

**WALDO COUNTY COMMISSIONERS COURT SESSION  
APRIL 14, 2016**

**PRESENT:** Commissioners William D. Shorey (Chairman), Amy R. Fowler and Betty I. Johnson. Also present was County Clerk Barbara 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 were Treasurer David A. Parkman and Deputy Treasurer Karen Trussell. D. Parkman reported the following:

Checking Account Balances:

The County side checking balance is \$18,730.07 and \$1,050,000.00 has been borrowed on the tax anticipation note (TAN).

The Jail checking balance \$21,468.87 and \$50,000.00 has been borrowed on the TAN.

There is \$3,450,000.00 remaining on the TAN.

County Appropriations:

26% of the County budget has been expended and could be 30%.

Corrections Appropriations:

The Corrections budget is 38% expended.

D. Parkman briefly reviewed some of the departmental budgets and explained some of the situations related to expenditure amounts.

County Revenue:

32.01% received.

Jail Revenue:

10.03% received.

There was brief discussion about the Jail CAP and recommended that, depending on unappropriated balances, \$100,000.00 to \$200,000.00 be put aside or the TAN would have to be borrowed on immediately in 2017.

W. Shorey reported that for the next 12 months, the figures related to the Jail Boarding Contract with Two Bridges Jail should remain the same. Nothing has been signed yet, but that is how it appears to be going.

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

**WARRANTS:**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the March 31, 2016 General Fund Accounts Payable warrant and March 24, 2016 payroll in the amount of \$248,775.53. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the March 31, 2016 Capital and Restricted Reserve warrant in the amount of \$19,184.86. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the March 31, 2016 Reentry Accounts Payable warrant and March 24, 2016 payroll in the amount of \$371,924.31. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the March 31, 2016 MCRCC Restricted Reserve warrant in the amount of \$7,207.84. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the April 14, 2016 General Fund warrant and April 7, 2016 Payroll in the amount of \$166,181.90. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the Capital, Active & Restricted reserve warrant in the amount of \$22,707.04. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the Reentry Accounts Payable warrant and April 7, 2016 payroll in the amount of \$94,229.64. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the MCRRC Restricted Reserve warrant in the amount of \$12,982.69. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize a revised payment of the February 26, 2016 Capital, Active & Restricted Reserve warrant in the amount of \$72,416.17 to correct an error. Unanimous.**

#### **CORRESPONDENCE:**

Present to report correspondence was County Clerk Barbara Arseneau as follows:

1. The Commissioners noted that Deputy Wiley McVety will reach the two year pay step on April 16, 2016 with a pay increase from \$20.88 per hour to \$21.17. He also will receive an increase in vacation hours from 80 to 96 per year.
2. The Commissioners noted and expressed their pleasure in reading letters of commendation for the following employees:
  - Deputy James Porter for exceptional kindness and compassion displayed in a recent harassment case.
  - Sergeant Nicholas Oettinger, Deputies Kevin Littlefield, Wiley McVety and Jonathan Shaw for responding to a victim of an overdose who was caring for a young child and for assisting in

providing shelter, a clean bed, a meal and reading stories to the child at the Sheriff's Office until the child could be placed in protective custody.

- Deputy Darrin Moody, who received a thank you note from a couple whose chicken had been stolen and for taking it seriously and being there when the chicken was returned.

3. The State Property Office sent a "Notice of Layout and Taking" of certain parcel(s) of land in Waldo owned by Traci J. Kirkpatrick, including preliminary right-of-way plans for the project.

4. B. Arseneau submitted the 2015 Workers Compensation payroll audit information to the County Commissioners and adjusted contribution. The audit amount due was \$289.00. The Manual contribution totaled be \$83,476.00.

