

# *Kennebec County, Maine*

## County Commissioner's Meeting Minutes March 1, 2022



**Present:**

Patsy Crockett, Commissioner (Chair)	Corey Goodchild, Asst. Jail Admin.	Art True, EMA Deputy Director
Nancy Rines, Commissioner	Diane Wilson, Acting Registrar of Deeds	Bryan Slaney, Jail Administrator
George Jabar, Commissioner	Megan Dickey, Assistant HR Manager	Kathy Ayers, Register of Probate
Scott Ferguson, County Administrator	Maeghan Maloney, Esq., DA	Tom Doore, Treasurer
Ken Mason, Sheriff	Cindi Ferguson CPA, Finance Director	
Al Morin, Chief Deputy	Sean Goodwin, EMA Director	

**Absent:** Dan Brunelle, Facilities Manager, Devon Parsons, IT Director

	Discussion	Action
<b>Call to order</b>	12:05 PM	
<b>Minutes</b>	Motion and second to accept the minutes of February 15th, 2022	Approved 3-0
<b>Awards from Capt. Bryan Slaney</b>	➤ Eric Theiss was promoted to the rank of corporal on 2/21/22 and received his ceremonial promotional pin at today's County Commissioners meeting. Eric was pinned by his Father Lt. James Theiss of the Lewiston Police Department and his mother Susan Theiss. Corporal Theiss will be assigned as the assistant supervisor for the evening shift in the correctional facility.	Corporal Pins
<b>Human Resources</b>	<p><b>Megan Dickey:</b></p> <ul style="list-style-type: none"> <li>➤ The 1095C's (Employer-Provided Health Insurance Offer and Coverage), which identifies employee health coverage eligibility and associated costs, was sent to the IRS and employees.</li> <li>➤ 2 new corrections officers started Monday 2/25/2022 and 1 started 3/1/2022</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>	



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<b>Deeds</b>	<p><b>Diane Wilson, Acting Register of Deeds:</b></p> <ul style="list-style-type: none"><li>➤ We are down a little bit from last year but year to date we are up \$30,000.</li><li>➤ Kofile is coming on the 9<sup>th</sup> to look at commissioner records.</li></ul> <p><b>Chairwoman Crocket:</b></p> <ul style="list-style-type: none"><li>➤ Do we have the money to pay for those out of the preservation fund?</li></ul> <p><b>Scott Ferguson, County Administrator:</b></p> <ul style="list-style-type: none"><li>➤ For the cost of completing the map room? We will probably have to use capital projects fund.</li></ul> <p><b>Diane Wilson:</b></p> <ul style="list-style-type: none"><li>➤ I have the statute regarding preservation fund, and I check that regularly because we can get fined for misuse of those funds. I make sure we are careful and following the statute.</li></ul>	
<b>District Attorney</b>	<p><b>Maeghan Maloney Esq., District Attorney:</b></p> <ul style="list-style-type: none"><li>➤ We had some difficulty with prospect employees not accepting our position, however, we hired someone at step 1 for the open legal secretary position</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>➤ Justice Murphy is transferring to Cumberland. She's been the head judge in Kennebec.</li></ul> <p><b>Commissioner Jabar:</b></p> <ul style="list-style-type: none"><li>➤ She (Justice Murphy) never backs down from a tough case. Her work ethic is second to none, just unbelievable.</li></ul> <p><b>Maeghan Maloney Esq, DA:</b></p> <ul style="list-style-type: none"><li>➤ She's brilliant and a tough loss for us.</li></ul> <p><b>Chairwoman Crocket:</b></p> <ul style="list-style-type: none"><li>➤ Do you know who is replacing her?</li></ul> <p><b>Maeghan Maloney, Esq, DA:</b></p> <ul style="list-style-type: none"><li>➤ We don't know and I am worried we won't get someone in quickly and have the backlog at the court keep backing up.</li></ul> <p><b>Chairwoman Crockett:</b></p> <ul style="list-style-type: none"><li>➤ Can they bring in retired judges?</li></ul>	

