

Penobscot County Commissioners' Meeting Minutes October 17th, 2017 #2159
9:00 AM Commissioners Peter Baldacci, Tom Davis, and Laura Sanborn 45°

Approval of Minutes-

- Commissioner Davis made a motion to approve the October 3rd, 2017 minutes. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0.

Sheriff's Department Update-

- Sheriff Troy Morton explained managing the overcrowded jail population this week has been challenging. He greatly appreciates the support from the Commissioners to board additional inmates, but the logistics of doing so have been complicated. To match openings with other jails for inmates classified as protective custody, maximum security, females, mental health, general pop., inmates that are co-defendants, etc. is difficult. Sheriff explained that with the Commissioners approval, he and Administrator Bill Collins came to an agreement to house 25 inmates at the Two Bridges facility. Troy hopes this arrangement with Two Bridges can continue until our numbers subside. He is disappointed that after boarding out 69 inmates (24 at Cumberland County and 20 at Two Bridges) and having 85 in Pre-Trial services, the facility is still housing 186 (35 of which are females) in house. Sheriff will be sending five additional inmates to Two Bridges in the very near future.
- The Maine Sheriff's Association will hold a meeting in the county's main building this Thursday. Troy was pleased to hear that some local legislators are planning on attending. The Sheriff invited the Commissioners to attend if their schedule permits.
- The Sheriff's Department is assisting Bangor PD with their citizens' Police Academy. Following a presentation, the attendees will take part in a tour of the jail.
- The Sheriff will be conducting interviews with area news stations to discuss jail overcrowding issues. Troy wants to explain the many factors that contribute to jail overcrowding and that it is a much more complex problem than average citizen realizes.
- Troy will be meeting with all four of the jail's correctional crews. He hopes to inform the staff of the progression of the county's 127 Hammond Street property and the possible jail expansion the building presents.
- The annual patrol inspection will be held this week at the Old Town Airport.
- The department will be taking part in another "Kickoff with a Cop" event at Hermon High School. The previous one at Husson University went very well.
- As discussed in prior meetings, the county's medical contractor continues to struggle with keeping positions properly staffed. The Sheriff was approved to go out to RFP immediately for the service and he has reviewed the first draft of the proposal.
- Yesterday the Troy met with other county Sheriffs and the Governor to discuss immigration issues in the State. Representatives of the Immigration and Custom Enforcement (ICE) attended the meeting and modified forms that are presented to jails

Sheriff's Department Update Continued-

for holding suspects with probable cause for at most 48 hours. Troy now feels some inconsistencies have been cleared up between ICE and county jails. He expects there to be smoother interactions between the agencies going forward.

- The Department will be helping put on another Drug Take Back/Shredding Event for the surrounding areas. TRIAD will be sponsoring the event and Bangor PD will be partnering with the Sheriff's Office. Previous Take Back events have been very successful.
- Sheriff Morton thanked the Commissioners again for their support of moving inmates out of the jail.

Unorganized Territory Update-

- Deputy Director George Buswell said the pavement reclaim project in Mattamiscontis TWP went very well. He did receive citizen complaints of chunks of pavement being on the edge of residents' lawns. George has communicated that he and the paving vendors will be back in the near future to clean up.
- George asked the Commissioners if they wish for him to re-run to be on the board of the Maine Resource and Recovery Association (MRRRA). George believes that while the county hasn't done the volume of recycling with MRRRA that he'd like to see, the organization may benefit from potential recycling law changes with China (the largest collector of U.S. recycled material). Commissioner Davis feels it would be wise for George to re-run. He then made a motion to nominate George to re-run on the board. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0.
- George then informed the Commissioners that a UT Resident had a heart attack while the area electric company and a tree trimming business were trimming and clearing roadside brush on the right a way. George explained that this resident has been difficult to work with in the past, so George asked to have a Deputy present for the trimming in case a problem arose. When then individual returned to his residence and found the vendors trimming branches, he became very upset and had the medical event. The Sheriff's Deputy administered first aid until medical help arrived. The individual is ok but George has learned he may file a lawsuit. George noted that the tree was on the electric company's right of way and the branches were heavily intertwined with the wires. George had also received complaints from other residents about the visibility of driving with the brush alongside the road. The Commissioners asked George to keep them informed of the situation.

