

**WALDO COUNTY COMMISSIONERS COURT
MARCH 12, 2013**

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.

FINANCIAL REPORT:

Present with the County Commissioners was Treasurer David A. Parkman and Deputy Treasurer Karen Trussell, who reported the following:

COUNTY APPROPRIATIONS:

D. Parkman reported that there will be \$28,000.00 in the checking account after the current warrant is processed. \$50,000.00 has been borrowed on the T.A.N. at this point. K. Trussell noted that this is the same as last year at this time. The County budget is about 16% expended.

CORRECTIONS:

D. Parkman reported that there will be \$19,000.00 in the Jail account after this warrant. \$1.1 million has been borrowed on the Corrections side from the Tax Anticipation Note. This budget should be about 67% expended and it is 69% expended.

K. Trussell reported that one of the town officials had called to see if the taxes assessed were correct and then commented that the town certainly couldn't complain as it had only increased slightly.

REVENUE:

17% of Revenue is expected at this point in the year and is currently 19.25% received. D. Parkman commented that normally the County is further ahead than this by March, but K. Trussell explained that this past month was slow for the Registry of Deeds.

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

WARRANTS:

W. Shorey read the amounts from the warrants and they were approved for payment as follows:

****B. Johnson moved, A. Fowler seconded to authorize payment of the February 28, 2013 General Fund and February 14 and 28, 2013 Payrolls in the amount of \$354,989.16. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the February 28, 2013 Capital, Active and Restricted Reserve warrant in the amount of \$13,869.12. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the February 28, 2013 Reentry Accounts Payable warrant and February 14 and 28, 2013 Payrolls in the amount of \$142,983.52. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the March 12, 2013 General Fund Accounts Payable warrant in the amount of \$79,292.09. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the March 12, 2013 Active and Restricted Reserve warrant in the amount of \$3,325.67. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the March 12, 2013 Reentry Accounts Payable warrant in the amount of \$56,876.96. Unanimous.**

D. Parkman asked if the Commissioners had heard from the District Attorney's office regarding progress with the restitution account. W. Shorey explained that the staff have had some training for the accounting system and will continue to receive training. The Prosecutorial Assistant is working diligently to catch up on the prior accounting to enter it into the system. Any questions they have, they talk with the Deputy Treasurer regularly about and things are moving along. The current bank account will be closed March 18th and a new one opened the same day. K. Trussell has contacted the bank so that D. Parkman should be able to fill out his portion of the paperwork on Friday while he is here signing checks. D. Parkman commented that he had sent the auditor over last year and there was nothing to compare the figures to in the checking account and expressed concern over the way things have gone up to this point. The Commissioners stated that there would be good accountability from now on, the new account will create a clean start and the system should move forward smoothly from here. W. Shorey stated his observation that the staff is working well, communication is good, training is ongoing, etc.

GRAND JURY ROOM RENOVATIONS DISCUSSION:

W. Shorey discussed the goal of renovating the Grand Jury Room at Superior Court into an office for the Prosecutorial Assistant and asked that the Commissioners allocate \$15,000.00 from the Courthouses Reserve to accomplish this. The Commissioners read through the list provided by the Facilities Manager which included carpeting, a filing system, assistance with IT needs, a table, chairs and miscellaneous items (paint, shutters, etc.) totaling approximately \$13,900.00.

****B. Johnson moved, A. Fowler seconded to move up to \$15,000.00 for renovating the Grand Jury room as presented. Unanimous.**

DISCUSSION OF PERSONNEL CHANGES IN ASSIGNMENTS & SHERIFF'S REPORT:

Present were Sheriff Story and Chief Deputy Jeffrey Trafton to discuss the following with the Commissioners:

SCHOOL RESOURCE OFFICER:

S. Story read from a handwritten sheet with figures. At the highest salary, the total would be \$56,680.00. This included the provision of the health insurance stipend, but this is a mute point because nobody with that circumstance applied. S. Story explained that the Sheriff's Office was giving the school a lower rate on the vehicle because they are using an older vehicle. School vacation time will need to be calculated. Some things are split, such as IT. It is a cost increase to the County to have this person on the County's roster during the summer vacation months. He

figured that it would be about \$18,000.00 more for the County, but some of that will be “bought back” in what would have been spent in over-time. The Commissioners stated that they understood.

