

**WALDO COUNTY COMMISSIONERS COURT SESSION**  
**April 10, 2007**

**PRESENT:** Commissioners John M. Hyk (Chairman), Donald P. Berry, Sr. and Amy R. Fowler. Also present was Treasurer David A. Parkman, Deputy Treasurer Karen Trussell, and County Clerk Barbara Arseneau.

**TREASURER'S REPORT:** Present for this report was Treasurer David Parkman and Deputy Treasurer Karen Trussell.

**REVENUE CONTROL REPORT:**

24% in revenue has been received at this point in the year. D. Parkman described this as "being a little ahead." He further commented that the Probate Restitution is going quite well.

**APPROPRIATIONS:**

D. Parkman explained that the County budget should be about 24% expended and is currently 25% expended.

**RESERVE ACCOUNTS:**

D. Parkman read expenditures from the reserve accounts.

**EMA CREDIT CARD REQUEST:**

D. Parkman informed the Commissioners that EMA had requested that the EMA Administrative Assistant be permitted to have a credit card because the Director is often out of the office and the Assistant has to conduct financial business. D. Parkman was not in favor of this request because he felt it would set an unwise precedent. The matter was briefly discussed and the Commissioners agreed to hold off making a formal decision until after hearing from the EMA Director himself.

**WARRANTS:**

Treasurer D. Parkman read expenditures from the various reserve accounts.

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of invoices on the March 30, 2007 Active and Restricted accounts in the amount of \$5,679.92. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of invoices on the March 30, 2007 regular warrant in the amount of \$176,647.91. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of invoices on the April 10, 2007 Capital and Restricted Reserves in the amount of \$6,310.59. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the invoices on the April 10, 2007 regular warrant in the amount of \$117,329.02. Unanimous.**

**\*\*A. Fowler moved, D. Berry seconded to accept the Treasurer's Report as presented. Unanimous.**

### **BELFAST TRAIL/COUNTY PROPERTY DISCUSSION:**

Present for this discussion was James "Skip" Pendleton and Cloe Chunn, representing Belfast Bay Watershed Coalition. Also present were City of Belfast Mayor Michael Hurley and Randy Doak of Waldo County Soil and Water Conservation District.

After briefly reviewing the map detailing the proposed location of the trail on the recently purchased 100 acres of County property off Congress Street, J. Hyk commented that the proposed trail location Westerly on the County property should not interfere with the County's plan for development. The County Commissioners agreed to allow the trail to be set up with the understanding that this would not prohibit hunting, etc. This would be a "multi-purpose," non-motorized trail and there would be no responsibility on the County's part to maintain it, nor to monitor the usage. Volunteers would set it up and maintain it. S. Pendleton noted that this would link the two current ends of the trail and would complete it. He further noted that this would be near the YMCA and the Middle School, which would make it quite accessible to students and YMCA members.

S. Pendleton and C. Chunn stated that if the trail ever interfered with the County's development of the property, all the Commissioners had to do was tell the BBWC and this portion of the trail could be either moved or removed at the direction of the Commissioners. The Commissioners requested that a document be drafted to this affect by S. Pendleton. A. Fowler summarized that the Commissioners were "giving their blessing" for the proposed trail with the understanding that this arrangement is not binding, there are no "prescriptive rights," no prohibition on hunting and the County reserves the right to move the trail as needed.

**\*\*D. Berry moved, A. Fowler seconded approving this application of the County land and the proposed development of the walking trail. Unanimous.**

Randy Doak explained that he was originally asked to look and make sure that no natural resources would be disturbed. After that others came forward and expressed concern as hunters. He was pleased that this property would still be available for multi-purpose use.

M. Hurley mentioned that MBNA is donating the ball fields it built to the City of Belfast.

S. Pendleton informed the group that Troy Howard Middle School is planning to build a trail from the school to Route 3 near the Hutchinson Center. M. Hurley added that there are no special rights to go with these trails.

J. Hyk recommended that a joint press release regarding this proposed agreement for the trail between the City of Belfast and the County of Waldo be submitted to local newspapers. S. Pendleton agreed to write this up.

### **FLAG POLE FROM WALDO-HANCOCK BRIDGE:**

M. Hurley commended the Commissioners on the letter they sent to the Department of Transportation requesting that one of the flag poles from the Waldo-Hancock Bridge be sent to each of the two Counties it was named for. If the request is honored, the Commissioners and Mayor will need to sit down and figure out where this would be going, how it would be mounted, and determine what wording and signage should go with it to retain the history of this bridge.

## **COMMUNICATIONS CENTER REPORT:**

Present for this report was Communications Director Owen Smith, who reported the following:

1. The second week of April is National Telecommunicators Week and O. Smith submitted a proclamation to that affect, which was read aloud by Commissioner Hyk.

**\*\*A. Fowler moved, D. Berry seconded to sign the proclamation that stated Waldo County observed National Telecommunicators Week. Unanimous.**

2. "SILENT HERO" AWARD: O. Smith was pleased to inform the County Commissioners that Telecommunicator Arthur Butler had been awarded the "Silent Hero" award this year. The Commissioners expressed their commendation of Mr. Butler.

