

**WALDO COUNTY COMMISSIONERS COURT SESSION
APRIL 8, 2008**

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

J. Hyk opened the meeting at 9:00 a.m.

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

REVENUE CONTROL REPORT:

D. Parkman reported the revenue as being "right on board, but a little down, overall." At this point in the year they are about 3% ahead of what is anticipated. According to Register of Deeds Deloris Page, the transfer tax good, but has been down as compared with other years due to the market. This may be why revenue is "lagging behind" a bit as compared with other years.

APPROPRIATIONS:

Total expenditures could be at 25% for this time of year and is currently at 23%. D. Parkman reported that the Probate Court Appointments are looking good. There is a continuing problem with expenditure of the part-time in the Communications Center Budget. That is at 83%. Employee Benefits is at 26%. K. Trussell reminded him that Workers' Compensation is paid quarterly, so that makes it seem higher at some times.

RESERVE ACCOUNTS.

The Treasurer reported that "nothing appears to be out of line."

WARRANTS:

D. Parkman read expenditures from the Capital, Active and Restricted Accounts, which were included in the accounts payable warrants below:

****D. Berry moved, A. Fowler seconded authorizing payment of March 28, 2008 Active and Restricted Reserve account in the amount of \$7,560.95. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the March 28, 2008 Regular Warrant in the amount of \$287,195.01. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the April 8, 2008 Restricted and Active Capital Reserves in the amount of \$7,540.23. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the April 8, 2008 Regular Warrant in the amount of \$151,656.88. Unanimous.**

****A. Fowler moved, D. Berry seconded accepting the Treasurer's Report. Unanimous.**

ARCHITECT ROBERT FENNEY – ADA RAMP PROJECTS:

Present for this report was Architect Robert Fenney and Facilities Manager Keith Overlock. R. Fenney reported that he has put everything on hold on the ramp project because he is waiting for money from EMDC. He had hoped to add some canopies for District Court and out at the extension building, noting that he had “kind of dragged his heels because he hadn’t heard anything.” Around January, he had finished the canopy design for the Extension Building, but after talking with Facilities Manager Keith Overlock, he decided to wait until hearing more before doing more.

R. Fenney showed prints for the Extension Office. He explained what changes were needed in the ramp and showed how the canopy looked. A second set showed all but the canopy, since there might not be funding for that. He expressed that, by far, the Extension Office is the worst. District Court’s lower entrance is not good, either, but not as bad as the Extension Office.

He had thought the County might save money by having the Facilities Manager hire an asphalt company and oversee it himself. One and one-half years ago he had asked Northeast Equipment to do this and they provided an estimate for R. Fenney. At that time, it was estimated at \$12,000.00 but would undoubtedly be higher now. If the first part of the project were done, the asphalt could be decided on later.

J. Hyk said he was sick to death of this. “We’ve been trying to do this for eight years. We’ve been at stage zero. I’d like to lay this before the Budget Committee. We tried EMDC. It hasn’t worked. We have the Extension Office project, where there is a person in a wheel chair there every year. I don’t want to do a little this year and a little next year. So, give us a large enough number and we’ll take it to them in the fall.” R. Fenney wondered if this would be done as a limited bid or a full-blown bid with advertising. When asked what the figure would be, R. Fenney replied that it would be over \$10,000.00 and the Commissioners noted that this would have to go out to bid. R. Fenney said he had one other recommendation. The ADA act went into effect in 1992, so the County has been non-compliant for eighteen years. He recommended that a citizen show up at the budget meeting this was discussed and have that person say that they wanted to see this done.

K. Overlock wondered why the County needed the Extension Office now. It had originally been set up as support to dairy farmers. He asked if they were still serving that purpose. A. Fowler responded that she didn’t think so. J. Hyk stated that this is why the County had a Budget Committee that could think about these weighty matters.

R. Fenney said he would recommend getting numbers together along with a little brochure detailing the plans and provide them to the Budget Committee in the fall. He and K. Overlock listed the plans they had had for automatic doors, canopies, and other things for other entrances that are not ADA compliant either. R. Fenney commented, “Efforts to make-do have not been working.”

