

# *Kennebec County, Maine*

## County Commissioner's Meeting Minutes February 15, 2022



**Present:**

Patsy Crockett, Commissioner (Chair)  
 Nancy Rines, Commissioner  
 George Jabar, Commissioner  
 Scott Ferguson, County Administrator  
 Ken Mason, Sheriff  
 Al Morin, Chief Deputy

Corey Goodchild, Asst. Jail Admin.  
 Diane Wilson, Acting Registrar of Deeds  
 Megan Dickey, Assistant HR Manager  
 Dan Brunelle, Facilities Manager  
 Cindi Ferguson CPA, Finance Director  
 Sean Goodwin, EMA Director

Art True, EMA Deputy Director  
 Devon Parsons, IT Director  
 Kathy Ayers, Register of Probate  
 Shay Freeman, DA Office Manager  
 Tom Doore, Treasurer

**Absent:** Maeghan Maloney, Esq., DA,

	<b>Discussion</b>	<b>Action</b>
<b>Executive Session</b>	<p>Motion by Commissioner Rines seconded by Commissioner Jabar to go into Executive Session in accordance with 1 MRSA §405-6-A to discuss a personnel issue.</p> <p>Into Executive Session at 11:47 AM.</p> <p>Out of Executive Session at 12:05 PM.</p>	<p>3 in favor, 0 opposed</p> <p>No action taken following Executive Session</p>
<b>Call to order</b>	12:05 PM	
<b>Minutes</b>	Motion and second to accept the minutes of February 1st, 2022	Approved 3-0
<b>Awards from Capt. Bryan Slaney</b>	The Kennebec County Sheriff's Office recognized several officers for their actions efforts in saving the life of a fellow officer. On January 21, 2022, at approximately 1515 hours, a Corrections Officer suffered a medical emergency, rendering him unresponsive. Corrections Officer's Joseph St. Pierre, Joseph Ingalls, Joseph Pizzuto, Nivek Boostedt, Myra Gagnon, and Brent Hewett responded. This group immediately began working together to render aid for the Corrections Officer. The group's quick response, recognition of the severity of the medical emergency, and immediate intervention resulted in	Life Saving Pins

# Kennebec County, Maine

## County Commissioner's Meeting Minutes February 15, 2022



	<b>Discussion</b>	<b>Action</b>
	saving the life of the Corrections Officer. It is with great honor and respect that Captain Slaney presented the Life Saving Award to these fine officers.	
<b>Human Resources</b>	<p><b>Megan Dickey:</b></p> <ul style="list-style-type: none"> <li>➤ The 1095C's, which identifies employee health coverage eligibility and associated costs, was sent to the IRS and employees. The forms were completed, reviewed, and printed and sent to the IRS.</li> <li>➤ There is a meeting scheduled with MPERS on Feb 22<sup>nd</sup> to discuss changes and updates to the Law Enforcement plans</li> <li>➤ I have been busy with confidential personnel matters and have spent a good amount of time working with employees to assist with their concerns.</li> </ul> <p><b>Scott Ferguson:</b></p> <ul style="list-style-type: none"> <li>➤ Megan has been attending jail briefings and assisting Departments with personnel matters. She has been coming in early and working late to keep up with the personnel needs of the county. She is doing a good job towing the HR line.</li> </ul>	
<b>Treasurer</b>	<p><b>Tom Doore, Treasurer:</b></p> <ul style="list-style-type: none"> <li>➤ We are 65% into FY 22 Budget.</li> <li>➤ General Fund is \$7,418,000 all invested in the Insured Cash Sweep account with Kennebec Savings Bank. Recovery Cash Fund \$11,466,000 all invested in the Insured Cash Sweep account with Kennebec Savings Bank. Our Investment Fund has \$2,088,000 that did drop again.</li> <li>➤ There are 2 warrants that need signatures on them.</li> </ul> <p><b>Scott Ferguson:</b></p> <ul style="list-style-type: none"> <li>➤ I'd like to see what our options are for banking.</li> </ul> <p><b>Commissioner Rines:</b></p> <ul style="list-style-type: none"> <li>➤ We did an RFP for it before, maybe we can look into that.</li> </ul>	Approved 3-0