****B. Johnson moved, A. Fowler seconded to allow the Sheriff to change the SRO Officer position to a full-time Deputy position performing SRO duties during the school year and patrol duties during school vacations with a cost share with the County for those vacation times.**

Discussion: A. Fowler asked if there was enough money in the Sheriff’s budget and was told that it might run it over a bit, but it may not depending on how the year went. W. Shorey said they needed to remember that the Sheriff had returned about \$40,000.00 in other savings.

OPENING VEHICLE BID PROPOSALS:

Three bid proposals were received for three trucks for the Sheriff’s Office:

1. Bessey Motor Sales: The total for three Ram Crew 1500 4x4’s is \$23,346.00 each, for a total of \$70,038.00. This includes a 100,000 mile warranty. Three trade-ins (cruisers) would be accepted for a total of \$7,100.00.
2. Quirk (Augusta): Each truck would be \$23,520.00 and add \$300.00 for a spray-in bed liner. The total for all three would be \$70,560.00. Trade-in for the three cruisers would be a total of \$7,085.00.
3. Newcastle: Each truck would be \$23,152.00 or \$69,456.00 total for all three. Trade-in value for the three cruisers would be \$8,800.00. The net cost would be \$60,656.00 total for all three trucks.

After brief discussion, the Commissioners voted as follows:

****A. Fowler moved, B. Johnson seconded to accept the bid proposal from Newcastle for \$23,152.00 each truck and for a trade-in of \$8,800.00 for the three cruisers. Unanimous.**

S. Story explained that he has requested U-connect in the vehicles so that officers will not have to hold their cell phone in their hands while driving. He felt this was important for safety and consistent with the Sheriff’s Office “preaching” about driver safety and non-distracted driving.

The Sheriff stated that he has traded in his truck and has ordered the new one, and will be able to pay about the same monthly that he currently is, which is still a good deal for the County because of the arrangement the County has in paying him a stipend for using his personal vehicle rather than a County vehicle.

DISCUSSION OF MEDICAL COVERAGE AT MCRRC:

S. Story reminded the Commissioners that the Reentry’s long-term nurse practitioner passed away a year or so ago. Another practitioner has been tried in the interim and it was determined that the cost was more than desired. Another person who has filled in over the years during

illness of the long-term practitioner was offered this opportunity. He is able to do the work within the budget set in the Sheriff's Office. S. Story stated that the medical expenses are not the way they used to be before the mission change. Any major medical issues go back to the State. \$15,000.00 a year is for sick-call coverage. This arrangement can be terminated with 30 days notice by either party, since it is more of an MOU than a contract. The other money in the budget covers medicines and other medical issues that arise. W. Shorey commented on the savings to the County not to have to "foot the bill" for major medical costs related to the inmates before the Jail consolidation. He acknowledged that many of Waldo County's inmates are at Two Bridges Jail, which has a medical facility in it.

The Commissioners felt that no vote was necessary and approved the decision of the Sheriff.

A. Fowler inquired about the Professional Services line. S. Story was not sure about that because it is generated by the Commissioners Office. B. Arseneau explained that this line includes funding for the payroll company, some for possible attorney fees and a very small portion for architectural fees that may be necessary.

There was some discussion about some money paid for the culinary arts program at the Reentry facility. S. Story explained that this is not a permanent program. He noted that programs at the Reentry are constantly being re-evaluated to be sure they are effective.

EXECUTIVE SESSION:

****B. Johnson moved, A. Fowler seconded to go into Executive Session for consideration of employment assignment and duties as permitted by M.R.S.A. Title 1 § 405 – 6(A) at 9:52 a.m. Unanimous.**

****B. Johnson moved, W. Shorey seconded to come out of Executive Session at 10:09 a.m. Unanimous.** No action was taken.