3. Employment had ceased for probationary employee Charles Yahrling effective April 2, 2007.

**\*\*A. Fowler moved, D. Berry seconded accepting the cessation of employment for Charles Yahrling. Unanimous.**

4. The Waldo County Communications Center is hosting a weight-loss contest. If those employees who have entered it collectively lose 250 pounds, O. Smith will shave his head. The winner will have won by the percentage of weight lost. The contest ends May 22, 2007.

## **FACILITIES REPORT:**

Present for this report was Facilities Manager Keith Overlock, who reported the following:

1. The Superior Courthouse boiler has been examined by F.W. Webb. No firm numbers have been received, but this would include replacing the boiler, thermostats, etc. at an approximate cost of \$50,000.00. There would be about a 30% payback in the fuel costs each year. "Naturally, this would resolve a lot of the heating issues for me," K. Overlock noted. When asked, he said he believed the boiler had been installed about 1980 and acknowledged that the boiler was in working order, but if you go into certain rooms, it's 80° and up and this is "very, very common." Some of the problem has nothing to do with what the employees are setting it at; some does. There are small problems with the thermostats in the Superior Courtroom itself. The temperature cannot go below 65°.

2. K. Overlock wondered about the feasibility of using the Old Jail for archiving records and also keeping the Registry of Deeds there. He mentioned that there is a slight leak in the roof over the current registry. The Commissioners expressed doubts regarding the Old Jail, as it would need abatement work for lead paint, etc.

3. The roof in the Jail that was fixed four years ago has a seam and the back drops, but the rest consists of inner drains. The rainstorm a few weeks ago caused some leaking in the building and water came in the vents in EMA. Most of the problem was resolved by shoveling snow away from the building. K. Overlock recommended plowing more breaks to divert water flow and perhaps installing more manholes. To really fix the leaking issues would cost anywhere from \$50,000.00 to \$100,000.00. J. Hyk thought this subject should be brought up to the budget committee and that the damage needed to be known.

A. Fowler asked how things were going between the Jail and the new neighbor who recently purchased Lucille Paul's former residence next door. K. Overlock stated that the Jail has always mowed the lawn between the Jail and the neighbor's house and he had decided to dig up a rock that was always in the way.

The neighbors got upset. Also, the Jail has to avoid plowing snow onto the lawn. Parking has always been a “bit of an issue,” as the driveway for the Jail goes right up close to their property.

4. The Dept. of Corrections is coming in to inspect the Jail, so he is trying to get the old carpeting out of the lobby and lay tile flooring.

5. The Archive in Superior Courthouse is almost completed.

6. Christopher Shrum of Eastern Maine Development Corporation is looking into the possibility of ADA grants being available to do some of the ramp work, etc. He will be meeting at some point with K. Overlock and B. Arseneau to discuss this. B. Arseneau has emailed C. Shrum to set up a time, but has not heard back yet.

#### **SHEPHERD VS. BURNHAM TAX ABATEMENT DECISION:**

**\*\*D. Berry moved, A. Fowler seconded to re-open the case of Shepherd vs. the Town of Burnham. Unanimous.**

J. Hyk noted that additional information had been sent to the Commissioners, including a letter from attorney Richard McCarthy. He wondered if that even went to the Shepherd property, as it was difficult to determine that. The Deeds were reviewed repeatedly and the attorney’s letter was also re-read. After brief discussion regarding the fact that it could not be proven that only heirs of Charles Cook could access the property in question, in which case the property would not be difficult to sell on that basis, the Commissioners voted as follows:

**\*\*D. Berry moved, A. Fowler seconded denying the abatement. Unanimous.**

B. Arseneau was instructed to draft a new decree stating this decision.

#### **MISCELLANEOUS COMMISSIONERS’ REPORTS & APPROVAL OF MINUTES:**

1. D. Berry reported that there are no active representatives from Waldo County serving on the Coastal Communities Work Force. There used to be one from Matthews Brothers and Robbins Brothers, but both are now inactive. These representatives serve as part of the “directorship.” It was noted that actual presence at the meetings did not always have to occur as there is provision to go to Rockland and watch on the Internet feed. A. Fowler asked what this group did. D. Berry responded, “Good question. One of the offices has been shut down with no explanation.” J. Hyk asked if this was Department of Labor money and D. Berry confirmed that it was. He stated that he would like to find some active participants to serve as representatives for Waldo County. He thought it looked bad not to have representation. He planned to speak with both Matthews Brothers and Robbins Brothers. J. Hyk recommended having Chris Shrum assist him in finding representatives. B. Arseneau was asked to email C. Shrum’s contact information to D. Berry.

#### **JAIL REGIONALIZATION DISCUSSION:**

Two letters had been received, one from Knox County and one from Penobscot County bringing up the matter of working together to look at the possibility of regionalization. It was noted that Waldo County had sent letters to both counties for that purpose in 2005 and 2006, with no positive response from either; however, the Commissioners agreed that they should speak with both counties since the opportunity now existed. D. Berry agreed to talk with Knox and A. Fowler agreed to speak with Penobscot County.

