

**WALDO COUNTY COMMISSIONERS COURT SESSION
NOVEMBER 13, 2012**

PRESENT: Commissioners William D. Shorey – Chairman, Amy R. Fowler and Betty I. Johnson. Also present was County Clerk Barbara L. Arseneau to take minutes.

Call to Order: Commissioner Shorey called the court session to order at 9:00 a.m.

TREASURER’S REPORT:

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

COUNTY REVENUE

D. Parkman reported County revenue being 95.71% received at this time.

APPROPRIATIONS

D. Parkman stated that the budget could be at 87% expended but is currently, overall, 79% expended. D. Parkman reviewed each of the departments’ bottom line expenditures. He noted the only large overdraft is in the Tower Lines portion of the Communications Center Budget.

CORRECTIONS BUDGET

All wondered why the part-time line of the Corrections budget is 61% expended and the over-time line is 66% expended. A. Fowler added that she wanted to know the reasons why and wanted this request on the record. She acknowledged that the Spillman lease payment is paid ahead. When A. Fowler asked why plowing was already 61% expended, K. Trussell explained that snow removal invoices from last year came in after the books for the year had been closed. There was discussion of sending a note to the vendors explaining the County’s accounting process and indicating that invoices need to be received in a timely manner.

W. Shorey said he had recently asked the question that if the Reentry was at its capacity of 32 people, would the existing food budget be sufficient and had learned that it is not.

D. Parkman reported that \$193,016.52 in the Jail will be remaining. The Tax Anticipation Note will be paid down in the amount \$550,000.00 on the Jail side. On the County side, there will be \$412,219.00. Included in this is \$900,000.00 that the County is paying off on the TAN.

W. Shorey asked if there had been any more communication on the audit with the new auditor. D. Parkman said there had not, but stated that he would get back in contact with him. When asked about the Federal Audit for grant funds expended, K. Trussell said she had requested figures from EMA Director Dale Rowley. D. Parkman said he wished that all department heads who apply for grants would submit them with federal audit costs built in to the request. Both K. Trussell and B. Arseneau explained to D. Parkman that it is not always possible to do that, as some grant applications don’t permit those costs to be included.

W. Shorey inquired about whether or not the Jail Audit had been started. D. Parkman said it has not, and after brief discussion, all agreed that the new auditor should be asked to do this.

Towns that have paid their assessments: Belfast has paid almost ½. Paid in full are Burnham, Freedom, Jackson, Knox, Monroe, Montville, Palermo, Prospect, Searsport, Stockton Springs, Swanville, Troy, Unity, Waldo, Winterport, and the Unorganized Territories.

****B. Johnson moved, A. Fowler seconded to file Treasurer's Report. Unanimous.**

WARRANTS:

****A. Fowler moved, B. Johnson seconded to authorize payment of the October 26, 2012 General Fund Accounts Payable and October 11 and 25, 2012 Payrolls warrant in the amount of \$309,967.00. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the October 26, 2012 Capital, Active & Restricted Reserve warrant in the amount of \$50,036.35. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the October 26, 2012 Reentry Accounts Payable and October 11 & 25, 2012 Payrolls warrant in the amount of \$138,029.39. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the October 26, 2012 MCRRC Restricted Reserve warrant in the amount of \$3,280.37. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the November 13, 2012 General Fund Accounts Payable and November 8, 2012 Payroll warrant in the amount of \$1,154,938.02. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the November 13, 2012 Capital, Active & Restricted Reserve warrant in the amount of \$7,198,36. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the November 13, 2012 Reentry Accounts Payable and November 8, 2012 Payroll warrant in the amount of \$597,371.72. Unanimous.**

TECHNOLOGY BUDGET REVIEW:

Present was James Arseneau, Technology Consultant, who spoke with the Commissioners about the following:

1. The recent news article rating County web sites (Sunshinereview.org). It was noted that the data was based on County web sites back in 2009. J. Arseneau explained that the County has added a great deal to the web site since that time. He inquired about lobbying information and was told that the Maine County Commissioners Association was not a lobbying firm. Waldo County does not currently fund lobbying services. There was discussion on whether or not vendor contracts and union contracts should be included on the web site. Regarding public records, the State Public Records Officer has stated that there are two different things; Freedom of Access Act (FOAA) and Freedom of Information Act (FOIA). They are two distinct things. It would be good to have the public records request form on the web site. B. Arseneau explained that the current law does not mandate requests for records be made in writing, but

stated that she fills out one for people when they come in order to make sure she has their request correct. The Commissioners agreed that it might be a good idea to include this form on the site and if people chose to use it, it would be very, very helpful. Also discussed was the County Valuation Form each year. Budgets have already been on the County Web Site since 2000. There was discussion of the Sunshine Review, its origin and how this group became the “graders” of county transparency. J. Arseneau explained that other than the cost of hosting the site, which is \$300.00 annually, it does not cost the County anything to keep the web site going as it currently is. A. Fowler said that she felt it was very important for the County to have information about what it does on the web site. The Commissioners agreed for the tax assessments to be put on line, to state that the County does not currently fund lobbying services, and to state that contracts are available for review at the County Commissioners Office. J. Arseneau explained that the value of rectifying this false report is that there are so many people who believe anything they see on the Internet. The Commissioners authorized J. Arseneau to send an email back correcting the misinformation to Sunshine Review. B. Johnson added that anything that promotes and puts County government in a positive light is a good idea.

2. Back on May 8, 2012, J. Arseneau had discussed the security audit that was performed by the State of Maine. Encryption had been discussed and was found deficient in one area. If the County does not comply with this, the State has threatened to disconnect the County. Belfast is in the middle of encrypting fiber optics between them and the County. This will also cover the other outside agencies coming in. The cost to do this was about \$7,900.00 to take care of any connection coming into the County. W. Shorey said he had spoken with the Deputy Treasurer and she had recommended transferring money from Undesignated Funds to the Technology Reserve to take care of some of these bills.

****B. Johnson moved, A. Fowler seconded to transfer \$20,000.00 from Undesignated Funds to the Technology Budget. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize the expenditure of \$7,900.00 for encryption with Winxnet as recommended. Unanimous.**

3. Spillman has notified the County that the current server does not meet requirements for the next upgrade. Spillman has confirmed that the specification the County already had obtained is what the County should do. J. Arseneau said there might be an opportunity to do something similar to what Hancock County did to save some money. J. Arseneau read from a list of “Best Practices”. He noted that there had been a recent comment by a Budget Committee member that the County has “Cadillac” computers. This has never been the case; the original equipment and all equipment purchased since has been “middle of the road” equipment. J. Arseneau stated, for public record, that if you look at the City of Belfast’s equipment, it may be old, and it also isn’t efficient. He reminded the Commissioners that the 2012 Budget Committee had asked that the County hold off one more year before doing upgrades. It had been everyone’s understanding that this year (2013) was supposed to be the year it would be accomplished.

4. A. Fowler asked about video conferencing costs at the Jail. J. Arseneau explained that there is a breakdown of the accounts that he had sent previously to both the Sheriff and A. Fowler and he would resend it.

COMMUNICATIONS BUDGET DISCUSSION:

Present with the Commissioners was Communications Director Owen Smith. O. Smith explained that he had submitted what he believed was a good, solid budget to the Commissioners and the Budget Committee, but after reading the section of the minutes from the October 23, 2012 Organizational Meeting with the Budget Committee, he was concerned about statements that had been made. He said he has decided to go back through the history of the part-time and over-time lines to try and explain the reasons for the staffing in order to run the Center properly. He expressed concern that the Budget Committee may not have an accurate understanding of the operation of the Center.

After some discussion about over-time and getting input from O. Smith about the second floater position, it was recommended that the overtime line be reduced from \$30,000.00 to \$20,000.00 with the understanding that this is the absolute lowest that this budget can be reduced. This would mean that the over-time had been reduced about \$40,000.00 in the last two years. O. Smith said he would do his very best to make this work.

A. Fowler noted that the County departments try very hard to listen to the Budget Committee's recommendations for budget reductions and try to go back the following year and let the Committee know how the budget reductions either worked well or may not have worked and why.

There was discussion of seating during budget meetings and that people sitting back-to the audience sometimes presented issues for the audience to hear the discussion.

