with ACS, but he believed it was fairly standard between all the counties. He said he believed that the Counties can receive a copy of all their data at no extra cost. He stated that ACS is asking the County to let them make a whole lot more money. J. Simpson said this basically works out to be 9.5 cents per document. He thought it was about \$30,000.00 that ACS would charge Waldo County and that none of it would be given back. He felt it would take about two hours to copy that for him and then charge about \$30,000.00. He wondered how fair that would be.

W. Shorey asked J. Simpson to elaborate on who MacImage is. J. Simpson said he started MacImage after graduating law school and decided to work on foreclosures rather than moving forward with a law career. He found it took absolutely forever to go through Registries of Deeds for information. He explained that he met with the Hancock County Commissioners about fourteen years ago. Nobody was scanning documents at that time. He explained that he put in a system with Hancock. It was there about four years, and he has maintained that system since. He described the structure of his company as being comprised of him, his stepmother does database work for him and one more employee to do marketing outreach.

W. Shorey referenced what D. Page had prepared and asked J. Simpson to detail how it would work if the County went with him. J. Simpson said it depended – if the County was interested in switching systems, he could offer the system for free and share the copy revenue with them. He explained that he would reinvest 100% profits to digitize the County. He acknowledged that the county would lose the copy revenue but would get twice the value of the copies.

W. Shorey asked, as an example, if it was \$30,000.00, J. Simpson would reinvest \$30,000.00. He asked J. Simpson, "What is the down side?"

J. Simpson replied that at some point, there would no longer be revenue from Internet, which he estimated would be about a \$30,000.00 figure. W. Shorey asked if this would be going to J. Simpson instead of the

County. J. Simpson said that he would not be investing 100% of the revenue. It would be about \$1,000.00 a month to cover his costs. If enough counties came on, he suggested that he could likely reduce this amount per county. He was confident that the County would like his work and would want to keep the working relationship. He believed the revenue would increase from \$30,000.00 to about \$60,000.00. He believed there were a lot more people out there that would start using this system. He felt the “pie” would grow and that the County might be able to “recoup” some of that.

W. Shorey asked if this would require a large number of counties in order for it to make him [J. Simpson] money. He said no, actually if more counties came on, he would have to hire more people and the costs would have to go up. He thought that about two to five years down the road the company could become very profitable. He felt that the County would benefit because there would be a completely digital format which would project the records. He felt this would be a “win-win” situation: The County would get their documents preserved and he would have business. The revenue from copies would be shared. If the County kept their current web site up, it would actually be competing with his web site.

A. Fowler said she was a little confused and nervous because, generally, anything that seems too good to be true is too good to be true. She asked if he had proposed this to Hancock and what went wrong with that.

J. Simpson explained that when he proposed this to Hancock, the Register was looking at using a firm from New Hampshire. The Commissioners wanted to know why the Register was willing to pay twice as much for an out-of-state company and she did not justify it well enough. Commissioner Damon was the one that negotiated most of the deal with J. Simpson. He felt it was worth trying, so they went forward. The Register was not happy with that. He stated that he had a very hard time working with her. When he went to install the system, she would not let them into the Registry until 8:00 a.m. on January 2 and he had to have it all installed and running by 9:00 a.m. He noted that this usually takes several days. J. Simpson commented that the next Register that came in worked much better with him. Then there was another Register that came in and insisted that J. Simpson hire some members of her family and some of her friends, who were clearly not qualified. Then the Register did not want to pay and he ended up having to sue the county. He explained that he had to file a FOIA request to keep his system going. He stated that he won that case, and then decided to try working with other counties. He stated that he has dozens of users who prefer to use his web site because it is quicker and user friendly. He confessed that if he had known fourteen years ago this would be such a fight, he might not have gone down this road. He was committed at this point and hoped that people would be open-minded and that this might work out down the road.

D. Berry said he appreciated knowing the history behind this.

J. Simpson explained that he was working for Aptitude Solutions at the time. He had met someone from Aptitude Solutions who was willing to buy his software, which included his website, and sold it to Hancock County. Then Aptitude Solutions was bought by a huge company and decided not to move forward with the plans, so he ended up back on his own again. D. Page wondered if Allan Ott was the Register of Deeds at Hancock when Hancock contracted with Aptitude Solutions.