# *Kennebec County, Maine*

## County Commissioner's Meeting Minutes February 15, 2022



<b>Finance</b>	<p><b>Cindi Ferguson CPA, Finance Director</b></p> <ul style="list-style-type: none"> <li>➤ The first installment for Premium Pay for Eligible Workers will go this week.</li> <li>➤ While MPERS has indicated that this pay is not earnable wages and not subject to retirement taxes I was concerned about our other plans. We will need to amend the retirement policy to make the other plans consistent with MPERS as it relates to these types of payments.</li> </ul>	
<b>Deeds</b>	<p><b>Diane Wilson, Acting Register of Deeds:</b></p> <ul style="list-style-type: none"> <li>➤ Everything is going well at Deeds.</li> <li>➤ The selling of houses slowed down in January 2022 but are still selling.</li> </ul>	
<b>District Attorney</b>	<p><b>Maeghan Maloney Esq., District Attorney: Absent</b> <b>Shay Freeman, Office Manager:</b></p> <ul style="list-style-type: none"> <li>➤ Maeghan is in meeting to help figure out how to help catch the court (state judiciary) up on their backlog. Maeghan wanted me to let you know that the DA's Office is caught up and does not have a backlog.</li> <li>➤ We are hoping that the court will have jury trials next month after canceling in January and February of this month.</li> <li>➤ We are still trying to fill the open Legal Secretary position.</li> </ul>	
<b>EMA</b>	<p><b>Sean Goodwin, EMA Director:</b></p> <ul style="list-style-type: none"> <li>➤ The Armory Vaccination site has closed down.</li> <li>➤ The Homeland Security Grant request are due in by end of day today. We are not getting a lot and what we are getting for requests are not allowable, so we've reached out to let towns know this.</li> <li>➤ Mitigation plans have gone to FEMA.</li> <li>➤ The weather people will be here tomorrow checking in on the ice in the Kennebec River.</li> <li>➤ Everything is going well at Deeds.</li> </ul>	
<b>Facilities</b>	<p><b>Dan Brunelle, Facilities Manager:</b></p> <ul style="list-style-type: none"> <li>➤ Generator is all installed and complete.</li> <li>➤ Insurance claim was sent to the adjuster for a total of 43,034 worth of damage.</li> </ul>	

# *Kennebec County, Maine*

## County Commissioner's Meeting Minutes February 15, 2022



	<ul style="list-style-type: none"> <li>➤ Inspection report for hill house is complete. When things are slower, we can review it.</li> <li>➤ Mike Gagnon will be in charge and do snow removal while I am out.</li> </ul>	
<p><b>Information Technology</b></p>	<p><b>Devon Parsons, IT Director:</b></p> <ul style="list-style-type: none"> <li>➤ Operations are going well</li> <li>➤ Helped Deeds to their software update. The version they have now is great and I've been working with vendors to help them get caught up with updates. I am really pleased with software upgrade.</li> </ul>	
<p><b>Probate</b></p>	<p><b>Kathy Ayers, Register of Probate:</b></p> <ul style="list-style-type: none"> <li>➤ January 2022 has been the biggest month we have ever had (\$26,000). I would attribute it to the increases on fees we have had.</li> <li>➤ Tomorrow we will have a full day of court.</li> <li>➤ I went to the commission on incorporating probate and it came with \$2,000,000 price tag just for indigent services.</li> <li>➤ Any person under guardianship can have legal representation at any time. If the state doesn't pay for it, we will have to.</li> </ul>	
<p><b>Sheriff/Corrections:</b></p>	<p><b>Sheriff Ken Mason:</b></p> <ul style="list-style-type: none"> <li>➤ I don't have a lot on my end.</li> <li>➤ Jacob True completed the last step to come on as Deputy and has met all the criteria to officially be hired on as a KSO Deputy.</li> <li>➤ Once Mr. True starts, we will be fully staffed (except for our employees on military leave).</li> <li>➤ Deputy Johnson is still deployed to the southern border.</li> </ul> <p><b>Capt. Bryan Slaney, Jail Administrator:</b></p> <ul style="list-style-type: none"> <li>➤ We have a population of 105 inside the jail.</li> <li>➤ We have 6 corrections officers that are in field training currently and once released from there will be on the floors working.</li> <li>➤ We have a class of 2 so far starting February 28<sup>th</sup>, 2022</li> </ul>	

