

**WALDO COUNTY COMMISSIONERS COURT SESSION  
(SPECIAL SESSION)  
OCTOBER 19, 2010**

**PRESENT:** Commissioners Amy R. Fowler, Donald P. Berry and William D. Shorey and County Clerk Barbara L. Arseneau to take minutes.

Commissioner Berry called the meeting to order at 8:45 a.m.

**JANITORIAL BIDS FOR 2011-12:**

(Lower level of the District Courthouse, the entire Superior Courthouse and the Communications Center.) Present for this discussion was Facilities Manager Keith Nealley.

K. Nealley submitted a copy of the letter sent by Mr. Doug Reed of Central Cleaning dated October 14, 2010 stating that he had bid this with the intention that this was the total package, not an increment thereof. His argument was that he would have to lay people off and it would cost the County an additional \$5,640.00 over two years if the bid was awarded to the low bid to Glidden Air or \$8,040.00 over two years if awarded to Maureen Hall. He noted that he was \$420.00 lower over two years for all three accounts together from Maureen Hall. K. Nealley summed it up that Mr. Reed appeared to be unwilling to accept work being divided up between contractors. K. Nealley submitted a spreadsheet of the bidders and the proposal amounts.

The Commissioners discussed this and said they respected Mr. Reed's viewpoint, but noted that the Commissioners are managing this work and are responsible for the decision to award the bid the way they see fit.

K. Nealley also submitted to the Commissioners a spreadsheet he had prepared comparing all the bids. K. Nealley mentioned that he'd like to see the Communications Center eventually be cleaned by the Reentry Center residents. He acknowledged that the Center isn't ready for this yet, but also suggested that the residents may need to be compensated in some way to have them stay and work. He also reminded the Commissioners that there will be a new building to be cleaned once the EOC/Sheriff's building is constructed.

K. Nealley said he would recommend hiring Maureen Hall for one year and then rebid this in a year, rather than award a two-year bid. The Commissioners discussed that briefly.

**\*\*W. Shorey moved, A. Fowler seconded to award the janitorial bid to Maureen Hall for one year with the option to renew for a second year if the Commissioners so desire. Unanimous.**

**DISTRICT COURTHOUSE ROOF REPAIRS DISCUSSION:**

Present for this discussion was Facilities Manager Keith Nealley. K. Nealley stated that he has an appointment with the City of Belfast Design Review Committee to discuss shingles for the roof on October 28, 2010. The Commissioners authorized K. Nealley to pursue bids and a contractor to get this done after the design board makes a decision. The contractor bids will come to the Commissioners for their decision.

**HEALTH CARE REFORM AND IMPACT ON COUNTY PLAN – OVERVIEW:**

Present for this overview was Attorney Steven Gerlach with BernsteinShur, Human Resources/Payroll Director Michelle Wadsworth, Deputy Treasurer Karen Trussell and County Clerk Barbara Arseneau.

S. Gerlach submitted a large printout entitled “The Affordable Care Act – Health Reform Basics” and another document entitled “Implementation Center – Recommended Preventative Services.” S. Gerlach recommended that the overview proceed as follows:

1. Review the printout together. This is a streamlined and focused version that excludes other things that do not pertain to Waldo County as a self-funded insurance. He anticipated that this would take about 45 minutes.
2. Go through the County’s plan step-by-step and identify those things requiring work.
3. Identify issues for further research and questions.
4. Create a to-do list and assign items.

There was brief discussion on whether or not this reform would “go away” and there were mixed opinions on that. S. Gerlach’s experience with this bill was that the buildup to March 2010 resulted in a lot of initial panic, and then people started to calm down as more information became available. The changes to be discussed are basically required improvements in coverage and services. Although these may be “a pain,” he didn’t believe this was going to be a huge political deal until later.

## ***1. PRINTOUT REVIEW***

### Things to do by 1/1/2011:

- Waldo County does not have to make changes until January 1, 2011.
- Coverage for all dependents up to a child up to age 26, whether they are a dependent or not (unless that child has access to health insurance through their employer)
- Need to remove lifetime limit from \$500,000.00, noting that the Maine legislature recently passed legislation prohibiting health plans from imposing annual, lifetime or other caps on the amount they will pay for covered services, effective starting in 2011
- Check on whether nondiscrimination testing has been done and will continue to be performed
- Elimination of pre-existing condition exclusions
- Requirement that women be permitted to choose an OB-GYN of their choice
- Grandfathered for CBA units, etc., until the end of this year
- Imputed income – effective March 23, 2010, the exclusion from taxable income of health care expenses provided under an employer plan is extended to any child of an employee who has not reached age 27 by the end of the tax year; because that income is no longer taxable, such withholding is no longer required or appropriate – taxable needs to be reviewed as those who continued to withhold since March 23<sup>rd</sup> will need to correct the withholdings and may need to file an amended employment tax return
- Nail down an external review process
- Prescriptions will be required for over-the-counter meds that a doctor says a patient must take
- Four-page summary of plan given to employees