D. Berry asked if there were any other questions or comments. J. Arseneau said, looking from a technology side, the Registries of Probate recognized several years ago that a unified system would work well. As a group statewide, they used a person from Georgia to set up a system and it is working well. He was concerned that, as a small company, what J. Simpson had today and where he would be somewhere down the road could be hard to manage. He said that his recommendation to the Commissioners would be that ACS and Brown Tech have

been doing this for years, have an excellent off-site repository, etc. But looking at where J. Simpson is now and what he has to offer to the County, J. Arseneau said he would be hard-pressed to recommend going this route. He mentioned the issues of training Deeds staff to use a new system, etc. He added that all should keep in mind that Hancock County services MDI and other places that are tremendous realty opportunities. He stated that to compare the number of users to Waldo is not reasonable. Waldo County just does not have the volume of properties and new sales. J. Arseneau explained that he works for a number of realtors in Belfast and in Camden. Many are retiring because they do not see a change in the future for some time. In terms of training the Deeds staff, he commented that right now the system is working. To his knowledge, nobody is complaining and people are using this system well. He acknowledged that he may be unaware of issues, and that he might be misspeaking out of ignorance of those complaints, but was speaking based on what he was hearing.

J. Simpson commented that Brown Tech is operated out of the owner's basement. J. Simpson remarked that it is smaller than the Commissioners' Conference room and that Brown Tech started out the same way as J. Simpson is. Regarding the technology and getting where it needs to be, J. Simpson stated that he is already ahead of the others. He noted that he had images for the Registry years before anyone else in the State of Maine did. Has had more experience than many of the vendors in the State of Maine. Regarding Waldo being different, he agreed. He said he would have to research the area further. He knew a lot of the documents were mortgages. He expected that refinancing here would be the same as anywhere else. Even though there wasn't the same high-priced real estate as Hancock County, he didn't know if that was really driving the cost, but it acknowledged that it may.

D. Parkman expressed his concern about cost. He referenced the loss of revenue related to the Correctional system. If \$200,000.00 was lost, that would be about 10% of the County's total budget and when J. Simpson said \$30,000.00, the towns are being taxed about 90%. D. Parkman described the Registry of Deeds as the big money maker and stated that any money lost there is a problem.

D. Parkman asked why the Hancock County Commissioners had not wanted to pay the \$75,000.00 owed to J. Simpson. J. Simpson said it was due to there being new commissioners on the board. D. Parkman said that this didn't make any sense to him. J. Simpson said it didn't make sense to the jury, either. D. Parkman reiterated that any loss of revenue was not acceptable. "We're hand-to-mouth," he stated and asked if there would not be any loss of revenue. J. Simpson said that there might be loss of revenue – he didn't know if that would be a possibility or not.

D. Berry said he was not trying to be mean or nasty, but this was a mystery to him: J. Simpson had a business to promote and was trying to hire himself through the counties to achieve this and was using a federal tool to do that. J. Simpson clarified that it was State, not Federal. D. Berry said he knew that, but FOIA was being used and he wondered why J. Simpson did not try to get himself hired by the communities. D. Berry stated, "You haven't brought me a contract or a proposal." D. Berry added his thought that the counties may not have any choice in the end, and he [J. Simpson] may get that information.

J. Simpson said he understood, and he didn't want to do business that way. D. Berry stated that the County has a contract with ACS and he wondered why J. Simpson wasn't bringing in an offer or proposal like any other business. D. Berry stated that this would not bother him if it were brought forth this way. What bothered him was the approach now, although he acknowledged that he was more enlightened about the background with Hancock. He felt it was really a business venture. A. Fowler said this seemed more like a back-door approach. "Amen," D. Berry quipped.

J. Simpson said he was very sympathetic to how the Commissioners perceived this. He explained that he had tried to approach all the counties in that way but the door was always shut in his face. Cumberland County did ask for a proposal for a large contract. He provided a proposal at 7 cents. ACS submitted a bid that was lower. The County had to make a decision about scanning from paper or microfilm. The quality of reading the copy from a scan rather than from a paper copy was a consideration. Cumberland County ended up signing a contract with ACS for a larger amount from microfilm at 12 cents per document. Later, J. Simpson said, the found out quality was “crap.” J. Simpson added that now they are paying 58.5 cents per page for ACS. No bidding was done. This is what he had been up against. He also had asked if he could come to the County Commissioners’ Convention and was told that he might not be well received and that he should send a letter. He sent the letter and that created a hornet’s nest. He wondered if he might not have been better off just showing up.