D. Berry suggested solar heating for asphalt surfaces. He stated that the State runs a number of funding programs for this type of thing. He personally would like to see that happen. It would help the ice problem and reduce the need for rock salt, etc. The Commissioners suggested having DRG Specialty Services research this. D. Berry thought there might be funds sitting somewhere that the County could tap into. He noted that Belfast is looking at issues such as this.

K. Overlock recommended getting the pricing for the automatic doors in there. R. Fenney thought it would be good to list what was needed to be in compliance, then add other things as side items.

K. Overlock reported a court case that involved a handicap attorney who recommended that instead of trying to use the chair lift, meet in another room other than the courtroom. If the venue was changed, it would be acceptable. The Commissioners felt it should be addressed more thoroughly than using alternate places. J. Hyk expressed his desire to see the whole thing done properly with the proper funding planned.

FACILITIES REPORT:

1. K. Overlock submitted the Carpenter's and Associates report on costs associated with putting in a new boiler at the Superior Courthouse. According to the report, the chimney needs to be lined and there was not much asbestos in the building other than the boiler itself. K. Overlock wondered where the funding would be coming from. J. Hyk said he thought it could come out of the planning reserve. K. Overlock asked for direction. J. Hyk said he thought it should be put before the Budget Committee and instructed K. Overlock to obtain numbers for oil usage in that building.
2. An estimate for painting the Superior Courthouse Ceiling has been received but did not include some items that will require consideration.
3. There was some discussion on roofs on County buildings. Some of the District Courthouse roof had already been reshingled. R. Fenney said that planning needed to be done to maintain roofs, boilers and other things that are known to be needing maintenance.

DISCUSSION OF SENIOR COLLEGE NEWSLETTERS:

Present for this discussion were Ms. Mary Frenning and Sheriff Scott Story. M. Frenning introduced herself to the Commissioners and explained that she represents the Senior College at Hutchinson Center and described herself as a "10th generation Mainer." She informed the Commissioners that she was not there to ask for money. She noted that she and Sheriff Scott Story know one another, explaining that the Sheriff reads to children at the school.

She stated that the Senior College is a 501-C3 and is entirely self-sufficient. There have been over 1,100 people in the class since 2001, and it is second only to Portland. There are sixteen Senior Colleges in State of Maine, and she described this one as "a jewel." She told the Commissioners that she would like to come back and talk with them about expansion and bring someone back with her. She had intended to bring handouts, but will another time. S. Story commented that M. Frenning was well-respected State-wide.

TECHNOLOGY MEMORANDUM OF AGREEMENT:

Present for this discussion were Judge Susan Longley and Register of Probate Joanne Crowley. S. Longley discussed her concerns about confidentiality, especially as is related to the Code of Conduct. She explained, "Because we have to keep things confidential, this MOA is simple and so those who have access to our information will be sure that 'Mum's the word.' We have an ethical and legal obligation that everyone understands that we need to make the extra effort."

J. Hyk expressed that he had no problem with the MOA, as long as the Commissioners had an attorney looks at it. He noted that the County has policies on confidentiality for County employees, but not necessarily for outside contractors.

J. Crowley stated that she had an opinion on the MOA form, explaining that she just got this information yesterday morning. She drew the Commissioners' attention to the third paragraph in which the words "Deputy Register" were used.

S. Longley explained that she had changed the wording in the draft that she worked on this morning to "Register".

J. Crowley stated that the Deputy Register had brought the draft to her attention and explained to the Commissioners that the Register of Probate is an elected official and that the Register is the appropriate one to be contacted, not the Deputy. "The Deputy has no place in this agreement," she emphasized, noting that she only heard about this on short notice. "This demonstrates disrespect to the Register. A county policy is in place. To force this agreement on Mr. Arseneau or the Commissioners is not a good idea, without looking at it. I'm not saying this is a bad idea. I think all departments have confidentiality in each of their offices and this is more than just the Probate."