A. Fowler reminded all that even before the Commissioners review the Communications Center budget request, the Board of Directors reviews the budget first; so this budget is especially scrutinized.

****A. Fowler moved, B. Johnson seconded to reduce the 2013 Over-time line in the Communications Center budget to \$20,000.00. Unanimous.**

The Commissioners instructed the County Clerk to revise the sheets for that budget to be emailed and mailed to the Budget Committee before the Budget Meeting this coming Saturday.

EXECUTIVE SESSION:

****B. Johnson moved, A. Fowler seconded to go into Executive Session at 10:45 a.m. for discussion of appointment, assignment and duties as permitted by M.R.S.A. Title 1 § 405-6(A). Unanimous.**

****A. Fowler moved, B. Johnson seconded to come out of Executive Session at 10:56 a.m. Unanimous.** No action was taken.

MAINE MUNICIPAL GRANT AWARDED:

O. Smith informed the Commissioners that the Maine Municipal Ergonomic Grant that was applied for by Human Resources Director Michelle Wadsworth to obtain two new Ergonomic Chairs for the Communications Center had been approved. The grant covers two-thirds of the cost up to but not exceeding \$626.67. When the project is complete, proof of payment must be sent to MMA for reimbursement. The County has up to one year to use the grant funds. The Commissioners expressed their pleasure that this grant had been awarded.

O. Smith and A. Fowler briefly discussed the current situation in which dispatchers have bought their own sweatshirts and jackets with the Waldo County Regional Dispatch Center logo on it. O. Smith mentioned that if there is money left in the 2012 budget, he would like to see it go toward providing this type of uniform for the dispatchers.

O. Smith informed the Commissioners that all the dispatchers had volunteered to help WCAP fill Thanksgiving baskets at the Tarratine Club. The Commissioners commended the employees for their volunteer spirit.

FACILITIES MANAGEMENT AGENCY REPORT:

1. CLEANING CONTRACTS

Present with the County Commissioners was Facilities Manager Keith Nealley. K. Nealley submitted a spreadsheet as a consideration for hiring a part-time janitorial employee. He noted that specialty services, such as carpet steam cleaning and floor buffing, might require hiring an outside contractor. The Commissioners agreed that it might be good to look into this and consider the logistics. It could result in cost-savings to the County rather than continuing to hire an outside contractor for day-to-day janitorial services. The Commissioners agreed to authorize K. Nealley to continue to research this. One memo that had recently been sent to K. Nealley and which was forwarded to the Commissioners was a commendation by Child Advocate Harriet Kearns from the District Attorney's Office. She commended Maureen Hall, who currently cleans the Superior Courthouse, for her excellent work and high standards.

2. K. Nealley reported that he and an inmate from the Reentry facility repaired the damage on the Fortin garage abutting the County property, as vehicles have repeatedly backed into it.

3. K. Nealley reported that work is being performed after being brought to his attention during a recent site review. Evacuation Plans were absent, MSDS sheets also need to be updated. K. Nealley is working with department heads to get these accomplished.

HEALTH INSURANCE RENEWAL DISCUSSION:

After very brief discussion on whether or not to continue with the out-of-network provision as it currently stands, (which treats out-of-network providers and claims as in-network) the County Commissioners voted as follows:

****B. Johnson moved, W. Shorey seconded to keep the out-of-network provision as is. Passed by two with A. Fowler opposed.**

****A. Fowler moved, W. Shorey seconded to increase the employee portion of the applicable premium to 15% for 2013 in keeping with past discussions. Unanimous.**

EXECUTIVE SESSION:

The Commissioners did not need this previously scheduled Executive Session.

BROWNFIELDS EPA CLEANUP GRANT APPLICATION REVIEW:

B. Arseneau requested that this be added to the agenda, as she had not known until receiving an Email the day before (which was a holiday) that there were two more votes that needed to be taken on two documents related to the EPA Brownfields Cleanup Grant.