DISTRICT COURT LEASE DISCUSSION:

W. Shorey asked B. Arseneau to pass around copies of the draft District Courthouse lease for 2013-2016 for the Commissioners to review. B. Johnson asked if they could have some of these types of documents earlier prior to the Court Sessions so that they can have time to review the documents in advance.

****B. Johnson moved, A. Fowler seconded to sign the lease as presented. Unanimous.**

The Commissioners instructed B. Arseneau to clean up a final draft, for the Commissioners to sign it and then forward it to the State Court Administrator.

DISCUSSION OF PROPOSED LEGISLATIVE CHANGES TO MAINEPERS PLD RETIREMENT PLANS:

Present for this discussion was Human Resources/Payroll Director Michelle Wadsworth and Deputy Treasurer Karen Trussell. K. Trussell reported that MainePERS is reporting the changes to the Appropriations Committee, even though the State of Maine has no money invested. MainePERS is looking to increase the employer and employee contributions up to 8% and the

employer cost will be raised first. Any questions or comments have to be sent to the PLD Advisory Committee.

Reason for this change is when the stock market crashed, they lost \$400 million. Typically, MainePERS likes to maintain the fund levels at 90% or higher and because they are falling below that, this is the reason for the increase.

The 8% used to be what the employer paid. This was reduced down to 2.8% in 2002 because they were well funded. It has gradually been going up since.

The retirement age is going to be changed to 65 for new members only (not existing members). Because the retirement amount is based on the three highest years, there is discussion of changing that to be the average of all the years.

There is nothing the County can do. M. Wadsworth mentioned that the County could look at offering alternate plans to new employees. Someone had asked if they could just stop offering the plan. Because of the way MainePERS had people sign that they would either be in the plan or would not be in the plan, they are now locked in one way or the other at whichever way they chose at that time.

It was reiterated that the employee's portion will not be increased to 8% until the employer portion has reached it. This has been proposed to go into effect in 2015.

M. Wadsworth reported that there has been some question about employees paying Social Security. Since the County enrolled with the Maine State Retirement plan in 1959, the employees have been paying both Social Security and MainePERS and cannot change that.

The proposed legislation was printed out for the Commissioners along with the language. The Commissioners thanked K. Trussell and M. Wadsworth for the information, acknowledging that there is nothing the County can do to change the proposed legislation and will have to pay the increased cost, whatever that ends up being.

UPDATE ON WELLNESS PROGRAM:

Reporting this update to the Commissioners was Human Resources/Payroll Director Michelle Wadsworth.

1. M. Wadsworth submitted the written proposal that was based on the suggestion by Commissioner Fowler for a \$50.00 reimbursement to employees for fitness equipment. Minor changes in the original suggestion were as follows:

- Employees would make the purchase first, it would need to meet fitness criteria (exercise videos/DVD's, sneakers, tennis racket, etc.).
- Employees need to submit original receipt, clearly identifiable as fitness-related, and these will need to be submitted by June 30, 2013.

B. Johnson suggested that the Commissioners approve this. It will cost close to \$5,000.00 (based on if all employees took advantage of this.)

****A. Fowler moved, B. Johnson seconded to approve up to \$4,750.00 for reimbursement of fitness-related items up to \$50.00 per employee with receipt as proof of purchase. Unanimous.**

2. GYM Criteria question:

M. Wadsworth told the Commissioners she was looking for guidance on the criteria for employees to continue receiving up to half of applicable gym membership. She submitted a list of questions for them to review.

B. Johnson explained health-related scenarios that might temporarily impede an employee's ability to fulfill their criteria in gym attendance in order to have the County continue to pay up to half of their membership.

B. Johnson also said that she would like to see the reporting go to quarterly rather than every six months so that employees would know where they stand on meeting the criteria.

W. Shorey asked how many people were enrolled and was told a total of 38 people. So far \$1,400.00 approximately has been spent. There was discussion about those who have been attending but have not appeared to meet the 50 times per six months criteria (although it was acknowledged that the six months was not over until the end of March). Another issue to consider was the "glitch" with the "Y" scanner not scanning properly so it was not possible to really know whether some people met the goal or not. At this point, it only shows that 4 people at the "Y" met the goal.