A. Fowler asked why J. Crowley had not been aware of this. S. Longley explained that the Registry has staff meetings and an excel sheet on every issue. In a staff meeting it came out that they thought that some of these things may be a personnel matter, and they wanted it looked at. In January S. Longley said she would talk with the Technology Consultant. In January, she spoke with him about it and he indicated that he "does this all the time." She commented that she read his email, no sooner closed it and the County Clerk sent an email asking if anyone needed to discuss anything with the County Commissioners. "So, as you can see, emails go out," she said. B. Arseneau explained that she usually sends out an email prior to a Commissioners Court session asking if anyone needs to be scheduled.

J. Hyk asked J. Crowley if she was here when this started and J. Crowley responded, "Yes." J. Hyk thanked her for her opinion. He expressed that he thought the County wants to protect the County Probate, but also wants to protect other departments as well.

A. Fowler expressed surprise that the Judge had been communicating all this time with Mr. Arseneau and didn't even tell Joanne Crowley, "the Commander in Chief." S. Longley stated that she has, by statutes, supervisory function. She stated that she has to do her job. She noted that the FBI came in and audited them recently, so she has to be careful and do this job. She said she has supervisory authority by the Personnel Policy; Joanne Crowley does the budget and supervises her staff. She explained that she was open to opening the personnel policy and with as few words as possible. "I had it written. I had documented everything. I am trying to keep everybody honest."

J. Crowley stated, "To say we've had a lot of conversations with this, is not accurate." S. Longley started to suggest that if the Deputy Register were there at the meeting, and J. Crowley interjected that this would be undermining her as the Register again. "I'm sorry, but I have to leave now," she stated, and left.

D. Berry held up the binder containing negotiating documents for the Support Staff Unit and said, "There is another world and I'm holding it in my lap. Any other policies, such as the one you are proposing, are flushed." A. Fowler also expressed her displeasure with how this had been handled by S. Longley.

S. Longley stated that it was the situation where the Register has done the job extremely well for many years and added, "I've come in and changed some things."

J. Hyk instructed B. Arseneau to get legal advice from Linda McGill on the MOA. S. Longley offered, with the Commissioners' permission, to pull out the supervisory things in the Personnel Policy. J. Hyk responded that she could feel free to do so, but he did not feel qualified to make a decision regarding this without it going before the County's attorney.

SHERIFF'S REPORT & REQUEST FOR EQUIPMENT DISPOSAL:

Present for this report was Sheriff Scott Story, who started by requesting an Executive Session for a legal matter.

****A. Fowler moved, D. Berry seconded to enter Executive Session for a legal matter according to Title 1, §405 (E) at 11:20 a.m. Unanimous.**

****A. Fowler moved, D. Berry seconded to exit Executive Session at 11:30 a.m. Unanimous.**

No action was taken. Sheriff Story then reported the following:

1. Regarding Jail Consolidation, the vote came out 11 to 1. "All are on board but Lincoln, Sagadahoc and Aroostook Counties," he stated. He noted that Aroostook doesn't feel State has resources, etc. The problem with not being on board is that the County would have to turn around and tell taxpayers that they would be footing the bill. So, if it succeeds, it's a great plan. The down side would be being told later that Waldo County Jail could be down-sized, closed, etc. but he acknowledged they already could do that. If this plan fails, it would be the State's problem. If the State reneges, Counties at least tried. S. Story thanked the Commissioners for supporting him while he has been attending the hearings in Augusta. He added that Commissioner Fowler had also been keeping up with all of this. A. Fowler stated that she was glad that MMA's proposal to spread out debt was gone, and said that she appreciated all S. Story's work on this.
3. A four-year-old refrigerator donated by WCGH, which allowed the County to replace a very old 1950's Coca-Cola Cooler, needs to be removed. S. Story acknowledged that it was not worth much. He suggested that it could be given to a local vendor, or kept in storage until the County vehicle auction. The Commissioners stated that if someone wanted to take it away, they could have it.