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	<p><b>Maeghan Maloney, Esq, DA:</b></p> <ul style="list-style-type: none"> <li>➤ We can but we need a full-time person in that position to keep up with the cases.</li> </ul>	
<b>EMA</b>	<p><b>Sean Goodwin, EMA Director:</b></p> <ul style="list-style-type: none"> <li>➤ Things are going well at EMA office.</li> <li>➤ We are about to present the Homeland Security Grant applications to FEMA and MEMA.</li> <li>➤ Otherwise, everything else is going boring.</li> <li>➤ The Kennebec River is slowly eroding itself. The Coast Guard is going to do another fly over to make sure. I am not seeing a need for ice breakers.</li> </ul>	
<b>Facilities</b>	<p><b>Dan Brunelle, Facilities Manager:</b> Absent Sent Update via email:</p> <ul style="list-style-type: none"> <li>➤ There was a radon test in courthouse that did not pass so we need to remediate that.</li> <li>➤ I will be moving office from courthouse to the garage into the empty office space in there.</li> </ul>	
<b>Information Technology</b>	<p><b>Devon Parsons, IT Director:</b> Absent off site working</p>	
<b>Probate</b>	<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>	
<b>Sheriff/Corrections:</b>	<p><b>Sheriff Ken Mason:</b></p> <ul style="list-style-type: none"> <li>➤ Jacob true is now officially employed with us and we are now back up to staff. We are happy to have him on board. He was sworn in last Friday. He is coming to us from Hallowell.</li> </ul>	

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	<ul style="list-style-type: none"> <li>➤ The Captain and I met with John Eckles, owner of Turnkey Health Clinic that is taking over CHP which is our current medical vendor. It's encouraging but we will see what happens.</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 111.</li> <li>➤ We have 5 inmates we are housing for Penobscot due to a control issue within their facility.</li> <li>➤ We have 3 new corrections officers that started this week</li> </ul>	
<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 completed the ARPA Consultation interviews. We are finishing the evaluations from the interviews and will score them based on the guidelines set forth in the RFP. 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>➤ When do you think this consultant will start?</li> </ul> <p><b>Scott Ferguson:</b></p> <ul style="list-style-type: none"> <li>➤ We hope to choose someone by the end of the week.</li> <li>➤ LD 1654-§1210E it really doesn't fix the community corrections problem which is problematic. §1210E will be in conflict with §1210D.</li> </ul> <p><b>Chairwoman Rines:</b></p> <ul style="list-style-type: none"> <li>➤ What's MCCA's position:</li> </ul> <p><b>Administrator Ferguson:</b></p> <ul style="list-style-type: none"> <li>➤ The last I knew they didn't have an official one, but their lobbyist is for the bill. To me, they want to get something through the legislature for the jails.</li> </ul>	

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**Ken Mason, Sheriff:**

- This legislation has been kicked down the road for a long time. This begging for money every year from the sheriff's point of view is getting old.

**Chairwoman Crockett:**

- What's MSA's position?

**Ken Mason, Sheriff:**

- We support it as written.

**Administrator Ferguson:**

- MCCA produced a document for the bill indicating Kennebec County as having a deficit of \$200,000. I calculate it at \$900,000.
- I took a look at the supplemental budget LD1995 Part A and B. I see no county impacts.
- We had a tour at convenient MD, and I would classify this between an urgent care and an emergency room. Their objective is to get people in and out in less than an hour.

**Chairwoman Crockett:**

- What is the thought with them, sending inmates there?

**Captain Slaney, Jail Administrator:**

- They seemed to be more centered toward staff. We asked about bringing inmates but didn't get a straight answer.
- EdmundsTech solution: can qualify for ARPA funding, finance, personnel, payroll and receiving software. When you compare it to where we are today it costs more but we would be getting a lot more. Employee profiles Megan and I have worked on hopefully can be uploaded. Then finance.
- The union proposal for Local 327 was sent to them.
- We have the caucus set for Vassalboro tomorrow, Belgrade March 7<sup>th</sup>, and I working with Nancy to set up the next one
- Budget model is coming along. I will be meeting with department heads to go over this. Budget meetings will start next week.
- I did send out the LD 1 calculations to the towns. 14 have come back.
- 2/28/2022 we met with Kennebec Savings Bank on the investments.

