

August 14, 2014

**Minutes of the Washington County Commissioners'
Regular Meeting held
August 14, 2014
in the Commissioners' Conference Room
Machias, Maine**

**Attending the meeting were:
Commissioner Christopher Gardner
Commissioner John Crowley, Sr.
Commissioner Vinton Cassidy
Betsy Fitzgerald, County Manager
Carla Manchester, Administration
Michael Hinerman, EMA
Ken Daye, SCEC
Sharon D. Strout, Deeds
Sheriff Smith, WCSO
Leigh MacKeen, Whitneyville
Jill C. Holmes, Treasurer
Heron Weston, Unorganized Territories
Don Brown, Don Brown Law
Dean A. Preston, UT Supervisor**

The meeting was called to order at 4:20 p.m.

**Approval of the July regular meeting minutes for July 10, 2014
(Crowley / Cassidy, 3-0)**

AGENDA ITEM: Monthly and Quarterly Reports

The Commissioners were provided monthly reports in their meeting packets. (See attached)

Commissioner Gardner requested a change in the monthly meeting schedule for both September and October due to scheduling conflicts. By consensus, it was decided to hold the September meeting on Wednesday, September 10th and the October meeting on Wednesday, October 8th. County Manager Betsy Fitzgerald stated that Judy East requested time for to present information to the Commissioners on GROW Washington/Aroostook County. By consensus, the November meeting will begin at 3:15 p.m. to provide time for the presentation.

AGENDA ITEM: Payroll Status Change Notices

***MOTION* Commissioner Crowley moved to hire Sean Carrier, Carilla Fritz, Bruce Sanford and Thomas Johnson all as a part-**

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time Corrections Officers effective 07/20/14 not to exceed 32 hours per week except for training and emergency purposes. Commissioner Cassidy seconded the motion which passed 3-0.

With the recommendation of Sheriff Smith,

***MOTION* Commissioner Crowley moved to hire Ryan Murry as part-time patrol deputy effective 08/17/14. Commissioner Cassidy seconded the motion which passed unanimously**

and;

***MOTION* Commissioner Crowley moved to hire James Malloy as part-time patrol deputy effective 08/17/14. Commissioner Cassidy seconded the motion which passed unanimously.**

It was noted by Commissioner Gardner that the starting pay rate for James Malloy of \$14.39 is based on his full Maine Criminal Justice Academy certification.

With the recommendation of Jail Administrator Rich Rolfe,

***MOTION* Commissioner Crowley moved to promote Damon Dore to full-time Corrections Officer effective 08/10/14. Commissioner Cassidy seconded the motion which passed unanimously.**

By consensus, the Commissioners did not act on a payroll change request to increase Rich Rolfe's part-time patrol deputy wage to reflect his full academy certification. It was determined that the rate for him when working a patrol shift is not applicable.

AGENDA ITEM: Signatures on Six-month Certificate

The six-month certificates were signed for Timothy Carter, Damon Dore, Christien Hooper and Wayne Robbins.

AGENDA ITEM: Update on the Courthouse construction project

County Manager Betsy Fitzgerald informed the Commissioners that the new parking lots on Cooper Street and Court Street are now complete and in use. The foundation work for the new addition is currently being worked on. There is a new emergency exit with a well-marked pathway in the basement level that allows access to Cooper Street. County Manager Betsy Fitzgerald stated it is a very busy work-site with many different things happening at the same time. Commissioner Crowley pointed out

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that the Cooper Street parking lot is not draining well. Betsy stated that the contractors were aware of the issue and will be addressed.

AGENDA ITEM: Approval of Transfer of Forfeiture Assets

The District Attorney's Office requested that the assets from the Superior Court criminal matter Docket No# CR-13-145 to be transferred to the Washington County Forfeiture account.

***MOTION* Commissioner Crowley moved to accept the forfeiture assets of criminal matter Docket # CR-13-145. Commissioner Cassidy seconded the motion which passed unanimously.**

AGENDA ITEM: Request for use of front parking lot for the Maine Wild Blueberry Festival

County Manager Betsy Fitzgerald stated that she had received a request from Centre Street Congregational Church for use of the new Court Street parking lot to be used during the Machias Blueberry Festival. The purpose of that space would be for handicap parking only. County Manager Betsy Fitzgerald anticipates that the request will be made earlier next year now that the festival committee is aware of the new parking space.

