

Penobscot County Commissioners Meeting Minutes February 7, 2017 #2124
9:00 AM Commissioner's Peter Baldacci, Tom Davis, and Laura Sanborn. 11°

Approval of Minutes-

- Commissioner Sanborn made a motion to approve the January 17th and January 31st minutes. Commissioner Davis seconded the motion. Vote to approve passed 3-0.

For the Minutes

- Commissioner Davis made a motion to approve the 2017 Municipal Tax Warrants of \$14,252,446. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0.
- Commissioner Davis made a motion to approve of the 2016 Audit Representation for the County with Chester Kearney. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0.

Tan Discussion

- Finance Director Judy Alexander presented a request to begin work on preparing a TAN for the county. Treasurer Dan Trembley suggested that the preparation process should start immediately since it will cost the county no added expense. Judy added that the county would then have availability to the funds sooner. Bill Collins noted that the county was looking to borrow around \$4.2 million. Judy commented that she feels it is important to make sure we request enough funds the first time the Tan is structured. She will get back to the Commissioners on a final figure. Commissioner Davis then made a motion to approve Eaton Peabody begin the preparation work for the Tan. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0.
- Judy mentioned that she hopes to have the end of year and January reserve reports to the Commissioners by next week.

Administrative Update

- Administrator Bill Collins explained his attempts on two separate occasions to meet with the Appropriations Committee in Augusta were both cancelled. The meetings were in regards to the county's supplemental jail funding request of \$471,000 that was approved in the January 31st Commissioner's Meeting. He was advised by Rosemary Kulow, the Executive Director of MCCA, that the hearing has been rescheduled to February 8th. Bill noted that he was able to informally meet with members of the Appropriations Committee. They stated that they have no intentions of granting the supplemental funding request as there are no funds designated for it in the Governor's Budget.

Administrative Update Continued-

- Bill stated that Rosemary Kulow did mention she was able to present the county's request for additional funding to the Criminal Justice committee. The committee presented two question for the county. First of which was what counties included a 3% increase in their jail budget for each year of the biennium. Bill noted that our county did... The committee's second question was; of the fifteen county jails, why wasn't each county making a supplemental budget request. Bill sent them information explaining that the counties not requesting additional funds are not at maximum capacity, unlike our current jail crisis. This provides opportunity for those jails to raise additional funds for boarding including federal inmates for additional jail revenue. Bill then stated he hoped the Appropriations committee will eventually find time to meet so he can present our county's request.
- Bill presented to the Commissioners that there will be two Tax Abatement hearings February 21st. One of the hearings is for a property located in Kenduskeag, the other is against the State of Maine Revenue Services for a property in Millinocket.
- Bill mentioned that Adam Prosser of the IT department will begin work on improving the aesthetics and user friendliness of the county's website. Administrative Assistant Tyler Thompson will be assisting him update the current content as well as posting new items for the Commissioners as needed.
- Treasurer Dan Tremble stated that he and Judy Alexander have been in talks of possibly shifting the year end of the Jail's financials to match the year end of the county. Bill explained that the state requested in 2008 for counties to switch their jail's financials to a fiscal year as opposed to a calendar year. He stated that a recent survey though showed that two counties have switched their jail's financials back to a calendar year. Commissioner Baldacci wanted to be sure that the Commissioners had all the relevant information and impacts of switching year end dates before making a final decision. Bill recommended that we wait to hear back from the state before any changes are made.
- Commissioner Baldacci then expressed the importance of getting legislative support for the supplemental budget request and described the additional tax burden that may then fall on local taxpayers. Bill explained how the state's county Sheriffs are trying to enforce the idea that the county-state relationship should be a partnership with handling law enforcement, and that the counties desperately need help housing inmates.

Sheriff's Department Update-

- Sheriff Morton was unable to attend the meeting so Bill provided updates on his behalf.

Sheriff's Department Update Continued-

- The Sheriff stated he was in Washington D.C. over the weekend to attend a conference discussing the Stepping Up Initiative. He received a lot of positive feedback in regards to the progress our jail is making in hand with the program.
- The Sheriff reported that the jail's population is currently at 186; 64 of which are pretrial inmates. This number does not include the 47 inmates that are currently boarded out at other jail facilities. Twenty-eight inmates are boarded at Cumberland County, who charges \$70/inmate per day.
- Bill reiterated the major issue of the jail crisis is that it is consistently housing a population above its max capacity of (157) as well as consistently being forced to house a significant number of inmates at jails that bill us for their services.

Property Acquisition Discussion-

- The county's attorney Ed Bearor reported the latest update on the property acquisition located at 127 Hammond Street, Bangor. He explained everything has gone smoothly with the seller and they accepted the county's offer for purchase. However, the transaction has been put on hold due to liens that have been placed on the property by a contracting company and the owner's mortgage holder. Ed stated that the county will notify all parties involved, and that they will pursue the property at fair market value through eminent domain if the Mortgage Holder and contracting company cannot come to an agreement on how to split the sale proceeds.
- Ed and Bill then suggested that the Commissioners should hold a public hearing no less than 30 days from now. This hearing will be to vote and hold comment on the decision of possessing the property through eminent domain if a resolution is not reached by the lien parties involved by then. Commissioner Davis made the motion to hold a hearing on March 21st regarding the possibility of obtaining the property through eminent domain. Commissioner Sanborn seconded the motion. Vote to approve passed 3-0.
- Commissioner Baldacci explained that the purpose of eminent domain is for a locality to acquire a property to be used for a public purpose. He added that since the property is neighboring the county's jails and headquarters, it would be a great public benefit. He expounded that the property could be used to help expand the jail, alleviating the current population crisis, and serve as an additional space for other departments to utilize.