J. Simpson said he has offered to take payment after the work is done so that people will be comfortable but the door continues to be shut in his face. He recognized that he had upset the Commissioners and apologized for that. He sincerely appreciated that the Waldo County Commissioners were willing to let him come in and speak on this matter.

D. Berry said he appreciated his input and that the County would continue working on their end of things and asked if J. Simpson would put forth a proposal with several options. “We’re not shutting any doors here, but we just wanted you to know how we felt about the use of FOAA,” D. Berry explained. A. Fowler said she could better understand how J. Simpson came to use the FOAA avenue.

J. Simpson said he would have a proposal within days. D. Berry thanked all for coming in.

SHERIFF’S REPORT:

Present with the Commissioners was Sheriff Scott Story and Chief Deputy Robert Keating. S. Story discussed the following with the Commissioners:

1. On occasion, Volunteers of America (VOA) staff may need to utilize the County’s large van for details, etc. The concerns S. Story had were whether or not insurance would cover this usage and the fact that there is a public impression that a marked law enforcement vehicle could be flagged over for assistance.

S. Story had spoken with Malcolm Ulmer at the MCCA Risk Pool, who informed him that anyone with permission to use county equipment would be covered by the insurance. He was considering whether or not to letter the van or use a magnetic sign that could be removed. He asked the Commissioners to allow occasional use for this purpose and if it became more than occasional, discussion would occur regarding costs, etc. W. Shorey asked if it had not been in the contract that VOA would supply a van and was told that it was but sometimes they still needed the large Corrections van.

****A. Fowler moved, W. Shorey seconded to permit VOA to use the large van occasionally, as long as it was only occasional use and does not become common practice. Unanimous.**

2. INVENTORY: S. Story inquired about what is required on the inventory list that was requested by the Commissioners, as it is annually. He related the history about inventory and noted that the requests have changed over the years and he wanted to know if was supposed to be as detailed as some years or less. He said he would be a little late submitting it but was almost finished. B. Arseneau explained that this was “auditor-driven” and that the auditors have asked for depreciation schedules on furniture, equipment, etc. and that a separate fixed assets list should also be submitted (either collective items or single item of \$5,000.00 value or

more.) S. Story explained that he was not complaining, realized this was auditor-driven and that the County did change auditors periodically, which sometimes results in the style of reporting to change.

3. “10-Codes Transition”: S. Story said the Sheriff’s Office is trying to work through the transition of ceasing the use of “10-Codes.” He informed the Commissioners that there may be more plain words used. E has been talking with local agencies and the State Police and all have been running into a few issues. All are concerned about jeopardizing people’s privacy. He acknowledged that at times, they are worried about what they hear over the radios regarding people’s personal business. He was simply notifying the Commissioners that this process would take a while.

4. 2009 REPORT/CALLS FOR SERVICE:

S. Story reported that he was incorrect in his prediction of anticipated calls for service in 2009 with the reduced State Police presence in Waldo County. He had estimated a 17% increase and it ended up being 20%. S. Story read through statistics for 2009 calls for service and some highlights mentioned included:

- Alone and in conjunction with MDEA and Belfast PD, hundreds of healthy marijuana plants harvested with several arrests made.
- Deputy Gerald Lincoln graduated third in his class of 53 cadets at Maine Criminal Justice Academy, was named President of his class and was awarded the Professionalism Award by the Academy.
- Received \$3,242.00 Traffic Enforcement Grant through Bureau of Highway Safety to be used for speed enforcement throughout the County, making a total of 127 traffic stops from Memorial Day to Labor Day.
- Entered into an agreement to work with Hampden Police Dept. under grant Hampden PD received to combat underage drinking in Winterport, Frankfort and Monroe, targeting underage drinking parties and illegal sales of alcohol to underage persons.
- Corrections Officer Joshua Bowles was named Corrections Officer of the Year and Detective Merl Reed was named Deputy of the Year.
- During months of May into September patrol deputies were sent to the Town of Islesboro with very minimal overtime being spent. Chief Deputy did a great job doing this and keeping the cost down.
- At the end of June, Lt. Bryant White retired, taking 30-plus years of experience with him. He still serves the department by doing polygraph testing.
- Sent officers to 368 9-1-1 “disconnect” calls. S. Story explained that they still send an officer to every 9-1-1 call that is hung up, or even if the person says they are O.K., misdialed, etc. R. Keating explained that someone is always sent out to check anyway and illustrated with a case that turned out to be a beating and the officer ended up arresting a person for OUI, etc. so it sometimes is the “real thing.”
- Two new part-time deputies were hired: Darrin Moody and Benjamin Wheeler.
- Deputy Glenn Graef left as full-time patrol deputy and the vacancy was filled full-time by Darrin Moody.
- Started a “Quarterly Report” with the hard work of St. Jason Trundy and Administrative Assistant Brenda Dakin.