****B. Johnson moved, A. Fowler seconded to add review of the Brownfields EPA Cleanup Grant to the agenda. Unanimous.**

****B. Johnson moved, A. Fowler seconded to vote that the actions (1) to form Congress Street Hill Property, LLC for the purpose of holding title to the Congress Street Hill Condominium Units 1 and 2 (including the Jailer's Keep and Barn, and the Old Jail) for the purpose of and during the period of (a) making application for a Brownfields Remediation Grant to EPA, and (b) if that application is approved, the remediation of Units 1 and 2, and (2) the actions of William D. Shorey, Chairman of the Board of Waldo County Commissioners, Scott Story, Sheriff of Waldo County, and Owen Smith, Communications Director of Waldo County in executing the Limited Liability Company Agreement of the Congress Street Hill Property, LLC as a Manager-Managed Maine limited Liability Company (with the Sole Member being the County of Waldo), are hereby ratified and approved. Unanimous.**

****B. Johnson moved, A. Fowler seconded to transfer title of Units 1 and 2 from the County to Congress Street Hill Property, LLC after the November 14, 2012 City Belfast Planning Board Meeting. Unanimous.**

CORRESPONDENCE:

Present with the Commissioners was County Clerk Barbara Arseneau, who reported the following:

1. Vance Wells of Time & Tide RC&D stopped by before the Commissioners Court Session and asked if he could meet with the Commissioners. The Deputy County Clerk had informed him that the agenda for this morning's meeting was full. The Commissioners instructed the County Clerk to let Mr. Wells know that they do not have time to meet with him prior to the budget meetings, so perhaps he can make a presentation at one of the budget meetings.
2. B. Johnson requested that the pens the County ordered for National County Government Day (which was cancelled last year) be distributed to other departments, etc. so that they can be used and not dry up.
3. Peter Woodward has requested a hearing to appeal a decision made by the Town of Palermo regarding his property assessment. As this request appears to meet all criteria, the Commissioner instructed the County Clerk to schedule the hearing on December 11, 2012 court session.
4. Thanks to recent efforts to contact the Town of Islesboro, especially by Commissioner Johnson, the Town Manager has contacted the County and asked for an agenda for the November 17, 2012 budget meeting so that the Selectmen can decide who they will send to finish the last year of the three-year term for Islesboro for District 1.
5. Attorney James Katsiaficas sent a copy of the Maine Superior Court's final Order in the Sage matter regarding the filing of "liens" against the DA and Court Officials. The Plaintiffs will be filing this Order in all Registries in the State. Under it, Dustin Sage, his parents and anyone acting on his behalf will need to file a motion with the Superior Court and have it approved by the Court before he can record any document against any of the persons listed in the Order in any Registry in the State. If he attempts to

violate the prohibition on this Order by recording a document against a listed party in Waldo County, the Commissioners should contact Attorney Katsiaticas and he would contact the Plaintiff's counsel.

6. EMA Director Dale Rowley sent a Homeland Security Grant Program application in the amount of \$52,619.00 to the Commissioners for the chairman's signature. Commissioner Shorey signed the application.

7. EMA Director Dale Rowley made the suggestion during the most recent Department Head Meeting that the 2013 Budget be projected onto a screen during budget meetings so that changes in the budget could be made and displayed immediately so that people could know what the changes would be. The Commissioners stated that they were not in favor of handing it in this manner but extended their thanks for the suggestion.

8. Communications Center trainee Amber Stanhope has resigned her position at the Communications Center effective September 26, 2012.

****A. Fowler moved, B. Johnson seconded to accept the resignation of Amber Stanhope retroactive to September 26, 2012. Unanimous.**

9. Chief Deputy Jeffrey Trafton sent a letter indicating that Deputy Mark Bennett was no longer employed as Deputy effective October 31, 2012.

****B. Johnson moved, A. Fowler seconded to accept that Deputy Mark Bennett was no longer employed as a Deputy effective October 31, 2012. Unanimous.**

10. Pay steps were noted for the following employees:

- Deputy Register of Deeds Stacy Grant completed her 16th year of employment at the Waldo County Registry of Deeds Office to \$20.31 effective November 4, 2012. Unanimous.
- Legal Secretary Felicia Story has finished the six month probationary period and received a pay step increase from \$15.01 to \$15.42 per hour effective October 9, 2012.

****B. Johnson moved, A. Fowler seconded to adjourn the court session at 11:50 a.m. Unanimous.**

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