Property Acquisition Discussion Continued –

- Attorney Bearor reiterated that the county would need the lender's permission to acquire the property unless the county proceeded with the action of eminent domain. Commissioner Davis and Ed explained the county has actively tried to get the lender to sign off on the purchase with no avail and is only considering eminent domain as a last resort.
- Ed made known that he felt the Commissioners have been very reasonable in their offers. He stated the county is not trying to obtain the property against someone's will, but is simply trying to purchase the property through alternative means since the lender has put a hold on the transaction.
- Judy Harrison from the Bangor Daily News asked what the county's plans for the building would be. Commissioner Baldacci explained the priority for the building would be to expand the critical space restraints of the county's jail. He also noted the building may be used as additional space for other departments to use and how important this property would be in expanding the county's campus.
- Wayne Harvey from WABI TV 5 asked if there had been any feasibility studies prepared on the concept of transitioning the facility. Commissioner Baldacci answered that no formal plans have been drawn up yet, but informally some of the department heads have discussed how feasible this transition might be and ways the property would be of use.
- Judy Harrison inquired what has changed since the county first made an offer on the property in 2011. Commissioner Baldacci did look at it during 2011. Commissioner Davis answered that with the recent problems in boarding out inmates to other counties that this property has recently been of more interest in regards to expanding our jail. Bill then described the county has had hardship raising additional funds to pay for the population problems and that the county could expect to pay \$1-1.5 million dollars in boarding fees alone per year. Bill explained it would be far less costly to house inmates on campus then to continually ship those inmates to other facilities. Commissioner Davis and Baldacci responded that the county is trying to do everything possible to reduce the exposure of these great costs as opposed to just expanding our jail. They mentioned our jail always attempts to exchange inmates to other counties for free, but are worried how long those jails will be able to provide this service. Commissioner Baldacci then described how the Commissioners and Sheriff have been working diligently with the District Attorney's office to limit the number of pretrial inmates and to speed the process up of sentencing. He noted that two-thirds of the jail population are pre-trial inmates.

Property Acquisition Discussion Continued -

- Wayne Harvey then asked if the county had a time table on when they would expect to acquire the property. The county's attorney Ed Bearor explained that if the county decided to proceed with eminent domain at the March 21st hearing, there would only be legal matters of the sale to finalize and the transition would move along quickly from there. Commissioner Baldacci noted there would be an order of condemnation and recording of deed with registrar's office. The registry would then notify any lien holders, who would have the opportunity to settle on damage amounts and work with the county on finalizing the fair market value of the purchase. Commissioner Baldacci said a formal plan would then be worked on to figure renovation costs and the layout of the newly purchased building.
- Judy Harrison asked if the county had a figure for the cost of the renovation. Commissioner Baldacci responded that the county did not have a formal figure, but knew renovating would be a great cost savings versus building a brand new facility. He noted that Somerset County spent nearly \$45 million dollars on their new county jail. He expects a renovation would be nowhere near the burden on the county's tax payers as opposed to building new.

Unorganized Territory Update-

- Director Barbara Veilleux explained that the contractor that recently supplied the extra 1,200 yds. of sand in the Prentiss shed asked for an extra dollar per yard for having to open up his pit during the winter. George Buswell and Barbara feel that this request is reasonable and the county has paid the extra dollar a yard in previous situations in the past. Commissioner Davis agreed that this was not an unreasonable request. Okayed.
- They both then made note that the salt/sand shed in Grand Falls needs to be replenished. George explained that the current contractor for the shed isn't able to provide additional salt/sand at this time so he recently received quotes from other contractors. George stated the best price he was quoted for was Thornton Brothers at \$10.50 a yard. The county would have to pay their plow contractors, A&G, an additional \$1 a yard to handle putting the sand up. George felt this was a good price and would like to have Thornton Brothers and A&G commence with an order for 300 yards. He also noted that the county can order additional sand in the future at the price if needed. All three Commissioners supported the recommendation.

Unorganized Territory Update Continued-

- Barbara reported that Joe Rogers, Hampden's Public Safety Director, said he was going to recommend to the town manager that the county provide for the town's animal control services. She noted that Camel and Newburg have recently expressed new interest and she will be following up with Levant, Hermon, and Etna/Dixmont to possibly provide their services as well.
- Bill then stated that he and Barbara have been communicating with Rudman & Winchell in regards to the county receiving the funds from the first year of the wind tower TIF funds. The state is arguing that since the county TIF district was not approved by the assessment date, the county is not entitled to receive the TIF funds for the first year. Bill and Barbara said that they are waiting to hear back from the county's lawyer on possible avenues of appeal and other options to recoup the funds for the first year.