5. Public Access Officer: B. Arseneau informed the Commissioners that, according to M.R.S.A. Title 1, Chapter 13: Public Records and Proceedings, Subchapter 1: Freedom of Access, the county must designate an existing employee as its public access officer to serve as the contact person for that county with regard to requests for public records. The public access officer is responsible for ensuring that each public record request is acknowledged within 5 working days of the receipt of the request by the office responsible for maintaining the public record requested and that a good faith estimate of when the response to the request will be complete is provided according to section 408-A. The public access officer serves as a resource within the county concerning freedom of access questions and compliance. When the county receives a request to inspect or copy a public record, it must be acknowledged and responded to regardless of whether the request was delivered or directed to the public access officer, and the unavailability of the public access officer may NOT delay a response to a request. The public access officer must complete a course of training on the requirements related to public records and proceedings as described in section 412.

B. Arseneau offered to serve in this capacity, as questions are sometimes directed to her anyway regarding public records requests. She explained that she has already taken the training as outlined in section 412, however since it has been several years, she would take it again. B. Arseneau explained that the department heads do an excellent job responding to public records requests and that the only thing she would recommend changing about the process in order to comply with the law is for each department head to notify her when they receive a request for public records, and notify her of their response to that request. She would put together a simple way to accomplish this. The Commissioners agreed.

**\*\*A. Fowler moved, B. Johnson seconded to appoint County Clerk Barbara Arseneau to serve as public access officer for the County of Waldo. Unanimous.**

6. Waldo County Grand Jury is scheduled to convene on May 11 and 12, 2016 at 8:30 a.m. at the Probate Courtroom.

#### **APPROVAL OF MINUTES:**

B. Arseneau requested that the Commissioners approve the minutes from the March 10, 2016 and April 11, 2016 Waldo County Commissioners Court Session as presented.

**\*\*A. Fowler moved, B. Johnson seconded to approve the minutes from the March 10, 2016 and April 11, 2016 Waldo County Commissioners Court Sessions as presented. Unanimous.**

(The County Commissioners then held a tax abatement appeal hearing Petition #370 Debra Paul vs. the Town of Liberty. Please see separate minutes for that hearing.)

**COURTHOUSE PLANNING:**

Present with the Commissioners was District Attorney Geoffrey Rushlau and Facilities Manager Keith Nealley.

G. Rushlau told the Commissioners that he has learned that there is legislature to plan to build a courthouse, and also that a plan exists. This was news to him. Last he had heard, they were looking at expanding the current Superior courthouse.

A. Fowler explained that the Governor has agreed to sign the bill.

G. Rushlau commented that he has seen the plan and the 470' feet designated for the District Attorney and staff is not enough, as it is only about a third of what the D.A.'s office has now. This will be an issue. How the Commissioners resolve this, will be part of the process and G. Rushlau asked that the Commissioners be involved as much as possible in the process; bearing in mind that it will be a state-owned building. If the District Attorney's office cannot be housed in the same courthouse, it would not be ideal and if they must be elsewhere, they request that the County make sure the D.A.'s office be as efficient as possible. In Penobscot, for example, there is only one person that remains permanently in the space. Each day they must pile boxes of files and lug them in and out of the courthouse, and there is no staff space there. In District 6, the D.A. used to only be there a few days a week but with the unified docket, there is more court time, lack of access, a few miles between the office and the court and it is very difficult to work with. He requested that once land is acquired by the State, he hoped the Commissioners would be able to be involved in the process of locating the D.A.'s office. He recognized that the County will be losing revenue when District Court moves out of the County building and would likely be charged rent from the State for D.A. space in their new building. He was simply bringing this to their attention and asked that they be as involved as possible since this will involve County functions.

W. Shorey said that if the State tells the County they have to pay for their own space, it could easily be \$1,500,000.00.

A. Fowler said that the conceptual prints were only for the purpose of asking for planning money from the State. She added that anything above and beyond what the State says they are willing to pay for will cost the County money. She felt the "cart was before the horse" at this point.

B. Johnson responded to G. Rushlau that the Commissioners have heard him, they understand his viewpoint and they will keep that in mind and do what they can.