# Kennebec County, Maine

## County Commissioner's Meeting Minutes February 15, 2022



<p><b>Administrator:</b></p>	<p><b>Administrator Ferguson:</b></p> <ul style="list-style-type: none"> <li>➤ I have asked department heads to keep track of unfunded mandates that come down from the state so we can understand what the cost to the county is.</li> <li>➤ I am working on the budget and really trying to narrow down the correct number for employee benefits. Eventually we would like to move employee benefits into the budget of each department so we really know how much it costs to run a department. I am meeting with Finance and Human Resources to make sure we are all on the same page about employee benefits.</li> <li>➤ There are 2 open seats on Budget Committee.</li> <li>➤ We have reviewed the ARPA Consultation submissions. It is narrowed it down to 3. More discussion will happen with the 3 for clarification. Once we have the responses back, we will set up interviews. We want someone that can be more involved in the compliance aspect not just advisory</li> </ul> <p><b>Chairwoman Crockett:</b></p> <ul style="list-style-type: none"> <li>➤ If all goes well, when would we have someone?</li> </ul> <p><b>Scott Ferguson:</b></p> <ul style="list-style-type: none"> <li>➤ Beginning of next month. We should consider retaining some funds as we do not know what will happen in 2023 and if there will be a need..</li> </ul>	
<p><b>Old Business/ Follow Up Items</b></p>	<p><b>03-25)</b> Motion and second to adopt the Kennebec County Education Assistance Policy</p> <ul style="list-style-type: none"> <li>➤ DocuSign for Signatures: proposal to use electronic signatures to speed up warrant processing</li> <li>➤ RFP has closed for the ARPA Consultant and applicants were narrowed down to 3. An email with clarifying information will go out to them before moving to the next step.</li> <li>➤ HR Director position candidates were narrowed down, and interviews were held.</li> </ul>	<p>Tabled Tabled for consideration Update</p>
<p><b>Warrants</b></p>	<p>Warrants</p>	<p>Signatures required</p>
<p><b>Change of Status</b></p>	<p>Payroll Change Notices</p>	<p>Signatures required</p>
<p><b>New Business</b></p>	<ul style="list-style-type: none"> <li>➤ Covid Policy Update: Suspend the testing of unvaccinated employees</li> <li>➤ Covid Policy Update: Have less restrictions on masking</li> </ul>	<p>Tabled Tabled</p>

# *Kennebec County, Maine*

## County Commissioner's Meeting Minutes February 15, 2022



<b>Miscellaneous</b>	➤ Nothing at this time	
<b>Public Comments</b>	➤ No comments from the Public	
<b>Executive Session</b>	Motion by Commissioner Rines seconded by Commissioner Jabar to go into Executive Session in accordance with 1 MRSA §405-6-A to discuss a personnel issue.  Into Executive Session at 1:36 PM.  Out of Executive Session at 2:36 PM.	3 in favor, 0 opposed  No action taken following Executive Session
<b>Adjournment</b>	Adjourned at 2:36 PM	3 in favor 0 opposed

Respectfully Submitted:  
Megan Dickey, Assistant Human Resources Manager

# *Kennebec County, Maine*

County Commissioner's Meeting  
Minutes February 15, 2022



## **AMENDMENT TO THE COUNTY OF KENNEBEC GOVERNMENTAL PROFIT-SHARING PLAN AND TRUST**

WHEREAS, the County of Kennebec (the “County”) is the sponsor of the County of Kennebec Governmental Profit Sharing Plan and Trust (the “PS Plan”), which is in the form of the MissionSquare Retirement Governmental Profit Sharing Plan and Trust Basic Plan Document (“BPD”) and Adoption Agreement (“AA”); and

WHEREAS, the County has determined to use funds made available under the American Rescue Plan Act (“ARPA”) to provide additional bonus compensation to certain of its employees in recognition of their efforts working through the pandemic and to encourage their continued employment in the form of lump sum awards; and

WHEREAS, the County has been informed by the MainePERS that such ARPA bonuses are not included as compensation by MainePERS for purposes of determining the required employee and employer contributions to, and the accrual of benefits under, the MainePERS for County employees participating in the MainePERS; and

WHEREAS, the County has determined that those employees who elected to participate in the PS Plan in lieu of the MainePERS shall have that bonus be treated in the same manner as it is treated for those employees who participate in the MainePERS; and

WHEREAS, the County must amend the definition of “Earnings” under Section 2.10(a) of the BPD in order to exclude the ARPA bonus from each Participant’s W-2 earnings that are actually paid to the Participant during the Plan Year; and

WHEREAS, the County has the authority under Section 14.01 of the BPD to amend the PS Plan.