### Things to do by 2014:

- Must include employees averaging 30 hours per week

Things to review before 2018:

- “Cadillac Tax” – review later

Things to review and prepare for 2012:

- W-2 reporting

**2. REVIEW OF BENEFITS PROVISIONS:**

D. Berry asked what Meritain’s responsibility is to the County respecting the reform. A. Fowler thought that Meritain must update the plan and communicate changes to the Commissioners. S. Gerlach said he generally agreed with that. D. Berry felt that Meritain has a responsibility to the County without costing the County anything regarding reform changes. D. Berry wondered if the County was spending time going down this road with getting more information with Steve Gerlach. A. Fowler said she wondered the same thing. W. Shorey felt that this was complicated enough that the County needed an independent person not affiliated with Meritain to also review and guide this process. He believed the Meritain representatives should come in on their own and D. Berry suggested that Meritain should have experts and the County is paying them fees to serve as the provider and make the changes and laws in their plan.

S. Gerlach said that his general experience with providers like Meritain is that they will provide plan documents, and those should be reviewed by the County’s counsel. He believed one of the first things to do is contact Meritain and see what they are doing for drafting plans. S. Gerlach said he would not recommend that he re-write the plan as it would not be cost-effective. He felt that if it appears that Meritain is not on the ball with this, the County would want to consider having someone else draft documents.

S. Gerlach asked what Malcolm Ulmer’s role is and how he communicates with the County. M. Wadsworth says that he presents the plan to the Commissioners and also serves as liaison with Meritain and the third party administrator (Stop Loss.)

There was brief discussion and B. Arseneau explained the concerns she and M. Wadsworth had regarding moving forward with the reform changes in this plan.

S. Gerlach asked specific questions about how the plan was set up, who administers it and how it functions.

The To-Do List:

1. Communications with Meritain and with M. Ulmer regarding plan documents and regarding the benefits summary four-page description that needs to be provided to employees; as well as the status of non-discrimination testing. The Summary plan description will need to be updated for the plan.

Plan Document Changes (to be performed by Meritain and Malcolm):

1. Pg. 21 : Change to age 26 and COBRA
2. As long as there is no annual, lifetime or other caps on the amount being paid for covered services, the plan is in compliance with that piece
3. Use the Implementation Center as guideline to see if plan is in compliance. Incorporating changes in the plan should be done by Meritain and M. Ulmer.

4. Pg. 7 of Section 2: Any kind of deductible co-pay cost sharing for preventative care must be removed.
5. As long as there are no pre-existing clauses, then the Plan is already in compliance with this piece.
6. Pregnant women can choose OBGYN of their choice. This is a PPO. There will no longer be an out-of-network OBGYN. All will be in network. There is a co-pay required of the employee for pregnancy related doctors visits.
7. Internal Review Procedures
8. Get a statement of all plan changes from Meritain for negotiating purposes.
9. The cafeteria plan needs to be updated, as well.
10. Need to see required changes from stop-loss company; especially life-time limit.

Budgetary To-do:

1. The County will now have to pay co-pays for preventative care. Employees will no longer be responsible. (Be sure to mention this cost to the County to CBA unions that are bargaining.)
2. OBGYN for pregnancies will no longer be out of network. This will be an additional cost.
3. Imputed Income: This will need to be researched from 2009 when the plan was changed to cover up to age 25. Michelle and Barb to research and speak with Steve about.
4. External Review procedures: S. Gerlach has telephoned the State and is waiting for a response from them regarding what the State will do. If the State's complies with Federal law, the County must follow that. The County also needs to wait for more guidance to incorporate in the plan.
5. In negotiating, see if it is possible to designate a provision that is subject to changes with federal law (such as FMLA changes). (County may need to check with legal counsel that knowledgeable in collective bargaining regarding this.)
6. Provide copy of Patrol Unit contract to S. Gerlach.
7. Circulate plan summaries once they are completed by Malcolm/Meritain.
8. S. Gerlach will type up a "to-do" list and send to Michelle.