G. Rushlau said that the report indicated that land would be acquired by May 16<sup>th</sup>. G. Rushlau said he would not want to see the same situation befall Waldo County as it did Penobscot County. He explained that he participated in the recent movie made about the current Superior Courthouse and appreciated that he had practiced law there but understood that will no longer be the case. The Commissioners thanked G. Rushlau for his viewpoints.

## **FACILITIES MANAGEMENT REPORT:**

Present with the Commissioners was Facilities Manager Keith Nealley, who reported the following:

1. Propane Contract: K. Nealley reminded the Commissioners that he had sent them an email message indicating that if they approved, he was able to secure a price of \$1.279 per gallon of propane with Maine Energy, as it was less than another bid proposed by R.H. Foster at \$1,519 per gallon. He noted that the average State price is \$2.19 per gallon. The Commissioners had authorized that he move forward with this.

**\*\*A. Fowler moved, B. Johnson seconded awarding the bid to Maritime Energy at \$1.279 per gallon for the 2016-2017 heating season. Unanimous.**

2. Superior Courthouse Lift: K. Nealley reported that the lift has been installed at the Superior Courthouse and is functional. They have not received a certificate to operate it. Justice Murray is pleased and it doesn't affect his space and the large old door has remained. K. Nealley reported that he has stayed within budget.

3. Jail Elevator Bids: Three companies have come and measured things for the replacement of the Jail elevator and State Elevator Inspector has come and provided pointers and suggested custom work. While it may not be completely ADA compliant, it will be much more closely compliant. This keeps the County from having to put a whole new shaft in. The elevator will not be large enough to put a cot with a person laying down in it; however it will be compliant with State regulations.

4. Pay Step Increase: K. Nealley informed the Commissioners that he has completed 8 years of employment as of April 30, 2016 and is scheduled for a pay step increase from \$47,713.26 to \$49,144.66 in salary. The Commissioners noted this pay step increase.

## **SHERIFF'S REPORT:**

Present was Chief Deputy Jason Trundy, who filled in for Sheriff Jeffrey Trafton who was away at a speaking engagement.

1. New Hire: J. Trundy explained that the Sheriff's Office recently hired Cassandra McDonald as part-time Patrol Officer. He reported that she has done well and they recommend hiring her to fill the vacant full-time position effective April 4, 2016 at \$19.93 per hour, which is the starting pay for a patrol officer without certification.

**\*\*A. Fowler moved, B. Johnson seconded to authorize hiring Cassandra McDonald as full-time Patrol Deputy at \$19.93 per hour effective April 4, 2016. Unanimous.**

2. New Hire: J. Trundy informed the Commissioners that an applicant, Jeffrey Rice, graduated from the Academy in 2010, has been working for the Town of Hampden but resides in Waldo County in Stockton Springs. The Sheriff has recommended hiring him as a part-time reserve officer effective April 14, 2016 at \$19.93 per hour, which is the starting pay for a part-time deputy with certification.

**\*\*A. Fowler moved, B. Johnson seconded to approve hiring Jeffrey L. Rice as part-time reserve officer effective April 14, 2016 at \$19.93 per hour. Unanimous.**

## **BID PROCESS FOR SPECIALIZED EQUIPMENT:**

Present was Register of Probate Sharon Peavey, who reported to the Commissioners that the Probate Court needs to purchase a new recording system. The current one is about a year old and cumbersome. She would like to purchase the same one as is in other courtrooms. The recording system is about \$6,000.00 and there would need to be a computer purchased to run this, which would be about another \$2,000.00. She can use the Surcharge account for this as it is related to records and records storage. She noted that in her research, it would be difficult to obtain three bids. She explained that this particular system is only available from a provider in the State of Maine.

The Commissioners agreed that this was specialized equipment and a “sole source situation” and agreed to allow this purchase the recording system as requested.