2009 SHERIFF’S REPORT TOTALS:

- Calls for service - 7,142
- Accidents - 648
- Fatal Accidents - 3
- 9-1-1 Disconnects - 368
- Traffic Stops - 2,480

- Background Checks - 316
- Drunken Drivers (OUI) - 67
- Civil Papers Served - 2,073
- Foreclosures - 182

5. S. Story reported to the Commissioners that the Budget Hearing for the BOC Waldo County Jail budget time scheduled changed this Thursday from 2:30 p.m. to 10:45 a.m. and found out that the Treasurer and Commissioner Fowler were not notified. Deputy Treasurer Karen Trussell is planning to attend.

CRUISER BIDS RECIEVED:

1. R. Haskell Ford – (3) 2010 Ford - \$23,321.56 each or \$69,964.68 total. An additional \$34.00 per vehicle for a title fee. There was no bid provided for an extended warranty although it was requested.
2. Cole Whitney, Lincoln ME. – 2010 Ford - \$24,019.00 per vehicle. Extended power train for 3 yr./100,000.00 at \$1,895.00 per vehicle.
3. Quirk – 2010 Ford - \$23,193.00 ea. Extended Warranty – 5 yr./100,000.00 on power train at \$1,705.00 ea.
Also: (2) 2009’s available: \$21,708.00 ea. S. Story assumed that warranty would be the same. This would save about \$1,500.00 per vehicle. R. Keating said that he had checked around 9:00 a.m. this morning and learned that Quirk still had the two 2009 vehicles.

****W. Shorey moved, A. Fowler seconded to purchase both 2009 Ford Crown Victoria Cruisers and the one 2010 Ford from Quirk. Unanimous.**

(Later in the morning, Chief Deputy Robert Keating requested a moment to speak with the Commissioners about the cruiser bid. He informed the Commissioners that he and the Sheriff had missed Quirk’s other warranty offer of a 4 yr./100,000.00 mile coverage and had opted to go with this, at some savings to the County. The Commissioners thanked R. Keating for relaying this information.)

4. S. Story said that he is very willing to help in moving the Sheriff’s Building project along, but felt that it was way out of his realm of expertise to be the owners’ representative for this project. He had looked at the contract and felt that he would not be the best representation for the County on that, as he felt this is not at all his area of expertise. He expressed his concerns to EMA Director D. Rowley and D. Rowley had stated that he would be willing to serve in that capacity. The Commissioners thanked D. Rowley for being willing to serve in that capacity for the Sheriff’s Office building as well as the EMA building.

REGISTRY OF PROBATE FEES:

Present was Register of Deeds Sharon Peavey, who reported that the Registry of Probate received a notice from the Republican Journal that effective January 1, 2010 there would be an increase in charges to run public notices. The rate had been \$5.25 per listing but would now be \$5.75 per listing. S. Peavey noted that the Register of Probate had not come before Commissioners since 1992 to increase the fee for putting these notices in two publications for two consecutive weeks, as required by law. As a result, she was recommending that the Notice to Creditors fee be raised from \$17.00 to \$20.00 and the Public Notice fee be raised from \$22.00 to \$25.00.

****W. Shorey moved, A. Fowler seconded to accept the recommended increase in Probate fees.**

Unanimous.

