

Sagadahoc County Commissioners
Meeting Minutes
Tuesday, February 13, 2018

A regular meeting of the Sagadahoc County Commissioners was held at 3:00 pm Tuesday, February 13, 2018 in the Commissioners' Meeting Room of the County Courthouse, 752 High Street, Bath, Maine 04530.

Present: Chair Charles Crosby, III; Vice-chair Carol Grose; Vice-Commissioner Rabyrne Hutton; County Administrator Pamela Hile; Sheriff Joel Merry; Chief Deputy Brett Strout; Human Resources Director Sharon Hinckley; EMA Director Sarah Bennett; EMA Deputy Director Matt Fournier; Assistant to the County Administrator, Mary Kay Blatz

I. Chair Crosby called the meeting to order at 3:00 p.m. and established the presence of a quorum.

II. Public Comments

There were no public comments.

III. Consent Agenda:

1. Approval of Minutes for January 9, 2018
2. Financial Statements for January 2018
3. Departmental Reports (Written)
4. Upcoming Meeting(s):
 - a) Regular Meeting at 3:00 p.m. on Tuesday, March 13, 2018
 - b) Budget Work Session with BAC at 8:45 a.m. Friday, March 16, 2018
 - c) Special Meeting at 5:00 p.m. on Tuesday, March 20, 2018
 - d) Meeting at 5:00 p.m. on Tuesday, March 27, 2018 IF NEEDED

Upon motion by Commissioner Hutton, and second by Vice-chair Grose, the consent agenda was unanimously approved as presented .

IV. Department Reports

1. Sheriff's Department – Joel Merry

Sheriff Merry reported that January was a quiet month, with the exception of a cluster of domestic violence incidents, in which arrests have been made. Sheriff Merry also reported that the TBRJ (Two Bridges Regional Jail) is experiencing a population increase due to pre-holiday stays; Sagadahoc, Lincoln and Penobscot Counties inmate populations are all up, Waldo is running a little lower. Sheriff Merry attended the swearing in for newly appointed Sheriff James Theriault of Oxford and his outlook seemed positive for a continued relationship with TBRJ.

V. Business Items

1. Government Opioid Cost Recovery Program – Adam Lee, Esq. for James Belleau, Esq.

Administrator Hile reported that a presentation was given at a recent meeting of the Maine County Commissioners Association concerning the initiation of a class action lawsuit to recover costs associated with the opioid epidemic, a summary of which was included with the Commissioners' agendas. Administrator Hile introduced Adam Lee, Esq., partner at Trafton, Matzen Belleau & Frenette, LLP. Mr. Lee informed the Board that several Maine counties and municipalities have joined together in a lawsuit against pharmaceutical companies involved in the manufacture of opioids, including Portland, Bangor, Lewiston, Auburn, Biddeford, Saco, Bangor, and Androscoggin, Cumberland, Penobscot, Waldo and Lincoln Counties. There is no cost to the County, as attorney fees are contingent on winning the lawsuit. The contingent fee is 25%, lower than the standard 33% - 40%. Although the plaintiffs are faultless in this crisis, the Counties and Municipalities are bearing a significant cost for treatment, enforcement, and other expenses incurred.

Administrator Hile respectfully requested the Commissioners' consideration of Resolution 2018-1, authorizing the County to join this initiative, and authorizing the Administrator to engage the services of Napoli Shkolnik, PLLC and Trafton, Matzen, Belleau & Frenette, LLP on behalf of the County, with respect to prosecution of any legal claims against manufacturers' and distributors' fraudulent and negligent marketing and distribution of opioids.

Commissioner Grose inquired about the culpability and responsibility of physicians in these cases, and would those individuals be pursued? Mr. Lee reported that this could be a strategy taken in the future, as the lawsuit progresses.

Chief Deputy Strout inquired as to how the firm would quantify the costs incurred. Mr. Lee stated that they would be working with law enforcement, and other service providers to understand the cost of damages incurred, including the cost of jail expenditures, Narcan use, services being provided, analyzing violent incidences, and other collateral damages such as loss of property due to drug-related burglaries.

Upon **motion** by Vice-chair Grose and second by Commissioner Hutton, the Board voted **to approve Resolution 2018-1, to authorize Administrator Hile to engage the services of the aforementioned legal team, for the purpose of pursuing legal claims in the recovery of costs incurred by the County due to the opioid crisis.**

2. 2018 DOC Jail Restructuring Proposal

Administrator Hile spoke to the Department of Corrections proposal for the restructuring of the county jails, that was presented to the Appropriations and Criminal Justice Committees by the DOC even though the Committees had requested that a group of Sheriffs, Commissioners and Administrators be convened to present accurate costs and proposed solutions to the on-going jail funding crisis). Sheriff Merry shared that the Appropriations Chairs wrote a letter to the Governor requesting that the Commissioner of Corrections present his report to a joint meeting of Appropriations and Financial Affairs and Criminal Justice and Public Safety, and that the Commissioner was unavailable for that scheduled meeting.

