

WALDO COUNTY COMMISSIONERS COURT SESSION
May 9, 2006

PRESENT: Commissioners John M. Hyk (Chairman), Charles G. Boetsch and Amy R. Fowler. Also present was County Clerk Barbara L. Arseneau.

DISCUSSION OF LAW LIBRARY SPACE IN THE SUPERIOR COURTHOUSE:

Present for this discussion with the Commissioners was State Court Facilities Manager Norman Ness, State of Maine Clerk of Courts Terri Curtis, Waldo County Facilities Manager Keith Overlock and Deputy District Attorney Leane Zainea.

N. Ness greeted the Commissioners and thanked them for working with the Court on the Law Library situation. He explained that the remaining law books in the Law Library had been consolidated and removed from the side where the Archive currently resides. The shelving for those books is no longer needed on the Archive side, as well.

N. Ness and T. Curtis explained that Justice Mills was very concerned about the previously proposed shift of the Archive closer to the Judges' Chambers and was requesting that the Archive remain as it is. N. Ness proposed that a partial partition be built between the two spaces, separating the Archive from the Judges' Chambers and the room space directly connected to the Chambers for clear delineation of the two spaces. N. Ness indicated that the State might be willing to work with the County in the construction of the wall. K. Overlock commented that there would be a window to work around and recommended that the wall be on one side or the other. He further suggested considering the wall's placement in relation to the hallway door that enters the Law Library.

A. Fowler detailed her recent experience in visiting the Archive a few times in order to find information regarding her property. While she was there, the Court was using the other side of the room and A. Fowler felt concern that any discussion she and the Archivist were having might have been disturbing the Court staff. She could understand the need for at least a folding partition.

B. Arseneau pointed out that in recent discussion about the possibility of a wall between the two spaces, the Archivist had mentioned that humidifying and dehumidifying the Archive space might be easier to manage with a wall in place.

J. Hyk stated that above all else, the records need to be secure. The Commissioners assigned K. Overlock to view the space with Architect Robert Fenney and then work with the State to show where the wall could be located and how it would be achieved.

N. Ness stated that the State was willing to work with the County financially to build this wall. The Commissioners expressed their appreciation for this offer and for the cooperation being extended.

DISCUSSION OF ADA COMPLIANCE IN THE FIRST FLOOR SUPERIOR COURT SPACE:
TREASURER'S REPORT:

N. Ness brought up the matter of the Superior Court Clerk counter space continuing to be an issue in terms of A.D.A. compliance. He mentioned that there is a door at the end of the corridor that has currently been blocked off from the Clerk's Office side. He suggested that the door be re-used for the Clerk entry, and the

counter be completely redone. He stated that the State has agreed to pay and to work with the County on this matter, as well. The Commissioners agreed that K. Overlock, T. Curtis and Architect Robert Fenney should work together to plan this project out. K. Overlock would report back to the County Commissioners with the plan.

L. Zainea mentioned that the water fountain and soda machine would have to be moved in order for the revamped entrance to office to be functional. J. Hyk asked K. Overlock to include those items in the planning. The Commissioners thanked N. Ness and T. Curtis for meeting with them.

L. Zainea inquired about the Law Library arrangements and mentioned that she had been told that people were not supposed to walk past the Judge's Chambers, especially with inmates. The answer to this was not known by anyone present. There was brief discussion about the original idea of putting Archive on the side near the chambers to keep traffic away from the door the Judge uses in the hallway, which would be the preferred exit and entrance.

L. Zainea then went on to tell the Commissioners that, at some point, she would like to talk with them about the Court space. She mentioned that it might be good to reconfigure the space. Currently the District Attorney's Office is located on both sides of the Superior Courthouse hallway. It was the opinion of both the District Attorney and L. Zainea that it would be better to have the District Attorney's Offices located on the same side of the hallway. She told the Commissioners she would be researching the cost to run wires and cables to the other side and would try to determine all other costs associated with this proposal.