EMERGENCY MANAGEMENT REPORT:

Present was EMA Director Dale Rowley and Sheriff Scott Story, sitting in. D. Rowley reported the following:

1. He has completed the 20-hour-per-week schedule required for the Air National Guard, so he is now back in the office on a regular schedule.
2. Aborn Hill Tower Project Update: The tower is up, even though the project has been delayed about 1.5 weeks. Antennas and supports are being mounted. The radio building is expected to be in place on January 13, 2010.
3. New EOC and SO Buildings Project Update:
 - a. Contracts with WBRC are ready for Commissioner Chairman's signature. D. Rowley submitted a Draft AIA Document for the Commissioners to review.
 - b. Assignment of Owner's Representative on the Sheriff's Office building. The Commissioners told D. Rowley that S. Story had requested not to be the owner's representative for the Sheriff's Office and that they understood D. Rowley was willing to serve in that capacity, which they appreciated. D. Rowley confirmed this.
 - c. Contract is ready for Surveying with Shyka Sheppard & Garster Land Surveyors
 - d. January 22, 2010 there will be another EOC/Sheriff's Office Concept Development Meeting at 10:00 a.m. in the EMA Office to discuss the site planning for both buildings, start interior concept for the EOC and discuss the schedule for the Sheriff's Office Building.

The Commissioners wondered if there were any figures established for the proposed Sheriff's Building. D. Rowley located the EOC building figures. He mentioned that these preliminary numbers were a "wild guess" but eventually the numbers would be "sharper." He noted that there will need to be discussion on separating site costs between the two buildings and offered to also serve as the Clerk of the Works. There was brief discussion of costs related to referendum, which could easily be about \$50,000.00. B. Arseneau said she would research costs and timeline related to a referendum.

D. Rowley noted that the figure for the architect will not change, but the figure for the total cost of the project will and suggested that the Commissioners might consider re-negotiating this at that time.

4. A meeting/workshop to discuss a Policy for Emergency and Disaster Events has been scheduled for January 28, 2010 at 10:00 a.m. and should be attended by Department Heads, Commissioners and Union representation. The goals and concept of this policy need to be discussed.

****D. Berry moved, A. Fowler seconded to enter Executive Session to discuss a matter as allowed by Title 1 subsection 405 (C) at 11:25 a.m. Unanimous.**

****A. Fowler moved, W. Shorey seconded to exit Executive Session at 11:45 a.m.** No action was taken by the County Commissioners.

FACILITIES MANAGEMENT REPORT

Present for this report was Facilities Manager Keith Nealley, along with Architect Robert Fenney. K. Nealley reported the following:

1. The ramp at the front of the District Courthouse has not been constructed up to standard. K. Nealley wryly described it as being “as rough as a plowed field.” A letter was sent to Mr. Bartlett of 10-4 construction indicating that this was not an acceptable situation. K. Nealley had telephoned Mr. Bartlett on December 24, 2009 and he said he would be “right down,” but did not come. For two weeks, this continued. R. Fenney reported that the “good news is that Mr. Bartlett has not been paid dime one” because this should have been a two-week project and the work was not done correctly, other than the demolition. K. Nealley explained that Mr. Bartlett has stated that he understands that the ramp needs to be redone and is willing to work with the County to rectify the situation. R. Fenney noted that because the State is paying this money and those funds have to be used by March, he wrote up a “codicil” of things Mr. Bartlett has to sign and honor. That being said, R. Fenney reported that Mr. Bartlett had agreed to cut the ramp out this past Saturday and had not done so. R. Fenney said he then drafted the afore-mentioned letter, which he now submitted to the Commissioners for their files, in which he stipulated the conditions under which that this work needed to be performed. This letter establishes that this will be done January 26 with a caveat of up to a few weeks later, if weather conditions just do not permit. W. Shorey commended R. Fenney on the letter he drafted.

R. Fenney acknowledged that this ramp was poured in bad conditions when it should not have been. D. Bartlett has expressed that he is willing to make this right. K. Nealley will call Mr. Bartlett and discuss which day this ramp should be worked on, based on the weather report. (Moments later R. Fenney returned to the Commissioners Session to report that he just realized Mr. Bartlett’s crew was outside already cutting up the ramp.)

2. Additional work needs to be done to make the upstairs District Court ADA compliant. The State does have funds to do this. Rather than put an add in the paper, R. Fenney and K. Nealley felt that they would rather submit this to several reputable contractors and receive bids from them. There was discussion on how to obtain a contractor who is experienced in this type of thing. It was decided that the specifications for this project would need to spell out qualifications and make it clear that low bid is not going to be necessarily the only consideration. Candidates would need to be commercial contractors. There was brief discussion on how to handle competitive bidding and the statues pertaining to this. R. Fenney and K. Nealley would work on the specifications and bid proposal request and send it to the local paper.