S. Gerlach reminded all that this is a flat-fee and goal is to get the County through the CBA negotiations into January 2011 compliance on that flat-fee. All the Commissioners agreed that this was fair. W. Shorey asked if S. Gerlach would, in the meantime, continue to serve as guidance for M. Wadsworth and B. Arseneau and he agreed.

**CORRESPONDENCE:**

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

1. M. Wadsworth has updated the health insurance to reflect the 12% total premium increase and 12% employee contribution for 2011.

2. The MSEA-SEIU Local 1989 sent a letter that was received this morning serving as notice of their desire to negotiate a successor contract for the Waldo County Support Unit. They have requested copies of various materials and those will be sent as soon as possible.

**3. The new pay scale starting in 2011 for the Deputy Treasurer was submitted to the Commissioners.**

**\*\*A. Fowler, W. Shorey seconded to accept new pay scale for Deputy Treasurer. Unanimous.**

4. Deeds Clerk Amy Keller submitted her resignation on October 12, 2010 to Register of Deeds Deloris Page. Her last day will be November 26, 2010.

**\*\*A. Fowler moved, W. Shorey seconded to accept with regret the resignation of Deeds Clerk Amy Keller. Unanimous.**

5. Dispatcher Richard Farmer submitted his resignation effective October 8, 2010.

**\*\*W. Shorey moved, A. Fowler seconded to accept with regret the resignation of Richard Farmer effective October 8, 2010. Unanimous.**

6. Technology Consultant James Arseneau sent Email communication to the Commissioners explaining that the County's website was moved from an older style server to a new server as required by the hosting company as they were retiring the server the County website had been running on for the last several years. In the conversion the County lost its spam/malware filtering that was performed via a third party Postini solution called Intellimail that has been in use for about five years by the County. After the conversion to the new server, the hosting company could not get the web filtering to work and they did not offer a comparable solution and the company offering the Intellimail is not located in New Zealand. At present all mail is being delivered without this safeguard and the County is vulnerable to possible issues if someone accesses an E-mail that contains spam/malware. Therefore, J. Arseneau contacted Postini/Google directly to obtain a quote for service directly from them. Originally the yearly fee was about \$600.00, but there was no support and the interface was outdated. It only covered 50 E-mail accounts, which is 50 less than the County now has. The monthly charge will now be \$125.00 and he had attached the contract in case the Commissioners wished to sign it.

After brief discussion, the Commissioners stated that they knew this filter was very important and they agreed to pay the \$125.00 per month. W. Shorey asked how this expenditure would be funded. It was decided that this would be paid from the Technology Reserve for the remainder of 2010 and for 2011.

**\*\*A. Fowler moved, W. Shorey seconded to fund the monthly contract with Google for spam filtering in the amount of \$125.00 from the Technology Reserve for 2010 and 2011. Unanimous.**

7. District Attorney Geoffrey Rushlau sent a memo to the Commissioners dated October 12, 2010 explaining in detail the centralization of servers for the District Attorney's Database.

8. B. Arseneau reminded the Commissioners of the upcoming EMA Awards Banquet on November 23, 2010 at 6:00 p.m. Commissioner Fowler will attend. Both Commissioners Berry and Shorey were not sure at this point and asked B. Arseneau to speak with them again before the R.S.V.P. deadline.

9. The City of Belfast sent notice of a Downtown & Waterfront Master Plan Kick-off Meeting Wednesday October 20, 2010 at 7:00 p.m. at the Boathouse Steamboat Landing.

10. B. Arseneau reminded the Commissioners that the County is holding a Vehicle/Tool Auction November 6, 2010 at 10:00 a.m. at the Waldo County Sheriff's Office.

**MINUTES:**

B. Arseneau asked if the Minutes from October 5, 2010, October 12, 2010, (with the amendment they requested) October 14, 2008 and October 23, 2008 were acceptable to the Commissioners.

**\*\*W. Shorey moved, A. Fowler seconded to accept the minutes from October 5, 2010, October 12, 2010, October 14, 2008 and October 23, 2008. Unanimous.**

**MISCELLANEOUS BUSINESS:**

1. Tabled Discussion: Corrections Request. This was not discussed.

2. W. Shorey emphasized that he is very much against construction of the EMA/Sheriff's Office starting during the winter months. The Commissioners agreed that Commissioner Berry would speak with D. Rowley about this matter.

3. The Commissioners requested that the EMA Director send to each Commissioner whichever test materials they are missing for NIMS Compliance.

**\*\*A. Fowler moved, W. Shorey seconded to adjourn the Commissioners Court Session at 11:30 a.m. Unanimous.**

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