A. Fowler said that she felt that she did not want to pull the program, especially this soon. She thought that if people really wanted to work on their fitness, they would pay the whole thing regardless of what the County was offering.

The Commissioners discussed whether or not to change the payment based on quarter. The numbers would be 25 visits per quarter. It averages a little more than twice a week. B. Johnson recommended starting the first trial period effective January 1st through June 30, 2013 rather than October 2012 through March 2013. She said there were other considerations to figure such as when people start enrollment (if later than October).

After more discussion the Commissioners voted as follows:

****B. Johnson moved, A. Fowler seconded to change the trial period to January 1, 2013 to June 30, 2013 for six months and review the participation at that point. Unanimous.**

UPDATE ON RESPONSE PLAN PROJECT:

Present: Communications Director Owen Smith and Technology Consultant James Arseneau. O. Smith submitted two sheets: One was a recap of the response plan accomplishments and the other was an update on overtime costs resulting from intense work on the Response Plans. The total overtime cost so far for "dedicated shifts" to perform this work has been \$1,178.88. Costs

for technology consulting have been \$2,100.00 so far. There have been five work sessions to work on this and O. Smith reported that it has gone well. They have concentrated on the smaller towns first, as they don't have as many zones, etc. Now the bigger Towns are left. O. Smith stated that there will probably be 1500 to 2000 plans when they are all done. A. Fowler asked what 580 Fire and 175 Ambulance meant. She asked if this was by town. O. Smith explained that the towns often have a number of different zones and then there are several different "natures" within those zones. They will all be entered at this point the way they were submitted and once the agencies can figure out how to simplify things a bit, then they will be changed.

J. Arseneau explained that, basically, if a town has six zones and 42 natures, multiply six by 42 for Fire and then six by 42 for ambulance. This is how they add up so quickly. Testing has been done as they have been going along, so that the plans won't be released until they have met the tests. This has been good at "shaking" out any issues.

O. Smith, using the Town of Liberty as an example, stated that in this case, there will be a fire truck in almost every town responding to almost every ambulance call. Bill Gillespie (Liberty Fire) does not think that is correct. There is also some concern about fire departments being paged for law enforcement calls. Usually emergency equipment is staged so that they are not all responding at the same time; for example, if there was a school shooting, you would not want a fire truck responding the same time as law enforcement because you don't want out any more people on such as scene as necessary for safety reasons.

O. Smith reported that Jeff Archer spoke last Thursday during the Board meeting and said he will look back through the plans because they may not want fire trucks responding to every call the way they currently have it set up in the plans.

O. Smith said that there are issues that still need to be worked out and understood regarding cell calls that come in near zone borders and that there may be some duplication or confusion of calls out. It was explained that if a caller cannot give a specific address, the dispatcher is not going to know exactly who is called out and this has being explained to the town agencies so that they will not get upset if the wrong zone is called. The dispatcher can only do the best they can and nothing can be done about that. The system works based on addresses.

A. Fowler asked why these were different than law enforcement plans. J. Arseneau responded that firefighters have been more specific about what they want.

O. Smith explained that more work sessions have been scheduled. Not all sessions require paying dispatchers over-time. It depends on the shifts. There may be over-time if their shifts need to be covered. They have been trying to do these work sessions during regular shifts.

O. Smith restated that the five dedicated sessions have gone really well so far. He explained that when he refers to the "bigger" towns, this only mean the towns that have created more zones and more natures.

A. Fowler asked if the firefighters are happy with what has been done so far. O. Smith said that Jeff Archer had called in during the most recent board meeting and had not expressed any

displeasure. He reiterated that J. Archer is going to research whether or not some of the towns really intended for fire trucks to be dispatched to every ambulance call. Meanwhile, O. Smith will keep moving ahead so that these response plans can be entered and tested by May 1st.

O. Smith commented that some agencies have not filled out a lot of detail on their plans because they want to be able to tell the dispatchers what they want on a case-by-case basis.

J. Arseneau said there was a lot of discussion among the dispatchers entering the data the first few days. The dispatchers were instructed not to question everything that has been requested to enter but simply enter it as it was submitted, and then the town can change it at a later date if they wish.