***MOTION* Commissioner Cassidy moved to authorize Centre Street Congregational Church the use of the Court Street parking lot. Commissioner Cassidy seconded the motion which passed 3-0.**

AGENDA ITEM: Award Salt Bid for 2014-15 Season

On August 11, 2014, a bid opening was held in the County Commissioners Office. Attending the opening were Betsy Fitzgerald, County Manager and Carla Manchester, Administrative Assistant. It was recommended by the County Manager that the bid be awarded to Cargill Inc Deicing Technology as the low bidder. Commissioner Gardner asked U.T. Supervisor Dean Preston if this was a good price. Dean responded that it was a good price and he has never had any problems with Cargill, Inc. Bid results are attached.

***MOTION* Commissioner Crowley moved to accept the bid from Cargill Inc Deicing Technology with a bid of \$67.23 per ton as recommended by the County Manager. Commissioner Cassidy seconded the motion which passed unanimously.**

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AGENDA ITEM: Signature on Community Corrections Annual Expenditure Report

The Community Corrections Account Annual Expenditure Report for the reporting period of 07/01/13 to 06/30/14 was submitted to the Commissioners for approval. By consensus the report was approved and signed by County Chair, Commissioner Gardner.

AGENDA ITEM: Line Agreement with property abutters on Court Street

County Manager Betsy Fitzgerald provided the Commissioners with a Line Agreement sketch for the properties of Porter Memorial Library Association, Jeffrey & Candance Davidson, and The County of Washington. The purpose of the line agreement sketch was to define the line between all three land owners on the southerly side of Court Street. County Manager Betsy Fitzgerald seeing no issue with the agreement, recommended that the agreement be accepted as presented.

***MOTION* Commissioner Cassidy moved to accept the Line Agreement sketch as presented. (Cassidy / Crowley, 3-0)**

AGENDA ITEM: Discussion on County Showcase Video Program

County Manager Betsy Fitzgerald stated that the County had been contacted by CGI Communications, Inc. requesting that Washington County participate in a Showcase Video Program. The agreement entailed the creation of a promotional video highlighting attractions of Washington County and promoting the Showcase Video program. Betsy checked with several other County Administrators. She reported that some counties have participated while others have not. Betsy asked the Commissioners how they would like to proceed. Commissioner Crowley stated that Washington County is not the business of government to encourage businesses to advertise. By consensus, directed the County Manager Betsy Fitzgerald to thank CGI Communications, Inc. for their offer but Washington County is not interested.

Leigh MacKeen of Whitneyville asked if he could address the Board of Commissioners regarding an investigation of the Sheriff. Leigh stated that he had an audio CD of the hearing on January 25, 2013, Case #MACDC-PA-09-126, that he would like to allow the Commissioners to have for their review. Leigh stated that it may assist them in the investigation. Commissioner Gardner stated that the investigation process does not fall within their jurisdiction. Commissioner Gardner accepted the CD, stating that they would take it under advisement and

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put it in the hands of the Attorney General's Office if needed.

MOTION Commissioner Crowley moved to go into Executive Session pursuant to Title 1 MRSA § 405-A 6E to discuss a legal issue. Commissioner Cassidy seconded the motion which passed 3-0. It was 4:40 p.m.

Commissioner Gardner stated that it was anticipated that a decision would be made after executive session.

MOTION Commissioner Crowley moved to come out of Executive Session. Commissioner Cassidy seconded the motion which passed 3-0. It was 5:00 p.m.

Commissioner Gardner explained that the Board had taken the opportunity to speak with the County Attorney regarding the investigation on Sheriff Smith and were advised that there was no basis for executive session.

Commissioner Gardner stated that the purpose of the investigation stemmed from the release of social security numbers that then appeared on the Bangor Daily News website for a very brief period. A list of current and previous employees that included social security numbers had been submitted as evidence for a hearing to contest the candidacy of two political opponents running for Sheriff. Concerns that the Sheriff may have illegally used his office for political activity invoked an investigation. Commissioner Gardner then stated that the investigation would be referred to the Attorney General's office as the investigation could not be completed without the cooperation of the Sheriff's Office. Attorney Don Brown stated that neither Sheriff Smith nor he had received notice of the investigation. After much debate and discussion Commissioner Cassidy stated that he could not support turning the investigation over to the Attorney General's Office. By consensus, the Commissioners tabled the motion to forward the investigation to the AG's office until an attempt was made to resolve the issue in-house.

Adjournment 5:55 p.m.

Attest: _____
Carla J.R. Manchester, Admin. Asst.