CORRESPONDENCE:

Reporting correspondence to the Commissioners was County Clerk Barbara L. Arseneau with Deputy County Clerk Veronica Stover recording the minutes as follows:

1. Communications Director Owen Smith submitted for signature the Public Safety Telecommunicators Week Proclamation for the second week of April, as this is National Telecommunicators Week. A. Fowler commented that Waldo County was privileged to have good telecommunicators working for them. The Commissioners signed the proclamation.
2. The Commissioners briefly reviewed and then approved signing the Customer Service Agreement between the County of Waldo and Lincolnville Communications, Inc. for running fiber optic to connect the County's buildings together, including a \$12,000.00 non-recurring aid to construction charge, a term of agreement for 36 months and at \$600.00 monthly recurring charge.
4. EMA Director Dale Rowley sent notice of an aircraft accident in Penobscot Bay off Northport and Islesboro, to which the Waldo County EMA activated it's EOC at 1900 hours on April 6, 2008 in response.

The EOC operated with the assistance of EMA deputy Director/EMA Administrative Secretary Olga Rumney. The Waldo County Search and Rescue Team was also activated.

5. DRG Specialty Services sent a letter of intention expressing interest in searching for applicable grant funding for Waldo County departments. The research fee would be at the 2006 rate of \$280.00 per month for the remainder of the 2008 fiscal year and would include research time, RFP evaluations and notifications sent informing Waldo County of possible funding opportunities. A. Fowler suggested that they research funding for ADA compliance.

****D. Berry moved, A. Fowler seconded to hire DRG Specialty Services at the proposed monthly rate and conditions presented. Unanimous.**

6. Communications Director Owen Smith recommended hiring Monique Brown from part-time Dispatcher to full-time Dispatcher effective April 13, 2008. Because she has worked as a part-time Dispatcher since 2003 and has experience and certifications, O. Smith requested that she be hired at the two-year pay rate of \$15.44 per hour.

****D. Berry moved, A. Fowler seconded to hire Monique Brown as full-time Dispatcher at the two-year pay rate of \$15.44 per hour commensurate with experience and certifications, effective April 13, 2008. Unanimous.**

7. Communications Director Owen Smith notified the Commissioners that full-time Dispatcher Katie Jewell has resigned her full-time position but requested that the Commissioners confirm hiring her as part-time Dispatcher at a rate of \$11.74 per hour effective retroactive to March 20, 2008, which coincides with the date of resignation.

****D. Berry moved, A. Fowler seconded accepting Dispatcher Katie Jewell's resignation as full-time Dispatcher and approved hiring her as part-time Dispatcher, both effective retroactive to March 20, 2008. Unanimous.**

8. Communications Director Owen Smith recommended hiring Jeanmarie "Jaeme" Ahern as part time Dispatcher at \$11.74 per hour effective April 6, 2008

**** D. Berry moved, A. Fowler seconded to approve hiring Jeanmarie Ahern as part-time Dispatcher at a rate of \$11.74 per hour, effective April 6, 2008. Unanimous.**

9. There was brief discussion of how to go about handling the interview process for the Facilities Manager Position vacancy. The Commissioners suggested that the Interview Panels will be as follows:

First Interview:

Commissioner Amy Fowler
Communications Director Owen Smith
Human Resources/Payroll Director Michelle Wadsworth
Current Facilities Manager Keith Overlock
Sheriff or Designee'

Second Interview:

All Commissioners (in executive session, as appropriate)
County Clerk Barbara Arseneau

EXECUTIVE SESSION: PERSONNEL/LEGAL MATTER:

****A. Fowler moved, D. Berry seconded going into Executive Session for a Legal/Personnel matter at 11:55 a.m. Unanimous.**

****A. Fowler moved, D. Berry seconded to exit Executive Session at 12:49 p.m. Unanimous.**

****D. Berry, A. Fowler moved to obtain from MainePERS a breakdown of the law enforcement and corrections study, not to exceed \$500.00. Unanimous.**

NEXT COURT SESSION:

The next regularly scheduled Commissioners Court Session will be May 13, 2008.

****A. Fowler moved, D. Berry seconded to adjourn the meeting at 1:00 p.m. Unanimous.**

Respectfully submitted by _____
Waldo County Clerk