EMA Update-

- Michelle Tanguay presented the county's Emergency Operation Plan for the Commissioners to sign off on. The plan covers the many facets of how the county would handle a local disaster. Michelle noted that the contact information of the new plan has been updated, but the rest of the plan is unchanged.
- Treasurer Dan Tremble asked how the county would handle pets in the wake of a disaster. Michelle explained that we would ask another county to assist with providing housing services for resident's pets, since our county does not have a pet shelter. The county has designated locations for such services but would need the assistance of equipment and personnel from other Maine counties. She added she would like to see such a service develop in our county. Michelle stated that many citizens don't go to shelters during a disaster because their pets are most often not allowed. The Emergency Operation Plan was then signed.
- Michelle presented that she had received signatures from all the county's towns for the renewal of FEMA's Hazard Mitigation Plan. She has forwarded all the signatures to FEMA and is waiting for them to finalize the approval of the plan.
- She then explained that Penobscot County is one of two Maine counties that will be hosting a pilot program through the FEMA citizen core project. This project ensures that counties have designated CPODs (locations at which safety supplies and food can be dropped off to municipalities in the event of an emergency). She commented that ten years ago a list of points had been designated for our county. However, many of the points are outdated and have not been followed up on to see if owners still give permission for the use of their property. FEMA is thus going to use Penobscot County as a pilot location to modify and create a list of updated CPODs for the program.

EMA Update Continued-

Commissioner Davis suggested that Michelle inform FEMA to ensure that the locations the program picks can successfully harbor food and supplies to survive the often harsh Maine elements. Commissioner Sanborn added that years ago programs utilized trailers to successfully house and store these emergency supplies. Michelle added that town's local fire stations and other municipal departments always work in hand with FEMA and EMA with regards to helping out with disasters or emergencies.

Public Comment-

- Reverend Bobby Bledsoe, from the City Outreach Church, arrived late to the meeting and was upset that he missed the discussion on acquisition of the 127 Hammond Street, Bangor property. He explained his Church is currently a tenant at the location and he is very concerned about the possibility of the county taking ownership of the location. He was concerned that the county didn't know that there was tenants currently using the property and was under the notion that the property cannot be seized by eminent domain if there are other outstanding offers on the property. Commission Davis responded that the county did know there were tenants and the fact that there were other offers on the building does not impact the possibility of the county acquiring the process via eminent domain. Bill remarked that as stated on the Commissioner's Meeting Agenda, that all times topics are discussed are tentative.
- Commissioner Baldacci stated to Bledsoe that this was not the public hearing on acquiring the property. Today's meeting was only to finalize a date for the public hearing on March 21st
- Judy Harrison then asked if a possible use of the property acquisition would be to move some of the females out of the jail or develop a drug rehab program. Commissioner Baldacci and Dan Tremble responded that the forefront plans for the building would be a safe booking area for jail, an area to house low-risk females, and expansion for other county departments.
- Judy asked if the Commissioners foresaw any drawn out legal battles of obtaining the property through eminent domain. Commissioner Baldacci stated that since the property would be obtained for a public use and not commercial development, he saw no major concerns for any legal issues or delays

PRCC Update-

- Department head Chad Labree came before the Commissioner's to request the purchase of a dispatch training program called CritiCall. Chad explained the purpose of CritiCall was to assist dispatch centers with the analysis of potential new hires. The program assesses one's ability to multitask and handle common technology that dispatchers utilize on a daily basis. Chad added that one huge expense for the department is that they will hire a candidate, train them, and then realize they are unable to handle the stress and technology of a dispatch center. He reached out to multiple counties that use CritiCall and they all had positive feedback in regards to the improvement of employee retention at their dispatch centers. Chad noted that he negotiated down the cost of the license to \$2,900 a year and the price has no restriction for how many times the application is used. He stated that if the training program is unsatisfactory, the department can simply not renew the license for another year. Commissioner Sanborn motioned the approval of the purchase of CritiCall. Commissioner Davis seconded the motion. Vote to approve passed 3-0.

Administrative Update Continued-

- Payroll Warrant to be approved for \$ 202,984.29
- Accounts Payable Warrant to be approved for \$ 275,267.42
- Unorganized Territory Warrant to be approved for \$ 141,983.97
- Payroll change notice signed for: Gary Hood – Cheryl Ann Kocis – Resignation. Mycheal Goodine, Carole Starling, and Gary Mehuren – Step Increases.
- Compensation notice signed for: None

Executive Session- Administrator Bill Collins made a request to go into Executive Session to discuss a personnel matter at 11:00 am under 1 MRSA §405 (6) (A). Executive Session ended at 11:30 am with no votes taken.

Meeting Adjourned- The meeting was adjourned at 11:31 am with no further business on the agenda.

Certified By:

_____/s/_____
Penobscot Count Administrator
William Collins

_____/s/_____
Peter K. Baldacci, Chairman

_____/s/_____
Laura J. Sanborn, Commissioner

_____/s/_____
Thomas J. Davis, Jr., Commissioner