The Commissioners discussed the undetermined future of the building and the offices within and decided to have Architect Robert Fenney speak with L. Zainea further about this matter. L. Zainea thanked the Commissioners for considering this proposal.

TREASURER'S REPORT:

Present with the Commissioners for this report was Treasurer David Parkman and Deputy Treasurer Karen Ward.

T.A.N. UPDATE:

D. Parkman reported that the Tax Anticipation Note has a balance of \$56,500.00 from what has been borrowed thus far.

REVENUE:

D. Parkman stated that revenue was 5% ahead of what is anticipated for the year.

APPROPRIATIONS:

D. Parkman reported the following:

1. 33% has been expended so far this year.
2. The Registry of Deeds has expended over 45% and 60% in lodging and mileage so far. He expressed concern over those two lines. B. Arseneau suggested that the lodging probably included pre-payment for the room at the MCCA Convention in September. The Commissioners instructed B. Arseneau to ask Register of Deeds Deloris Page to submit an explanation for these lines for the June 13, 2006 Commissioners Court Session.

3. There was brief discussion of inmate board costs and the uncertainty of the budget for this line in 2006.

RESERVE PLANNING 2006:

The Commissioners decided not to set reserves during this court session, but briefly talked about possible amounts.

D. Parkman informed the Commissioners that the balance in the Capital Reserves totaled \$249,656.57, the balance in the Active Reserves totaled \$233,449.22 and the balance of the Restricted Reserves total \$87,605.15.

WARRANTS:

D. Parkman submitted and read the chart of invoices for the Restricted/Active Reserve account expenditures totaling \$8,505.86.

****G. Boetsch moved, A. Fowler seconded paying invoices on the May 9, 2006 Active/Restricted Reserves in the amount of \$8,505.86. Passed by two. (J. Hyk was momentarily absent.)**

****G. Boetsch moved, A. Fowler seconded paying invoices on the May 9, 2006 Regular Warrant in the amount of \$52,609.01. Passed by two. (J. Hyk was momentarily absent.)**

****G. Boetsch moved, A. Fowler seconded accepting the Treasurer's Report. Passed by two. (J. Hyk was momentarily absent.)**

AUTHORIZATION OF 2006 PAYROLL & DEFERRED COMPENSATION MATCH PAYMENTS:

****G. Boetsch moved, A. Fowler seconded for Payroll and Deferred Compensation Plan matching funds be authorized for payment for 2006. Passed by two. (J. Hyk momentarily absent.)**

ARCHIVE DISCUSSION:

Present for discussion with the Commissioners was Cheryl Coats and Jason Coats of DRG Specialty Services, Inc.

The Commissioners presented a sentiment of appreciation to C. Coats for her excellent work on the Waldo County records during the past three years and thanked her for establishing the Waldo County Archive.

There was discussion about future management of the Archive. C. Coats informed the Commissioners that she planned to train both County Clerk Barbara Arseneau and Deputy County Clerk Veronica Spear to microfilm Commissioners records and to be able to trace roads, maps, etc. by means of the Archive database and would show them how to add information to the database. She mentioned that DRG had found 65-70 maps that the County did not know it had. These will need to be microfilmed. J. Coats added that the finding aids are "user friendly." C. Coats mentioned that running the Archive is time-consuming and that it can take hours with one person's search for records. The Commissioners acknowledged that they were concerned about how the Clerk would run the Archive while continuing to perform her normal functions. A. Fowler suggested that the Archive may be required to have a set schedule in order for the County Clerk to manage it.

There was brief discussion about the value of retaining certain original records, whether they have been recorded or not. C. Coats explained that records have differing values: textual and historical. J. Hyk stated, "It is ALL valuable. As this areas grows and develops, this information will be essential." He iterated his experience over 20 years ago when he came to the County searching for road records only to be told, "There were none." He added, "At least people will have half a chance now of finding the information they need. Up to now, they've had almost no chance." C. Coats told the Commissioners that more and more people have learned of the Archive's location and stop there rather than going to the Commissioners' Office.