Sheriff Merry explained the current process of jail funding, in which the State has statutorily allocated \$12.2 million a year for jail funding, with an additional \$2.5 to \$3 million dollars in supplemental funding, to be divided among the counties based on a formula that "follows the inmate." This works by the jails reporting a daily inmate count, as well as where and where they originated. The money is then divided among counties based on where the inmates were detained. Sheriff Merry also stated that the report by the DOC was modeled after the program in Virginia, which has been a success, but is funded almost 50% by the state. TBRJ

Authority will continue to work with other counties to bring in additional revenues to sustain the viability of the jail.

3. 2018-19 Budget Advisory Committee

Administrator Hile reported the results of the caucuses held February 6th to elect members of the 2018 County Budget Advisory Committee (BAC). Topsham Selectmen Bill Thompson and Ruth Lyons are joined by Peter Richard (Topsham) as the representatives for District 1 (Topsham and Bowdoin). Selectman Julia House of Phippsburg, Selectman Peter Oceretko (West Bath) and David Hennessey (West Bath) will represent District 2 (Arrowsic, Georgetown, Phippsburg, Richmond, West Bath and Woolwich). Carolyn Lockwood (Bath), Councilor Phyllis Bailey (Bath) and Councilor Bernie Wyman (Bath) are the representatives for District 3 (Bowdoinham and Bath). The Administrator also advised that the BAC will hold a brief organizational meeting at 4 p.m. on Thursday, February 22nd, and she asked that the Commissioners mark their calendars for March 16th to hear departmental budgetary presentations.

4. Adoption of SCEMA Base Emergency Operations Working Plan

EMA Director Sarah Bennett presented, for the Commissioners' consideration, the Base Emergency Operations Plan, and respectfully requested that the Commissioners adopt this as a working plan, so that there will be a signed plan in place upon which to complete all respective components.

Upon **motion** by Chair Grose and second by Commissioner Hutton, the Commissioners **voted unanimously to accept the County Base Emergency Operations Plan as presented.**

5. Authorization to Accept Bid for Two Harris MASTR III Repeaters

Administrator Hile requested the Commissioners' consideration to approve the acceptance of a bid for the purchase of two MASTR III repeaters. Funding for these units has been included in the FY 2017-18 Budget for communications tower upgrades that will improve radio coverage throughout the County, and although Communications and EMA are still working on the logistics and design, these repeaters are an essential component of the final project. Funding has been requested at this time in order to obtain the best possible pricing. Radio Communications Management, Inc., was the only bidder at \$16,590. There is currently \$26,076 in this reserve account (with an equal amount to come from Homeland Security Grant Funds).

Commissioner Grose inquired about the function of the repeater, the need to replace them at this time, and the reason for the single bidder. Deputy Director Fournier stated that the repeaters make it possible for the transmissions be repeated across towers; that they have a life of 10 years; and they are replacing two units that are at their end-of-life. Director Bennett believes that the reason the RCM was the only bidder is because this is a specialized item, and because the model is at the end of its manufacturing life (however, RCM will have ample parts available to make any necessary repairs during the life of the two repeaters). In response to an inquiry as to why they will not be replaced with a newer technology repeater, she stated that the County would then have to buy new repeaters for all towers in order to make the system functional. Any future digitalization of the system will be included as a capital project proposal.

Upon **motion** by Commissioner Hutton and second by Vice-chair Grose, the Commissioners **voted unanimously to authorize the purchase of the two MASTR III repeaters at the cost of \$16,590.**

6. Transfer of Funds to Sheriff's Capital Vehicle Reserve Account

Administrator Hile advised that a total of \$99,853 was authorized for expenditure during FY 2017-18 for the purchase and outfitting of three (3) new patrol vehicles. At the time the budget was prepared, an estimated carryforward of \$39,853 was projected in this account; however, a vehicle was subsequently involved in an accident and totaled. This necessitated its replacement, with only a portion of the cost reimbursed by insurance. This, in turn, resulted in a shortfall of \$23,467 between the anticipated and the actual carryforward. This adjustment should have been included with the fund transfers/adjustments contained in the June budget resolution but was, unfortunately, missed. The full amount of \$99.853 was specifically appropriated for expenditure and Administrator Hile therefore requested that the Commissioners authorize a transfer of \$23,467 from the general fund unassigned fund balance into Sheriff's Vehicles Capital Reserve Fund. This does not increase the approved/ appropriated amount in this line item; it simply corrects the assignment of funds to the account.