**\*\*B. Johnson moved, A. Fowler seconded to approve the purchase of a new recording system for Probate Court, to be paid from Probate Surcharge. Unanimous.**

#### **PRESENTATION OF AWARD TO DEPUTY EMERGENCY MANAGEMENT AGENCY DIRECTOR:**

Present were Emergency Management Agency Director Dale Rowley and Deputy EMA Director Olga Rumney. D. Rowley informed the Commissioners that Olga Rumney has been awarded a certificate of completion from the Emergency Management Institute, FEMA, for Advanced Professional Series Standards of Excellence in Disaster Operations Skills on February 19, 2016. D. Rowley noted that Waldo County is the only Emergency Management Agency in which both the Director and Deputy Director have received this certification.

The Commissioners commended Deputy EMA Director Olga Rumney for completing and receiving a certificate for this training.

#### **FRANKFORT TOWER CONTRACT:**

Present was EMA Director/Project Engineer Dale Rowley. D. Rowley reported that he met with John Skillings, property owner at the site for the tower, and Mr. Skillings has agreed to a contract of \$200.00 per month for 24 months. The property owner will also do snow removal for \$100.00 per storm. D. Rowley stated that the goal is to break ground in a few weeks and so far all estimates have been under budget. He explained that he has done some radio testing and everything was coming out well. He noted that they are re-using the tower that was behind the jail and found that the base is still made for that particular tower, so it has been ordered. That tower was built in 1979. Every time there has been a tower project, with the exception of the Aborn Hill, the wiring has been reused along with other components that are still in good working order.

**\*\*B. Johnson moved, A. Fowler seconded to approve the contract for the tower site between the County and John Skillings at \$200.00 per month for 24 months, and snow removal by the owner at \$100.00 per storm on the owner’s site in Frankfort. Unanimous.**

#### **HUMAN RESOURCES REPORT:**

Update on planning for Employee Appreciation Day:

Human Resources/Payroll Director Michelle Wadsworth submitted an estimate for costs related to the planning of the upcoming Employee Appreciation Day to the Board of Commissioners.

**\*\*A. Fowler moved, B. Johnson seconded to approve up to \$3,000.00 from the Health Insurance budget line to fund Employee Appreciation Day that has been scheduled for July 23, 2016 at Lake St. George. Unanimous.**

**TELECOMMUNICATORS WEEK PROCLAMATION FOR PUBLIC SAFETY  
DISPATCHERS:**

Communications Director Owen Smith submitted to the Commissioners the Annual Proclamation regarding Public Safety Dispatchers and the week designated to recognize their hard work. The Commissioners signed the proclamation.

**EXECUTIVE SESSION:**

**\*\*A. Fowler moved, seconded to go into executive session at 11:34 a.m. for discussion of use of real property as permitted by M.R.S.A. Title 1 §405 (6)(C). Unanimous.**

**\*\*A. Fowler moved, B. Johnson seconded to come out of executive session at 11:38 a.m. Unanimous.**

**\*\*A. Fowler moved, B. Johnson seconded to recommend starting the process of possibly demolishing the Old Jailer's House and Barn on 45 Congress Street. Unanimous.**

**COMMISSIONERS MISCELLANEOUS BUSINESS:**

1. A. Fowler reported that some funding has been received from the State for Corrections. It was leftover funding that had been withheld from Somerset County when they lost their law suit with the State and has been divided between the other counties.

2. W. Shorey informed the Board that the fabric building that was donated by EMA to the County Garden was destroyed during the recent heavy windstorms. He provided a rough estimate for construction of a wooden structure by County employees and residents of the Maine Coastal Regional Reentry Center.

**\*\*A. Fowler moved, B. Johnson seconded to authorize up to \$50,000.00 for construction of a wooden building on the Garden Property in Swanville, to be funded from the Community Corrections Allocation. Unanimous.**

3. The Commissioners will be looking into whether or not there may be a need for additional staff at the Maine Coastal Regional Reentry Center.

**NEXT COMMISSIONERS COURT SESSION:**

The next Commissioners Court Session is a special session scheduled for FRIDAY, April 22, 2016 starting at 10:00 A.M. in the Waldo County Commissioners Conference Room.

**\*\*B. Johnson moved, A. Fowler seconded to adjourn the court session at 11:55 a.m. Unanimous.**

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