C. Coats explained that the index currently used lists about 500 petitions. DRG has found there are actually about 3,000 petitions.

GRANTS RESEARCH:

C. Coats informed the Commissioners that DRG has been researching and looking at possible grants that Waldo County meets criteria to apply for. One grant was submitted, but it turned out that in order to qualify, a certain business had to be located in the local area. Because this was not the case, Waldo County did not meet the criteria for this grant.

FACILITIES REPORT:

Present with the Commissioners was Keith Overlock, who reported the following:

1. SHERIFF'S ROOF BID: Only one bid proposal was received for this project and that was from Burgess and Burgess.
****A. Fowler moved, G. Boetsch seconded accepting the quote for the Sheriff's Office roofing work by Burgess & Burgess in the amount of \$9,820.00. Unanimous.**
2. JAIL AIR CONDITIONER BID: A quote was received from Kienow's Refrigeration to remove the old A.C. unit from the roof and move the A.C. unit from the control room to the hallway and put a new unit in the control room. The quote totaled \$9,404.00.
****A. Fowler moved, G. Boetsch seconded accepting the quote from Kienow's Refrigeration in the amount of \$9,404.00. Unanimous.**
3. The request for bid proposals for a new boiler in the District Courthouse will be run as an advertisement in this weeks newspapers, a mandatory site visit will be held May 17th and sealed bids are due by 4:00 p.m. June 8, 2006.
4. K. Overlock had looked at the Law Library and spoke with State Facilities Manager Norm Ness about paying for the removal of the bookshelves, now that the law books have been removed. N. Ness informed K. Overlock that the State might also pay for removal of the asbestos floor tiles in the entire library. He would keep the County Commissioners informed.
5. The roof trusses in the Sheriff's garage need some attention and will be addressed soon.
6. K. Overlock is still working on the drain/leak issue in the EMA area. Dig Safe should be able to come in soon and inspect the area before digging commences.
7. Some plumbing work has been done and most of the leaks in the lower Jail area have been eliminated.

8. The inmates have been painting the EMA.
9. There are continued issues with the vertical chair lift in the Superior Courthouse and repairs are continuing on it.
10. Some repairs have been done in the Jail kitchen, including the range.
11. There is too much heat in the Comm. Center.
12. The Superior Courthouse budget is going to be overdrawn in a number of lines due to unforeseen repairs. The Commissioners acknowledged the need to fund the Courthouse Reserve.

(Also present at this point were Sheriff Scott Story and Chief Deputy Robert Keating.)

S. Story complimented K. Overlock for his excellent work in the county buildings.

SHERIFF'S REPORT:

Present with the County Commissioners were Sheriff Scott Story and Chief Deputy Robert Keating. S. Story reported the following:

CANINE PROGRAM: There are funds in Asset Forfeiture so S. Story told the Commissioners that he would like to start a Canine Program. He has done a lot of research. An agreement has been drafted with Deputy Merl Reed and there is a buy-out clause for the dog. S. Story is trying to obtain a warranted canine. This animal could be used for drug-detection. Much of the funding in the Asset Forfeiture is a result of the work done by Deputy Reed. The canine won't initially be used for searches but for drug detection. The eight weeks of training can be done at the Maine Justice Academy. J. Hyk asked numerous questions about the agreement, which were explained. The Commissioners expressed their approval of this program.

****G. Boetsch moved, A. Fowler seconded to accept the proposal for up to \$1,500.00 for the purchase of the dog and up to \$500.00 to equip the cruiser for the canine from Asset Forfeiture. Unanimous.**

FUEL OIL BIDS:

Fuel oil bids were received from the following companies at a fixed rate from June 1, 2006 through May 31, 2007:

1. Irving Oil at \$2.5972 per gallon.
2. Community Fuels at \$2.36 per gallon.
3. Thompson's Oil & Propane at \$2.29 per gallon.