I.T. (Dept. 15) Budget Presentation Continued-

- Department Head Cliff Warren presented the I.T. department budget for the 2018 fiscal year. Cliff commented that there are no changes to the department's personnel aside from the yearly wage/benefits adjustments.
- The only expense or revenue line that Cliff initially desired to change was a 5% increase to the department's Computer Repair and Maintenance line for contractual maintenance to a number of the computer, server, and phone systems. Finance Director Judy Alexander stated that her records never indicated a request for an increase. The Commissioners stated that the line should be funded as presented in the budget.
- Commissioners Davis motioned to approve the I.T. Department Budget as presented. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0.
- Judy then presented two bids that the county received to update the fiber optic lines in the 3rd floor office spaces that the county is renovating. The updates also include hardware and accessibility to expand data into the adjacent great room if the room is utilized for such purposes in the future. The two vendors were Windspeed (who provided two separate quotes totaling \$20,533.60) and CMC (\$13,787.48). The only difference in the quotes was Windspeed offered two power supplies for a switch. CMC's quote offered one power supply. Based on the prices of the quotes, CMC's quote is low enough that if another power source were to be added, the additional work/supplies still would still be less than Windspeed's quote. It is Cliff's recommendation the Commissioners choose CMC's quote and add another power source in the future if the situation warrants it. Commissioner Davis made a motion to accept the low bidder, CMC, for the fiber optic upgrade. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0.

Building's (Dept. 8) Budget Presentation-

- Department Head Cap Ayer presented the Building's department budget for the 2018 year. Cap presented that he would like to increase the Buildings & Structures expense by \$1,000 (total \$6,000) to reflect the increase in repairs to the post office sliding doors. Due to the heavy usage of the doors, Cap would like to adjust the expense line to better reflect the money put towards keeping the doors in working condition.
- Cap stated that he added \$200 (total \$1,200) to the Generator Repairs & Maintenance line.
- Cap increased the Heating Repairs & Maintenance line \$1,500 (total \$26,000) based on the repairs/maintenance costs from 2016. The Commissioners suggested keeping the line item at \$24,500. Commissioner Baldacci asked if the costs would reflect any of the

Building's (Dept. 8) Budget Presentation-

current 3rd floor renovations. Cap answered no they would not because those upgrades are all new installations.

- Cap and Judy stated the increase in Medical Insurance Expense line for the department's employees is due to more people (spouses and/or dependents) being added to the county's insurance policy than budgeted last year.
- Commissioner Davis made a motion to accept the Building's (Dept. 8) budget which includes the before mentioned edits. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0.
- Cap noted that the 3rd floor renovation project in the county's main building is going very well.

Building Improvement (Dept. 32) Budget Presentation-

- Judy and Cap then presented the Building Improvement Dept. 32 budget for the 2018 fiscal year. Judy stated that she and Cap have suggested to increase the Buildings & Improvements line item by \$25,000 (to \$75,000) compared to last year's budget. Judy explained that in past years the county has spent all of the funds designated towards improvements, and with the purchase of more real estate and buildings this year, she would like to have more funds available for the line item.
- The Commissioners asked where the funds for the "Old Bangor PD Parking Lot" were designated to. Cap and Judy responded that the line is for any upgrades and/or maintenance/paving for the county's parking lot(s). Cap added that the county was going to repave sections of the lot this summer that were in bad shape, however with the construction all summer on Hammond Street and with the county re-roofing their Franklin Street building, they have decided to wait until next year. The Commissioners suggested renaming the line to "Parking Lot Improvements". Judy noted she will change the title. Cap clarified that the Department 8 Parking lot line is where plowing/sanding expenses are paid from, not from the Department 32 budget currently before the Commissioners. Commissioner Davis asked if the plowing and sanding contracts expire this year or next. Cap answered he would verify the date and report back.
- Commissioner Sanborn made a motion to approve the Building Improvement (Dept. 32) Budget for the 2018 fiscal year. Commissioner Davis seconded the motion. Vote to approve passed 3-0.

State & Local Tax (SALT) Resolve Discussion-

- In last week's meeting Administrator Bill Collins presented a draft letter/resolve expressing opposition to a potential federal tax code change. The proposed modification would eliminate a tax payers' ability to deduct their State and Local Income Tax & Property Taxes on their federal tax returns. Commissioner Baldacci explained that the MCCA recently voted unanimously to oppose the reform that would eliminate the SALT deduction(s) in the new proposed tax reforms. Commissioner Davis made a motion that the Commissioners oppose this provision eliminating the SALT deduction and sign the resolve stating such. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0. Resolve Signed. The reform will be sent to Federal Representatives in Maine, President Trump, the National Association of Counties, and other pertinent members of Congress.