O. Smith mentioned that future changes in these plans be done on a scheduled basis, not on an “as-requested” basis. Perhaps they could be updated every six months or so.

W. Shorey asked if there were still two floaters. O. Smith responded that there are no floaters; one ceased employment, one is being trained and will be working in April. A third person will be hired and should hopefully start dispatching in June.

A. Fowler asked how it went housing Knox dispatchers while Knox was changing out its dispatch facility. O. Smith replied that it went extremely well, and mentioned that there were 17 students who all called on cell phones and it jammed up Knox and Waldo took over. This was part of a planned exercise at Oceanside School, but the students calling were not part of the plan. It is now known that any overflow on 911 at Knox RCC will come here.

MISCELLANEOUS COMMISSIONERS BUSINESS:

1. MCCA has asked for an item from each County to decorate the wall as a representation of that county. A. Fowler suggested obtaining a copy of the photo of Belfast Bay that was used on the MCCA Convention schedule from when Waldo County hosted the convention. She suggested possibly an 11” x 17” of this and perhaps another in the same size of a nice County map. The goal is to make the MCCA office look professional and reflect the Counties.

2. A. Fowler said she has been approached by an EMA employee about EMA using Facebook for work-related business. She would like to send out a survey to all counties to see how they handle this.

3. A representative from Thayer Corporation requested a meeting with A. Fowler, so she met with him about potential savings the County might enjoy. She would like to discuss this with the Commissioners during their next non-court session workshop. W. Shorey made the point that he wasn’t sure if there would be a lot of savings without an expensive contract first.

4. B. Johnson said she has signed up for a technology workshop in Augusta on April 30, 2013. The County Clerk registered her for this class as requested. B. Johnson has also signed up for a course on how to handle email archiving and record retention. She will be attending both part one and part two. She wants to make sure the County is compliant with Freedom of Access

Changes.

MINUTES APPROVED:

****B. Johnson moved, A. Fowler seconded to approve the minutes from the February 12, 2013 Waldo County Commissioners Court Session. Unanimous.**

CORRESPONDENCE:

1. L. Kinney spoke with the Commissioners about an opportunity to replace the County's Maine Revised Statutes Annotated books for a reasonable price. The books have not been replaced in over 16 years and the pocket parts updates are now becoming so thick that the bindings are starting to break. To get new volumes would cost \$2,330.00. As they are now, the County has to pay \$1,684.00 for pocket parts updates alone each year. Since \$2,000.00 has been budgeted for statutes, she believed it was practical to update volumes.

****A. Fowler moved, B. Johnson seconded to authorize the purchase of new Maine Revised Statutes Annotated as presented in the amount of \$2,330.40, with \$330.40 to come out of the Professional Services line. Unanimous.**

2. B. Arseneau asked the Commissioners about recent communication from the Technology Consultant providing information about the three quotes received for the IBM E4C server and five year, 24x7, 4-hour warranty support for a total of \$29,202.98 and whether or not they needed to vote on this. The Commissioners determined that because it had been allocated in the 2013 budget request, it required no additional vote.

3. B. Arseneau informed the Commissioners that Robert Nelson, who performs a lot of research work for various clients and surveyors, had provided the County Commissioners Office with a list of road names to use as an unofficial cross-reference while doing road research. B. Arseneau expressed her gratitude and explained that this will be very helpful in narrowing down roads which are currently not named in the County's index. The Commissioners were very pleased by this donation of valuable information and agreed to use it in the office as an unofficial record to assist in searches for road information.

****A. Fowler moved, B. Johnson seconded to accept the road-naming document shared by Robert Nelson as an unofficial record for in-office use only, expressing gratitude for this information. Unanimous.**

4. The Commissioners held brief discussion of contracts and who of the Commissioner's Board should sign them - all the commissioners or just the chairman? A. Fowler stated that she had looked up the law and believed all the Commissioners needed to sign contracts for them to be legal documents. B. Johnson agreed with this and that many things should be signed by all the Commissioners. W. Shorey asked for examples of things signed illegally, preferably in writing. B. Arseneau wondered if votes taken by the Commissioners would cover the legal part, particularly in the case where there was only one name requested on a document. A. Fowler said she would try to find the law she had read.