****A. Fowler moved, G. Boetsch seconded accepting the bid from Thompson's Oil & Propane in the amount of \$2.29 per gallon from June 1, 2006 through May 31, 2007. Unanimous.**

FINAL PERSONNEL POLICY REVIEW – DEPARTMENT HEAD RECOMMENDATIONS:

The following policies and wording were recommended to the County Commissioners for the Personnel Policy:

1. 3.2.1 Pay Scale: First paragraph, “The County Commissioners may approve deviation from this policy in the case of new employees who have prior experience in an equivalent position.” (This allows Department Heads to hire applicants with experience in that field at the level of their experience; for example, an applicant with 5 years of dispatching experience could be hired at the 5-year level.)
****G. Boetsch moved, A. Fowler seconded approving this modification. Unanimous.**
2. 4.14 Clothing Allowance – Sheriff’s Office: Since this policy only applies to Sheriff’s personnel, the title now addresses this. The policy was written more concisely, as well.
****A. Fowler moved, G. Boetsch seconded approving this modification. Unanimous.**
3. 4.18 Workplace Privacy: This policy was recommended by the attorney.
****A. Fowler moved, G. Boetsch seconded approving this modification. Unanimous.**
4. 5.9 Eyeglass Reimbursement Policy: The wording now reflects that this is pursuant to the current Collective bargaining Agreement and for Communications Center employees only.
****A. Fowler moved, G. Boetsch seconded approving this modification. Unanimous.**
5. 5.10 Employee Sick and Vacation Leave Donation Program: The Department Heads felt it was important that there be a program and a policy for this provision. The attorney has provided forms and the Human Resources/Payroll Director will manage it.
****A. Fowler moved, G. Boetsch seconded approving this modification. Unanimous.**
6. 6.1.3 Appointed Personnel – Annual Review: After attorney review, it was determined that the only positions appointed directly by the Commissioners are the EMA Director and County Clerk. All others are appointed by the “appointing” department head, which is usually an elected official. The employees who are considered FLSA “exempt” or excluded include the Communications Director, the Jail Administrator, the Chief Deputy Sheriff, the Deputy Treasurer (all of whom are considered “excluded”) and the Human Resources Director, who is considered “exempt.”
****A. Fowler moved, G. Boetsch seconded approving this modification. Unanimous.**
7. 8.3 Vacation Leave Earning Schedule: This provides for “front-loading” for annual calculating purposes but clearly states that employees earn annual vacation entitlement on a monthly basis.
****A. Fowler moved, G. Boetsch seconded approving this modification. Unanimous.**
8. 8.3.2 Vacation Use: The second to last paragraph permits an employee to carry over vacation from the previous year beyond 90 days into the next year if the employee is retiring that year.
****A. Fowler moved, G. Boetsch seconded approving this modification. Unanimous.**
9. 8.6.1 Sick Leave Earning Schedule: This policy allows for front-loading 96 hours of sick leave at the beginning of each year, just like vacation leave, with the difference that sick leave is earned at a rate of 8 hours per month. (Front-loading also applies to the 8 hours of Personal Leave granted employees each year.)
****G. Boetsch moved, A. Fowler seconded approving this modification. Unanimous.**
10. 8.7 Use of Accrued Sick Leave and Payment Upon Termination: The Department Heads recommend allowing sick leave to accumulate beyond 720 hours but keep the payment of unused leave

capped at half that (360 hours.) This is stated concisely and avoids possible discrimination. (The previous policy capped accrual of sick leave at 720 hours and the Commissioners, at their discretion, allowed employees to use any leave accumulated beyond that.)