Holden Land Trust Presentation-

- Kevin Cuddy, President of the Holden Land Trust, and Kristine Reid, a member of the Trust's Board, came before the Commissioners to present the recent development of land the Trust has recently purchased. Kevin began by summarizing the mission of the Trust. The Trust's website explains: "Established in 2004, Holden Land Trust is a not for profit, member driven organization committed to the conservation of our natural resources, as well as our significant historical and scenic landscapes. Through educational programs, regional partnerships and membership opportunities, the Trust's central mission is to identify and conserve wildlife habitats, agricultural and forested areas, public recreational opportunities, and open spaces that are an integral part of the area's traditional rural character in order to benefit current and future generations."
- Keven stated that the Trust has recently purchased a 160 acre plot of land that conjoins with land owned by the Curran Homestead and Maine Audubon. The goal of this land (the Hart Fund Campaign) is to preserve the plot for public use (hiking/walking trails), maintain wildlife habitats, and preserve the agricultural tradition of the plot. The land has an old barn and the Trust would like to give out conditional farming permits for the fields in the plot. Commissioner Davis commented that based on his experience he did not believe the farming of that land would be feasible or worthwhile but that the land would serve as a great hiking/walking area. Kristine explained that she is aware of some of the challenges the land would present to farming. However she feels that the land is a wonderful and unique opportunity to plug younger generations into outdoor activities such as hiking and exploring woodlands/wildlife. Kevin stated that there are no similar land areas or opportunities near Holden and thus the Trust would love assistance developing this land for public use. The short term goal of the Trust and newly acquired land would be to invest \$15,000 into a parking area that would provide a safe place for

Holden Land Trust Presentation Continued-

citizens to use. The Trust has already raised \$20,000-\$30,000 locally. Commissioner Davis expressed that he feels this is a wonderful project and that he supports what the Trust is doing. However, based on the dire jail funding crisis and the fact that Holden is a very wealthy town, he doesn't feel comfortable giving county funds subsidized in part from poor localities in the county for the project. Commissioner Davis also noted that he fears contributing to the trust will cause other land entities throughout the county to begin asking for funds. Commissioner Baldacci stated that the county would not be the major donor and he would suggest a one-time, non-recurring donation. Thus he is in favor of supporting the project since it is a great regional venture for the county's citizens and an opportunity to partner with organizations such as the Curran Homestead and Maine Audubon. Commissioner Sanborn would like to make a donation for the Trust on the basis the organization continues to partner with the Curran Homestead and Maine Audubon to create this regional opportunity for county citizens. Commissioner Sanborn then made a motion to give a donation of \$10,000 to the Hart Fund campaign on the basis that the campaign continues to work with the Curran Homestead and Maine Audubon to make it a regional opportunity. Commissioner Davis seconded the motion for the purpose of discussion. Vote to approve passed 2-1 with Commissioner Davis voting in opposition. Treasurer Dan Tremble noted that the donation would need to be approved by the budget committee for next year's county budget. Kristine Reid added that they would return next year to report on the progress if the Commissioners wished. The Commissioners agreed. Kevin and Kristine thanked the Commissioners for allowing them to present.

Northeastern Workforce Development Board (NWDB) Update-

- NWDB Director Joanna Russell presented an update on the funding crisis the Workforce Board has been working to resolve with Maine Governor Paul LePage. Joanna noted that the Governor has a legal obligation to provide the federal funding for the remainder of this year (PY17) since he previously signed a contract to do so. Thus some of the Maine workforce boards have hired a legal firm and have been told that the Governor would be breaking the law by withholding the funds from the board. Joanna noted that there is no limit though to how much funds counties would have to allocate to pursue legal means to obtain these program funds. Joanna believes if Penobscot County supports taking legal pursuit with the Coastal Boards, the other four counties her board services (Piscataquis, Aroostook, Washington, and Hancock) may follow suit. Joanna stated the only way Governor LePage could withhold passing down the federal funding is if County Commissioners signed off approving as such, or a change in Congressional Law. Discussion then ensued of Governor LePage's critique of the board's

Northeastern Workforce Development Board (NWDB) Update Continued-

use of the programs federal funding. Governor LePage stated the board allocates 75% of their funds towards Administrative Expenses and only 25% of the monies towards training. Joanna conversely explained that her board spends 30-35% of their funds towards training programs and she has presented all of her financial numbers to the Governor. As not clarified in the Governor's critique, the Governor included operational costs in with the Admin. Expenses which misrepresents the board's actual Admin. Expenses. Joanna noted that if Admin expenses were reduced, the level of service/screenings/testing/counseling to job seekers and oversight of training would diminish respectively. Commissioner Davis felt the Governor's critique was more directed towards the training providers versus our county's board.