J. Hyk recommended that the Jail Research Committee meet with Knox’s Jail Committee.

## **CORRESPONDENCE:**

Reporting the correspondence to the Commissioners was County Clerk Barbara L. Arseneau with Deputy County Clerk Veronica Stover present to take notes for the minutes. The following was reported:

1. Sheriff Story sent a letter hiring Michael Hopkins as full-time Corrections Officer effective April 1, 2007. He had resigned from this position on November 3, 2006, but remained on the roster as a part-time employee. S. Story requested that he be reinstated at the same rate of benefits, including salary, vacation time, etc. He would not have been eligible to accrue any of those benefits while not employed so he would not earn any vacation time at the present two-year step until reaching six months of employment. He also reached a pay-step on March 8, 2007, as his original date of hire was March 8, 2005. Therefore, the rate of pay being requested is \$14.50 hourly.

The Commissioners discussed this request, noting that a policy should likely be established to set some ground rules for re-hiring employees after a certain period of time. B. Arseneau was instructed to contact other counties to see how this is handled there before contacting an attorney.

**\*\*D. Berry moved, A. Fowler seconded accepting the hire of Michael Hopkins as full-time Corrections Officer at \$14.50 per hour, effective April 1, 2007. Unanimous.**

2. S. Story sent a letter recommending the hire of Ivan Flaherty as part-time Corrections Officer for undetermined amount of hours at \$11.40 per hour, effective April 2, 2007.

**\*\*D. Berry moved, A. Fowler seconded hiring Ivan Flaherty as part-time Corrections Officer at \$11.40 per hour, effective April 2, 2007. Unanimous.**

3. B. Arseneau requested that Facilities Manager Keith Overlock be allowed to carry over 8 hours of unused 2006 vacation leave to the end of April.

**\*\*D. Berry moved, A. Fowler seconded approving the request to allow K. Overlock to carry over 8 hours of unused 2006 vacation leave until the end of April 2007. Unanimous.**

4. On April 1, 2007 Corrections Officer Seth Curra reached his six-month pay step, increasing his pay from \$13.59 to \$13.76 per hour. This was noted by the Commissioners.

5. A student by the name of Jesse Lucas recently requested information regarding Waldo County's tourism and then sent back his essay on the subject. At the suggestion of Deputy County Clerk Veronica Stover, he had given permission for the County to copy this and send it along with the informational packet sent to students requesting information. The Commissioners expressed their pleasure regarding this matter and extended commendation to Jesse Lucas.

6. May 16<sup>th</sup> is National Employee Fitness Day. The Commissioners decided that the County need not get involved in this.

7. Also rejected was the federal recommendation that each County adopt "Eat Dinner with Your Family Day."

8. The County Commissioners decided not to have a formal observation of National County Government Week this year, as turnout by the public had been so poor in previous years.

9. Postage will be going up to .41 cents on May 14, 2007. B. Arseneau noted that when the 2007 budget was put together, the Belfast Post Office had been contacted and at that time, there was no plan to increase postage. The budget will be negatively impacted by this.
10. Eastern Maine Development Corp. and the Penobscot Valley COG are hosting a Regional Forum on Transportation Issues on Tuesday, April 17, 2007. None of the Commissioners would be attending.
11. The Coastal Economic Development Corporation has invited the Commissioners to attend the 40<sup>th</sup> Anniversary Annual Meeting and Dinner on May 10, 2007. None of the Commissioners would be attending.
12. Justine E. Marks of Burnham has requested a tax abatement hearing to appeal the decision to deny abatement by the Town of Burnham. The Commissioners said to set this up at the next meeting, if possible.
13. B. Arseneau read the Department of Transportation Commissioner's response to the request for Waldo and Hancock Counties to each receive one flag pole after the Waldo-Hancock Bridge is dismantled. Commissioner David Cole responded that this decision is within the jurisdiction of the Maine Department of Transportation, but he had also consulted with the Maine Historic Preservation Commission and the Maine Department of Conservation. Both were amenable to the suggestion as long as a suitable location can be found and appropriate identification is made. Timing for the retrieval of these poles will be better known in six months, but it is likely that it will be four to six years before the poles can be obtained.

**MINUTES APPROVED:**

**\*\*A. Fowler moved, D. Berry seconded accepting as amended the February 13, 2007 minutes. Unanimous.**

**\*\*A. Fowler moved, D. Berry seconded accepting the Waldo County Commissioners Court Session minutes from the March 13, 2007 meeting. Unanimous.**

**EXECUTIVE SESSION – PERSONNEL MATTER:**

**\*\*A. Fowler moved, D. Berry seconded entering Executive Session for a personnel matter according to Title 1, 405 subsection E at 11:30 a.m. Unanimous.**

**\*\*A. Fowler moved, D. Berry seconded exiting Executive Session at 11:40 a.m. Unanimous.**

**NEXT COMMISSIONERS' SESSION:**

- The next Commissioners Court Session will be May 8, 2007.

**\*\*A. Fowler moved, D. Berry seconded adjourning the meeting at 11:45 a.m. Unanimous.**

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