****G. Boetsch moved, A. Fowler seconded approving this modification. Unanimous.**

11. 9.2 Workers' Compensation: As agreed upon by the Commissioners and Department Heads during the last Personnel Policy review, employees will continue to receive regular full-time salary and must turn in Workers' Compensation checks to the County Treasurer. *The attorney asked me to caution you that the second paragraph usually includes vacation leave, as well. Please discuss this and determine how you want this policy to read.*

****A. Fowler moved, G. Boetsch seconded approving this modification. Unanimous.**

12. 10.2 Training, Around Holidays, and Other Reasons: The Department Heads recommend not being required to go through the Department Heads' Association before closing an office. The general opinion is that it is sufficient to obtain permission from the Commissioners and simply notify the other departments (and the public) in advance. It was also recommended that in the event of an emergency, if the County Commissioners cannot be reached, the Department Head will have the authority to close his/her office.

****A. Fowler moved, G. Boetsch seconded approving this change. Unanimous.**

****A. Fowler moved, G. Boetsch seconded approving the Personnel Policy, including the above changes, as revised. Unanimous.**

MAINE STATE RETIREMENT RE-ENROLLMENT:

Present with the County Commissioners was Human Resources/Payroll Director Michelle Adams. M. Adams reviewed the letter from the Commissioners, as reviewed and approved by an attorney, to be sent to Maine State Retirement System re-enrolling the County of Waldo effective July 1, 2006.

****A. Fowler moved, G. Boetsch seconded re-enrolling the County of Waldo in the Maine State Retirement System, in Participating Local District (PLD) Plan AC, effective July 1, 2006. Unanimous.**

RE-CLASSIFICATION OF FLSA-EXEMPT OR EXCLUDED EMPLOYEES:

M. Adams informed the Commissioners that while working with the Classification/Pay Scale Committee, the attorney had found that three employees needed to be reclassified immediately as follows:

1. The Facilities Manager position must be changed from FLSA exempt to non-exempt.
2. The Deputy Treasurer position should be changed from FLSA non-exempt to excluded.
3. The Human Resources position should be changed from FLSA non-exempt to exempt.

Because the Facilities Manager position now includes overtime pay, M. Adams cautioned the Commissioners that that line item may be overdrawn before the end of the year. K. Overlock would try to take compensation time if at all possible rather than overtime for the remainder of the year, but at times it might be necessary.

The pay scales were revised so that the Facilities Manager was on the FLSA non-exempt sheet and both the Human Resources/Payroll Director and Deputy Treasurer were on the FLSA exempt sheet. The Commissioners signed both updated sheets.

M. Adams had found a mathematical error in the County Clerk's 2006 salary. \$500.15 additional needs to be paid.

CORRESPONDENCE:

Present with the Commissioners was County Clerk Barbara. Correspondence to the Commissioners was as follows:

1. B. Arseneau had received an Email from Knox County Administrator William Post as follow-up to a conversation between Commissioner Boetsch and Knox County Commissioner Anne Beebe-Center regarding both counties possibly co-hosting the 2007 MCCA Convention. After some discussion, the consensus of the Waldo County Commissioners was that they would not be interested in co-hosting with Knox County. A. Fowler hoped that someday, there would be a facility large enough for Waldo County to host the convention by itself. J. Hyk commented that while it was "an admirable idea," the Waldo County Commissioners simply were unable to do that at this time.
2. B. Arseneau reminded the Commissioners that EMA Director Dale Rowley will have completed the six-month probationary period on July 9th. One of the Commissioners would need to perform an evaluation and make the recommendation to increase the salary as negotiated at the time of hire. G. Boetsch volunteered to conduct the evaluation.
3. B. Arseneau informed the Commissioners that the Classification/Pay Scale Committee had been meeting frequently and was now pushing to meet the deadline to get the data they had produced to Winters Associates. Because the deadline was fast approaching, all on the committee had agreed to meet for an entire day on May 12th. Because two of the Commissioners staff were already scheduled for training and the other two were on the Committee, B. Arseneau asked for permission to close the office with advance notice and also for permission to expend funds in order to purchase food so the committee could continue working without having to leave for lunch. The Commissioners granted permission for the Commissioners/Treasurers Offices to be closed on May 12th and for up to \$50.00 to be expended on food.
4. B. Arseneau entered into the minutes the following correspondence from April that had not been read during the April 25, 2006 County Commissioners Court Session: Corrections Officer Gerald Grierson, Jr. resigned from the Waldo County Correctional Facility effective April 19, 2006.