- Joanna said if the boards funding is cut for PY17, she knows she can draw down the remaining funds from PY16. She offered that if funding is stopped it would be pointless to keep the board's office open. Thus a potential better use of the PY16 funds would be to transfer them to the board's service providers. This would enable the service providers to have a little more time to train their job seekers. Treasurer Dan Tremble mentioned that unfortunately the amount of funds that Joanna is presenting to transfer would only extend the service providers a couple weeks of service.
- Joanna expressed concern ultimately for the job seekers that will potentially lose out on these training opportunities, but for also the businesses who hire some of these job seekers and are stuck with not receiving any wage reimbursements from the program funds. The Commissioners and Dan noted the business should be encouraged to reach out to the Governor and local legislatures to voice this concern.
- The Commissioners stated that they are not comfortable with signing the retaining agreement with the law firm representing the coastal county's board. The unknown of the legal cost is just too big of a risk for the county.

Registry of Deeds Update-

- Susan Bulay, Register of Deeds, asked if the Commissioners would approve her to attend a symposium in Portsmouth, New Hampshire regarding electronic signatures, electronic recordings, and electronic notaries. The event will be put on by the New Hampshire Registry of Deeds Association and Susan feels the convention would be very advantageous due to the technological transitions in the Deeds field. The registration fee for the symposium is \$75 and she would request to spend two nights for travel. The total cost of the trip would be approximately \$500. Commissioner Sanborn feels the training would be beneficial to the department. Susan hopes to room with the Hancock County Register of Deeds if the trip is approved. Commissioner Davis motioned to

Registry of Deeds Update Continued-

approve Susan's travel and training request, but asked if she can attempt to share the hotel cost with another attendee. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0.

Administrative Update-

- Finance Director Judy Alexander presented a proposal of services from WBRC for their work in analyzing the condition of the county's 127 Hammond Street Building.
- Judy has received a draft of the jails audit from the county's auditor Chester Kearney. Judy stated the audit reflects a jail budget deficit of \$595,000 for the 2016-2017 fiscal year. If you add in the budget deficit for the 2015-2016 budget year the budget deficit totals \$601,000. The shortfall is being carried forward as a receivable on the county financial books in hopes that the state will reimburse the county for the funding deficit at a future date. Judy noted that there were no material findings in the draft report and that the auditors will present their final audit at a later meeting.
- Judy presented an addendum and representation letter in regards to the jail audit with Chester Kearney. Each letter was signed.
- Judy presented that there are open terms that need to be filled for this year's budget committee. Judy asked the Commissioners whom they would like to appoint to the open positions. The Commissioners noted that they would email Judy the names of whom they will appoint once finalized.
- Assistant Finance Director Tyler Thompson presented an email update from PRCC Director Chad LaBree that Administrator Bill Collins had asked him to share.
- Bill also had a request from EMA Director Michelle Tanguay asking if the department could place an ad in the Brewer High School year book. The ad would serve as a follow up to a program EMA put on at the school earlier in the year. Michelle noted there are funds in her budget for the ad. The Commissioners wished to not place the ad at this time.
- Payroll Warrant to be approved for: \$ 208,761.34
- Accounts Payable Warrant to be approved for: \$ 1,247,977.86
- Unorganized Territory Warrant to be approved for: \$ 33,470.07
- Payroll change notice signed for: Resignation – Debra Smith. Hired – Joshua Lilley (Part-Time) and Mary Ann Hesseltine (Transfer). Miscellaneous - Rick Canarr and John Mayhew
- Compensation notice signed for: George Buswell – 2.25 Hours.

Public Comment- None

Executive Session – Commissioner Sanborn motioned to go into Executive Session to discuss a personnel matter at 10:53 am under 1 MRSA §405 (6) (A). Commissioner Davis seconded the motion. Vote to approve passed 3-0. The Commissioners, Treasurer Dan Tremble, Finance Director Judith Alexander, Register of Probate Renee Stupak, and Assistant Finance Director Tyler Thompson were in attendance. Executive Session ended at 11:01 am with no votes taken.

Meeting Adjourned- The meeting was adjourned at 11:02 am with no further business on the agenda.

Certified By:

Finance Director, Judith Alexander
On Behalf of Penobscot County
Administrator, William Collins

Peter K. Baldacci, Chairman

Laura J. Sanborn, Commissioner

Thomas J. Davis, Jr., Commissioner