5. Deferred Compensation Plan Emergency Withdrawal change: B. Arseneau told the Commissioners that over the years, a number of employees have requested to withdraw funds from their deferred compensation plan. In recent years, the laws to withdraw funds on an emergency basis have become much more stringent. She spent extensive time trying to research the IRS laws on a recent request received by an employee, but was not able to get a clear understanding or even to get clear information on what is considered a “qualifying” emergency. After speaking with a representative at ICMA-RC, with whom the County has its 457 Deferred Compensation Plan, B. Arseneau was told that there is a provision available to have ICMA-RC make the determination of whether or not an employee’s request meets the criteria of the law. That determination would be sent back to the employee and the County. Ultimately, the Plan Administrator still has the right to go against that recommendation, but since she serves in that capacity, B. Arseneau stated that if she ever made the wrong decision and there was an audit, the County could face fines, etc. She asked for the Commissioners to sign a provision offered by ICMA-RC, at no additional charge, to have them automatically review and make determinations on every emergency withdrawal request made by County employees. The Commissioners agreed and voted as follows:

****B. Johnson moved, A. Fowler seconded to sign the agreement between ICMA-RC and the County of Waldo for ICMA-RC to process emergency withdrawal requests on behalf of the participants in the County of Waldo 457 Plan. Unanimous.**

6. Malcolm Ulmer of the MCCA Risk Pool has sent the County’s dues invoice for 2013. The total due is \$8,75.00 and is required by April 8, 2013.

7. Sheriff Story has sent the Commissioners, for the files, dates for the following employee’s whose positions were approved during the February 2, 2013 Commissioners Court Session:

- Detective Jason Bosco’s sponsorship by the Waldo County Sheriff’s Office with the Maine State Police Computer Crimes Investigative Unit for two years as Investigative Agent commenced on February 25, 2013. His pay will be \$24.90 per hour.
- The official date of promotion of Deputy Gerald Lincoln to Detective to fill that vacant position was February 11, 2013, with a pay increase to \$21.99 per hour.

8. The Commissioners noted the following pay step increases:

- Corrections Corporal Michael Hopkins reached the eight-year pay step on March 8, 2013 with a pay increase from \$19.29 to \$19.83 per hour.
- Sergeant James Greeley will reach the eight-year step on March 13, 2013 with a pay increase from \$22.79 to \$23.41 per hour.
- Corrections Officer Walter Wagner completed training at the Maine Criminal Justice Academy, is now certified and received a pay step increase from \$16.14 to \$16.54 per hour effective February 15, 2013.

9. Commendations were read by the County Clerk in detail for Corporal Christopher Albert for his quick thinking, action and leadership, and for Corrections Officer Seth Curra, Corporal Michael Hopkins and Corrections Officer Walter Wagner for their quick response and assistance in saving the life of a man who attempted to hang himself in the 72-hour hold on January 24, 2013. The Commissioners listened with keen interest and expressed their gratitude and commendation for excellent teamwork in responding to and saving this man.

10. B. Arseneau informed the Commissioners that there was a request from Eastern Maine Development Corporation for funds that they thought were allocated in the 2013 County budget in the amount of \$1,250.00. B. Arseneau sent a letter to Jennifer Brooks of EMDC informing her regretfully that the Budget Committee had voted not to fund EMDC's request during the Public Hearing in December.

11. B. Arseneau shared with the Commissioners a copy of an email message sent from Stockton Springs Manager Richard Couch to Commissioner Shorey complimenting the Commissioners on the nice job they had done in presenting the 2013 budget, noting that the portion for Stockton Springs was less than \$2,000.00 increase over the previous year.

12. B. Arseneau provided her schedule for the month of March to the County Commissioners, requesting permission for some leave time, which was granted.

There being no other business, the Waldo County Commissioners voted as follows:

****B. Johnson moved, A. Fowler seconded to adjourn the Commissioners Court Session at 11:41 a.m. Unanimous.**

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