****A. Fowler moved, G. Boetsch seconded accepting G. Grierson, Jr.'s resignation effective April 19, 2006. Unanimous.**

5. NEW HIRES: The following employees were hired effective May 3, 2006 as part-time Corrections Officers at \$10.98 per hour:
 - Chad Corbin
 - Gregory W. Gallagher
 - Seth H. Curra

****G. Boetsch moved, A. Fowler seconded approving the hire of Chad Corbin, Gregory W. Gallagher and Seth H. Curra as part-time Corrections Officers at \$10.98 per hour effective May 3, 2006. Unanimous.**

6. The Commissioners noted the following pay step increases:
 - Corrections Officer Paul Sweetland will receive a six months pay increase from \$13.09 to \$13.26 per hour effective May 30, 2006.
 - Corrections Officer Kyle Lucas will receive a six months pay increase from \$13.09 to \$13.26 per hour effective May 30, 2006.
 - Corrections Officer Joshua Bowles will receive a six months pay increase from \$13.09 to \$13.26 per hour effective May 30, 2006.
 - District Attorney's Office Clerical Aid Karen Knox will receive a two-year pay increase from \$12.11 to \$12.39 per hour effective May 24, 2006.
 - Registry of Deeds Clerk Amy Keller will receive a six months pay increase to \$11.80 per hour effective May 25, 2006.
7. B. Arseneau was pleased to inform the Commissioners that the 2005 Workers Compensation Audit had been completed and the County was actually receiving money back in the amount of \$3,303.00.
8. B. Arseneau made sure the Commissioners were aware that the May 10, 2006 MCCA Risk Pool meeting will be held at the Kennebec County Government Center at 9:00 a.m.

POSSIBLE MID-YEAR BUDGET INCREASE:

The Commissioners had asked the County Clerk to obtain legal counsel regarding the options available to the County should the inmate boarding costs overdraw the current budget to the point that more funding was necessary. A written opinion from Attorney Geoffrey H. Hole of Bernstein Shur was shared with the County Commissioners. In summary, two options were available to the County. One option was to increase the amount of the Tax Anticipation Note, which would require only a rider to the Note, called an "allonge," and a revised cash flow. An allonge could also be used to extend the payment date on the Note, with consent from the bank. The attorney noted that the County should not borrow more than could be paid back from tax revenues. Another option was to undertake an additional tax anticipation borrowing late in 2006 based upon what is anticipated for 2007 taxes. That borrowing would be payable thirteen months after the date of issue, which would get the County through financially until the money started coming in from property tax in 2007.

The attorney advised that no action take place until the details had been worked out with his tax partner.

MISCELLANEOUS COMMISSIONERS' REPORTS:

Commissioner Greg Boetsch reported that a letter sent to Dave Parkman from a Mr. Robert L. Hammer from Lincolnville dated April 12, 2006 turned out to be a letter of request for informational purposes regarding the County's budget in relation to the Town of Lincolnville's assessment.

Commissioner Boetsch also reported that he, Facilities Manager Keith Overlock and County Clerk Barbara Arseneau walked the boundary lines of the 100-acre property owned by the County.

FUTURE COMMISSIONERS COURT SESSIONS:

The Waldo County Commissioners Court Session established the following dates for Commissioners Court Sessions:

- ❖ **June 13, 2006**
- ❖ **July 11, 2006**

NEXT MEETING'S AGENDA:

B. Arseneau was instructed to schedule the following items on the agenda for June 13, 2006:

- Tax Abatement hearing for Mr. and Mrs. Harry F. & Thelma Ledden of Freedom
- Surplus and reserve funding will be discussed

****G. Boetsch moved, A. Fowler seconded adjourning the meeting at 12:06 p.m. Unanimous.**

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