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	<p><b>Chairwoman Crockett:</b></p> <ul style="list-style-type: none"> <li>➤ I think it went very well and I asked them to come once a year to speak to us. I think our finances are going well considering the economy.</li> </ul>	
<b>Old Business/ Follow Up Items</b>	<ul style="list-style-type: none"> <li>➤ <b>03-25)</b> Motion and second to adopt the Kennebec County Education Assistance Policy</li> <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 interviewed.</li> <li>➤ HR Director position candidates were interviewed and are being evaluated.</li> </ul>	<p>Tabled Tabled Update Update</p>
<b>Warrants</b>	Warrants	Signatures required
<b>Change of Status</b>	Payroll Change Notices	Signatures required
<b>New Business</b>	<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>Approved 3-0 Approved 3-0</p>
<b>Miscellaneous</b>	<ul style="list-style-type: none"> <li>➤ Nothing at this time</li> </ul>	
<b>Public Comments</b>	<ul style="list-style-type: none"> <li>➤ No comments from the Public</li> </ul>	
<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 1:22 PM.</p> <p>Out of Executive Session at 2:36 PM.</p>	<p>3 in favor, 0 opposed</p> <p>No action taken following Executive Session</p>
<b>Adjournment</b>	Adjourned at 2:36 PM	3 in favor 0 opposed



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Respectfully Submitted:  
Megan Dickey, Assistant Human Resources Manager

### AMENDMENT TO THE COUNTY OF KENNEBEC GOVERNMENTAL §457(b) DEFERRED COMPENSATION PLAN AND TRUST

WHEREAS, the County of Kennebec (the “County”) is the sponsor of the County of Kennebec Governmental §457(B) Deferred Compensation Plan and Trust (the “457(b) Plan”); and

WHEREAS, the County offers certain of its employees at date of hire the choice of enrolling in either the 457(b) Plan or the Maine Public Employees Retirement System (“MainePERS”) Participating Local District (“PLD”) Plan, such that (i) the County is required to make employer contributions to either (a) the 457(b) Plan, such contributions as specified under collective bargaining agreements or other employment agreements with individuals or (b) the MainePERS PLD Plan, in accordance with the MainePERS statutory requirements and implementing regulations; and (ii) the employees are required to make certain required employee contributions to either (a) the 457(b) Plan, again, as specified under collective bargaining agreements or other employment agreements with individuals or (b) the MainePERS PLD Plan, in accordance with the MainePERS statutory requirements and implementing regulations; and

WHEREAS on September 7, 2021, the County timely amended its participation agreement with the MainePERS PLD Plan to provide those employees who declined to participate in the MainePERS PLD Plan when they first became eligible as employees of the County with the opportunity to elect to participate in MainePERS as provided under 5 MRSA §18252-C, as implemented by MainePERS, such participation to commence with respect to compensation earned on and after March 1, 2022; and

WHEREAS, absent an amendment to the 457(b) Plan, the County will remain obligated to make the employer contribution to the 457(b) Plan and (ii) the employees will remain obligated to make the required employee contributions; and



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WHEREAS, in amending its participation agreement with the MainePERS PLD Plan to make the election opportunity under 5 MRSA §18252-C available to its eligible employees, the County did not intend with respect to those employees who avail themselves of the election that the County be obligated to make employer contributions to both the 457(b) Plan and the MainePERS PLD Plan or that these employees be obligated to make the required employee contributions to both the 457(b) Plan and the MainePERS PLD Plan; and

WHEREAS, the County has the authority under the 457(b) Plan to amend the 457(b) Plan in order to make those employees who avail themselves of the new election to participate in MainePERS ineligible prospectively for the County's employer contributions to the 457(b) Plan and to eliminate the required employee contributions to the 457(b) Plan.

NOW, THEREFORE, the County hereby adopts the following amendments to the 457(b) Plan, such amendment to be effective as of March 1, 2022:

1. The following terms are added to the provisions of the 457(b) Plan that govern employees' participation in the 457(b) Plan and the deferral of compensation:

"Notwithstanding an Employee's prior eligibility to participate in the Plan, in the event that an employee makes the election under 5 MRSA §18252-C to participate in the Maine Public Employees Retirement System ("MainePERS") Participating Local District ("PLD") Plan, such employee (i) shall cease to be eligible for any additional Employer contributions to the Plan and (ii) no longer shall be required to make employee deferral contributions to the Plan, effective as of the first day of the first payroll period for which contributions are made to the MainePERS PLD Plan, such that no additional Employer contributions or required employee deferral contributions shall be made to the Plan on behalf of or with respect to the Employee with respect to Includible Compensation earned on or after such date.

An employee who makes the election under 5 MRSA §18252-C to participate in the MainePERS PLD Plan shall continue to be a participant in the Plan and shall continue to have the right to elect to make elective deferral contributions to the Plan in accordance with the Plan terms and subject to the limitations on such contributions under §457(b) of the Code."

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: March 1, 2022

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Patsy G. Crockett, Commissioner, Chair