NOW, THEREFORE, the County hereby adopts the following amendment to the PS Plan, such amendment to be effective as of January 1, 2022:

1. Section VIII.3 of the Adoption Agreement is completed to read as follows in order to amend Section 2.10(a) of the BPD to add the following exclusion from Earnings:

“Effective as of January 1, 2022, Earnings shall **exclude** any lump sum award or bonus paid by the County to a Participant using funds made available through the American Rescue Plan Act (“ARPA”), such that the amount of such ARPA award shall not be included for purposes

# *Kennebec County, Maine*

## County Commissioner's Meeting Minutes February 15, 2022



of determining either the Fixed Employer Contributions under Section VI.1.A or the Mandatory Participant Contributions under Section VI.1.B of the Adoption Agreement.”

2. In all other respects, the Plan shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be executed by its duly authorized officer as of the day and year written below.

Date of Adoption: February 15, 2022

*Signed by Chair Crockett (original on file)*

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Patsy G. Crockett, Commissioner, Chair



# *Kennebec County, Maine*

## County Commissioner's Meeting Minutes February 15, 2022



### AMENDMENT TO THE KENNEBEC COUNTY §457 DEFERRED COMPENSATION PLANS

WHEREAS, the County of Kennebec (the “County”) is the sponsor of several deferred compensation plans under §457(b) of the Internal Revenue Code of 1986, as amended (the “Code”), that are in the form of model or template documents provided by the financial services vendors used by the County, MissionSquare Retirement, ING Life Insurance and Annuity Company, and The Hartford Life Insurance Company; and

WHEREAS, the County has determined to use funds made available under the American Rescue Plan Act (“ARPA”) to provide additional bonus compensation to certain of its employees in recognition of their efforts working through the pandemic and to encourage their continued employment in the form of lump sum awards; and

WHEREAS, the County has been informed by the MainePERS that such ARPA bonuses are not included as compensation by MainePERS for purposes of determining the required employee and employer contributions to, and the accrual of benefits under, the MainePERS for County employees participating in the MainePERS; and

WHEREAS, the County has determined that those employees who participate in its §457(b) deferred compensation plans shall have that bonus be treated in the same manner as it is treated for those employees who participate in the MainePERS; and

WHEREAS, the County must amend the definition of “Includible Compensation” under the various plan documents in order to exclude the ARPA bonus from each Participant’s W-2 earnings that are actually paid to the Participant during the Plan Year, such that the ARPA bonus is not included in determining a Participant’s deferred compensation under the §457(b) deferred compensation plans; and

WHEREAS, the County has the authority to amend the plan document for each of its §457(b) deferred compensation plans.

NOW, THEREFORE, the County hereby adopts the following amendment to each of its §457(b) deferred compensation plans, such amendment to be effective as of January 1, 2022:

1. The definition of “Includible Compensation” is amended to read as follows, effective as of January 1, 2022 :

# *Kennebec County, Maine*

## County Commissioner's Meeting Minutes February 15, 2022



“Includible Compensation” means an Employee’s actual wages in Box 1 of Form W-2 for the Employer, but increased (up to the dollar maximum) by any compensation reduction election under Code Section 125, 132(f), 402(g)(3) or 457(b). The amount of Includible Compensation is determined without regard to any community property laws. Pursuant to §1.457-4(d)(1) of the Income Tax Regulations, Includible Compensation will include any payments made to a Participant who has had a Severance from Employment, provided that the Includible Compensation is paid by the later of 2 ½ months after the Participant’s Severance from Employment or the end of the calendar year that contains the date of such Participant’s Severance from Employment. In addition, pursuant to §1.457-4(d)(1) of the Income Tax Regulations, Includible Compensation will include payments made to an individual who does not currently perform services for the Employer by reason of qualified military service (as defined in Code §414(u)(5)) to the extent those payments do not exceed the amount the individual would have received if the individual had continued to perform services for the Employer rather than enter qualified military service. Includible Compensation will not include Employee pick-up contributions described in Code §414(h)(2).

Includible Compensation shall exclude any lump sum award or bonus paid by the County to a Participant using funds made available through the American Rescue Plan Act (“ARPA”), such that the amount of such ARPA award shall not be included for purposes of determining an Employee’s deferred compensation under the §457(b) Plan.”

2. In all other respects, the terms of the County’s §457(b) deferred compensation plans shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be executed by its duly authorized officer as of the day and year written below.

Date of Adoption: February 15, 2022

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Patsy G. Crockett, Commissioner, Chair