FUEL OIL BIDS:

K. Nealley noted that Maine Power Options requests bids for fuel oil. They sent an inquiry as to whether or not the County wished to be included in this. If the County does not like any of the bids that were supplied today, K. Nealley recommended making no decisions until after Maine Power Options received proposals.

BID PROPOSALS RECEIVED:

1. CN Brown: Fixed price – \$2.7959 if paid within 10 days of delivery. 30 days paid would be \$2.8529. The Commissioners agreed to look only at the 30-day number. There was not proposal for burner service repair, which was requested as part of the bid.
2. Maritime Energy: Fixed price - \$2.659. Over-rack price was offered at plus-.20 cents. Burner service was proposed at \$80.00 per hour.
3. Thompson’s Oil: Fixed price - \$2.586. Over-rack price was proposed at plus-12 cents, which would be \$2.49 cents per gallon. The bid for burner service was at \$66.00 per hour.

4. Irving Oil: Irving Oil said that they were not able to offer a fixed rate. The proposal was \$2.502 and will fluctuate with the market. Burner service was proposed at \$110.00 per hour.
5. Moonlight Fuel: Moonlighting Fuel would not offer a fixed rate. The proposal was for 11 cents over rack price. Burner service was not proposed.

W. Shorey asked what K. Nealley had budgeted and K. Nealley responded that he had figured it at \$2.40 per gallon. A. Fowler said she had heard that oil might go up as much as \$100.00 per gallon. W. Shorey related what he had been hearing on a global scale as to how oil pricing might go and commented that this was “the wildest ride” he had ever heard. He recommended that the County should lock in with Thompson’s Oil “and get the misery over with.” K. Nealley stated that one year the County locked in at a rate and ended up paying more than those who waited, but usually it worked out better economically to lock in. B. Arseneau confirmed this as being only one time that locking in at a fixed rate had “back-fired.” K. Nealley said that he felt it was better to have a known expense than an unknown. D. Berry noted that his home rate is \$2.44 per gallon, so the quotes were not unreasonable. K. Nealley stated that he would do what he could to conserve and reported that he turned the boilers off at the Jail and unused the electric hot water heaters all summer and used 3000 less gallons in 2009 than he did in 2008.

****W. Shorey, A. Fowler seconded to award the proposal to Thompson’s Oil from July 1, 2010 through June 30, 2011. Unanimous.**

W. Shorey said he wanted to add that much would depend on what would be going on in the Middle East. W. Shorey asked K. Nealley if he was satisfied with the burner service and the cost of that. K. Nealley said that he would have Thompson’s do some of the work at the Comm. Center and Extension Building but the other systems are serviced by Thayer Corporation.

EXTENSION OFFICE CLEANING BIDS (for approximately once weekly):

1. Bangor Abatement Inc.: \$216.00 per month proposed.
2. Central Maine Cleaning, Bangor: (This company currently cleans the District and Superior Court) \$55.00 per week was proposed, which would be \$220.00 per month.
3. The Cleaning Crew: (Pamela Dodge) \$50.00 per week was proposed, or \$200.00 per month.
4. Community Cleaning: (Belfast) \$398.83 per month was purposed.

K. Nealley said he could check references, if the Commissioners preferred. He is familiar with Central Maine Cleaning since they are currently cleaning for the courthouses. The Commissioners discussed the difference between residential cleaners and commercial cleaners. Since there was a very small differential between companies, the Commissioners felt it was important that they hire someone with commercial experience and someone they could rely upon. The bids were carefully reviewed again and the Commissioners voted as follows:

****A. Fowler moved, W. Shorey seconded to award the bid for weekly cleaning services at the University of Maine Cooperative Extension Office to Central Maine Cleaning at \$55.00 per week. Unanimous.**

The Commissioners agreed to have this be a two-year contract with this company if possible.

COMMISSIONERS' BUSINESS:

1. The hearing on L.D. 1554, which is the bill that would establish criteria for County Commissioners to use in setting reasonable fees for Deeds copies, is scheduled for public hearing before the State and Local Government Committee on Wednesday January 20, 2010 at 9:30 a.m. in Room 216 of the Cross Office Building. D. Berry will attend.

2. **COMMITTEE ASSIGNMENTS:**

The Commissioners decided that the committees served on would be as follows:

D. Berry: 2010 County Commissioner Chairman
Coastal Counties Workforce Board
Waldo County Comprehensive Community Health Coalition
All Bargaining Unit Negotiating Teams.