Upon **motion** by Commissioner Hutton and second by Vice-chair Grose, the Commissioners **voted unanimously to authorize the transfer of \$23,467 from the general fund unassigned fund balance into Sheriff's Vehicles Capital Reserve Fund.**

7. Health Insurance Renewal

Administrator Hile presented while our insurance broker is continuing to pursue an improved renewal proposal for Sagadahoc County, he has already secured an excellent renewal proposal (\$840,000 maximum cost), which is bindable until February 15, 2018. He is still in hopes of obtaining some additional savings for the County. This pricing includes an increase to the fixed monthly costs of approximately +4%, but a reduction to the aggregate claims liability of approximately -11%. The increase to the monthly fixed costs is almost exclusively related to an increase to the family specific stop loss premium. The maximum cost proposal of approximately \$840,000 assumes no changes to the plan in terms of benefits or stop loss coverage and includes life insurance. (Last year a laser amount was added, which is not included in the current proposal, thus resulting in the liability reduction, and it is important to seize the opportunity to renew before it can be reinstated.) Administrator Hile respectfully requested that the Commissioners authorize her to execute a renewal of the health plan effective April 1, 2018 for a not-to-exceed maximum cost of \$840,000. Again, this will allow the broker to know he has the renewal order approved and, hopefully, allow him to finalize the renewal for terms that are even better than the currently proposed maximum cost of \$840,000.

Upon **motion** by Commissioner Hutton and second by Vice-chair Grose, the Commissioners **voted unanimously to authorize County Administrator to execute a renewal of the health plan, effective April 1, 2018 for a maximum cost of \$840,000.**

8. Establish Health Insurance Rates for Year Beginning April 1, 2018

Administrator Hile presented that, based upon estimated participation numbers and funding levels, our maximum self-funded liability next year is slightly over \$840,000. In that it is staff's (and our broker's) recommendation that the County budget an amount that is similar to the current year's budget figure, and whereas this approach should allow the health plan to continue strengthening its financial position, the Administrator requested that the Commissioners authorize a rate hold for this upcoming year. This recommendation is made with consideration that the health plan's financial strength will be very important in future years when we will undoubtedly encounter renewal terms that are not nearly as favorable as this year's terms. She also noted that

former healthcare provider MMEHT has increased its rates by 17.5% overall, in contrast with the Meritain rates, which have increased by 7.50%, since adopting the self-funded plan in 2015.

Upon **motion** by Vice-chair Grose and second by Commissioner Hutton, the Commissioners **voted unanimously to authorize an employee health insurance rate hold, effective April 1, 2018.**

9. Membership in Southern MidCoast Chamber of Commerce

Administrator Hile advised that, several years ago, the EMA Director requested membership in the Chamber for networking/outreach/public relations purposes; however, neither of our subsequent Directors, nor the Sheriff, believe this to have been cost effective (~\$250 annually) or useful. As the Chamber recently sent a bill for the past two years (which were not budgeted), prior to advising them that we will not be renewing our membership, Administrator Hile wished to determine if the Commissioners have any objections to not renewing the County's membership.

Upon **motion** by Commissioner Hutton and second by Vice-chair Grose, the Commissioners **voted unanimously not to extend its membership in the Southern MidCoast Chamber of Commerce.**

VI. Commissioners Comments / Announcements

1. Chair Crosby reported that the Coastal Counties Workforce Board has won the argument against the State, in Federal Court. The State filed an appeal, which has delayed required action to release the money. On the 120th day of appeal, the Federal Government requested that the State hold a hearing on this matter, which extends the requirement, by an additional 120 days, for the State to release the money. In addition, the Federal funding for Coastal Counties Workforce has been cut from \$3 million to \$2 million, which will be the challenge to the Workforce Board in the future. Currently the CCW has been consolidated from four locations to two.
2. Commissioner Grose inquired as to the status of the K-9 program as the result of the upcoming retirement of the current dog. The Administrator advised that the Sheriff will undertake a review and include recommendations as part of his annual budget proposal.

VII. EXECUTIVE SESSION(S)

Request to enter into an executive session pursuant to Title 1, Chapter 13, Section 405, 6., A of the M.R.S.A. for the purpose of discussing personnel matters.

The Board entered into executive session, pursuant to Title 1, Chapter 13, Section 405, 6., A of the M.R.S.A. for the purpose of discussing personnel matters, at 4:23 p.m.

The Board came out of executive session at 4:35 p.m.

VIII. Adjournment

Upon **motion** by Commissioner Hutton and second by Chair Grose, the Board voted by **unanimous acclamation to adjourn the meeting at 4:40 p.m.**

Respectfully Submitted,

Mary Kay Blatz, Assistant to the Administrator