A. Fowler: Maine County Commissioners Association and Risk Pool Board of Directors
Waldo County Corrections Meetings (BOC)
Chief Justice Saufley's Courthouse Advisory Committee
Back-up for Commissioner Berry on all Bargaining Unit Negotiating Teams
MCCA Convention Planning Committee

W. Shorey: Personnel Policy Update
Back-up for Commissioner Berry on all Bargaining Unit Negotiating Teams.

3. **CERTIFICATE OF INCUMBENCY:**

B. Arseneau read as follows the certifications of the following named officers that are duly elected or appointed in the County Commissioners Office:

Amy R. Fowler, County Commissioner:	Term expiring December 31, 2012
William D. Shorey, County Commissioner:	Term expiring December 31, 2012
Donald P. Berry, Sr., County Commissioner:	Term expiring December 31, 2010
David A. Parkman, County Treasurer:	Term expiring December 31, 2010
Barbara L. Arseneau, County Clerk:	Appointed December 31, 1998

4. **PLANNING FOR UNION NEGOTIATIONS THIS FALL:** W. Shorey said that sometime in the near future the Commissioners should have an executive session to have a discussion regarding union contract negotiations scheduled for this fall.

5. The Commissioners discussed briefly how health insurance was going throughout the nation and felt that the health insurance premiums paid by the County employees are very reasonable. In terms of how departments were functioning during these economic times, the Sheriff's Office is able to drive where they need to, as compared to things going on with the State Police. The Commissioners talked about the way the State was handling court cases and pushing them into the next year in order to pay out of that year's funds. The State has frozen pay step increases and the County has continued to offer COLA and pay step increases. W. Shorey commented that working conditions in the County were quite good.

6. W. Shorey expressed that after serving for twelve months, how much he enjoys coming to the Commissioners. D. Berry said that this was true for him, as well. He related that when he was serving in

legislature, he looked forward to going to work and felt the same serving as County Commissioner, even when there were numerous meetings each month. "The biggest difference here is that you are working with personnel and personalities, whereas in legislature, you are not in as close contact with people. Here you are really in close touch with the people and what's going on," he remarked. The Commissioners expressed how much they enjoy working with the staff in the office and commended the staff for quickly obtaining information as soon as it is requested. D. Berry noted that this was especially the case during negotiations and W. Shorey commended Commissioner Berry for his work on negotiations. B. Arseneau expressed appreciation for the kind words and related how much the staff enjoys working with the Board of Commissioners.

CORRESPONDENCE:

Reporting correspondence to the Commissioners was County Clerk Barbara L. Arseneau. Also present was H.R./Payroll Director Michelle Wadsworth.

1. The Maine Municipal Association Executive Committee has voted to keep the 2010 Associate Membership Dues at \$550.000 for the seventh consecutive year, so the Worker's Compensation dues were the same again for 2010.
2. The IRS mileage reimbursement rate has dropped from .55 cents to .50 cents per mile.
****A. Fowler moved, W. Shorey seconded for the County to continue to follow the IRS mileage rate, which would now be at .50 cents per mile. Unanimous.**
3. A letter was received January 4, 2010 from Robert P. McAleer, Director, at U.S. Department of Homeland Security addressed to Technology Consultant James Arseneau and informing him that the County's application for the FY2009 Homeland Security Grant program could not be funded at this time. The letter noted that the "Review Committee faced several difficult and challenging decisions in this process."
4. Cheryl Coats of DRG Specialty Services sent an inquiry regarding possible contract renewal for grant research and grant writing services. The Commissioners requested that a renewal contract be sent for their review.
5. B. Arseneau reminded the Commissioners that there would be a meeting between the Waldo County Legislative Delegation and the Waldo County Commissioners on Friday, January 15, 2010 at Waldo County General Hospital in the classroom at 8:00 a.m. and breakfast would be served. Commissioners Fowler and Shorey would be in attendance.

MINUTES APPROVED:

****W. Shorey, A. Fowler seconded to accept the minutes from the December 11, 2009 Waldo County Commissioners Court Session. Unanimous.**

NEXT COURT SESSION:

The next Commissioners Court Session will be February 16, 2010, unless any special sessions needed to be called.

****A. Fowler moved, W. Shorey seconded adjourning the Commissioners Court Session at 1:25 p.m. Unanimous.**

Respectfully submitted by Barbara L. Arseneau
Waldo County Clerk