

**Penobscot County Commissioners' Meeting Minutes December 14, 2021 2363
9:00 AM Commissioners Peter Baldacci, Andre Cushing and Laura Sanborn 37°**

Roll Call -

Commissioner Baldacci opened the meeting at 9:00 AM from the Commissioners Chambers with Commissioners Sanborn and Cushing, Administrator Honey and Treasurer Hiatt present.

Approval of Minutes –

Commissioner Sanborn moved to approve December 7, 2021 Commissioner Meeting Minutes. Commissioner Cushing seconded the motion. Vote to approve passed 3-0.

Public Comment -

Larry Dansinger – Bangor Resident

Participant stated that he and others have communicated with the Commissioners the concern of the demographic of people in the Penobscot County Jail and suggested a plan of action for use of the ARPA funds. Participant would like to know why ARPA funds should be used for a renovation of the jail to increase bed space, when monies should be used for preventative solutions. Discussion followed.

Andy Funaro – Lincoln Resident

Participant stated that as a carpenter he teaches carpentry and job skills to homeless people and people in drug rehab here in the city. Participant recommends that ARPA monies be used to fund low-income housing and job training programs.

Janet Drew – York County Resident

Participant agreed with the previous participant to use ARPA monies for resources such as training, housing and programming.

Deeds Update –

Register Susan Bulay presented the following:

- \$140K will be deposited for November which is 25% more than the average of \$112K
- Sales have slowed down a little; but sales prices are still high
- Average sales price per deed in November 2020 was \$106K; November 2021 is \$135K
- Deeds has full staffing

Automobile Recycling Permit for "Up-in-Smoke Auto Recycling" Public Hearing –

Commissioner Baldacci opened the public hearing on the Automobile Recycling Permit for "Up-in-Smoke Auto Recycling" at 9:15 a.m.

Penobscot County Attorney Tim Pease explained the hearing process procedure. Attorney Pease stated that the Commissioners will learn more about the application and are essentially acting like a planning board to whether grant or deny a permit.

Applicant Ashley LaDuke stated that they are here for the permit application for the recycling business "Up in Smoke" located at 443 Tar Ridge Road in Prentiss Township.

Applicant provided an overview to the Commissioners to include: statement of purpose for this Permit Application Hearing, includes emails between LUPC Bryan Way and Director Weeks, maps, correspondence received from Penobscot County and the impact statement of the business. During the power point presentation, participant provided more information.

Applicant reported that at the very beginning of the application process there had been some miscommunication regarding requirements.

Applicant states the application was submitted once the soil report was received; which indicated it was all clear.

In September, it was communicated from the State that the property was not rezoned properly. It is zoned as commercial and should be commercial/industrial.

Attorney Tim Pease stated that based on what was reported that there is question on a conflict of paperwork issue in the beginning. Secondly, we are here today to determine whether it should be an application granted, going forward for this type of operation.

Jennifer Gordon owner of the property, spoke in favor of the business. Participant is requesting that something needs to happen to make things right for this business.

Dustin Gordon, Owner of Up-in-Smoke, reported that the Commissioners Meeting has Director Weeks stating that if we moved from 515 to 443 Tar Ridge Road, we wouldn't have to go through the rezoning process. This business is losing hundreds of thousands of dollars' worth of revenue because of being temporarily shut down.

Neighbor, Caron Ladick reported she opposes the approving of the permit for this business due to the property is too small and too close to the highway to accommodate their business.

Automobile Recycling Permit for "Up-in-Smoke Auto Recycling" Public Hearing – Continued:

UT Director Shaw Weeks, in his opening remarks, went through the process starting from the March 16, 2021 Commissioners meeting bringing forward from DMV the land use clearance form. There had been communication as early as July 28, 2020 with an initial complain about the operation. Director Weeks provided his testimony as Director of the Unorganized Territory which included images outlining the property and its proximity of abutting building and private wells, pertinent laws, timeline of events and communications with the operators.

Rebuttal from Owners Ashley LaDuke and Dustin Gordon spoke to the map that had been drawn by a person that had come before the Commissioners. It is also questioned that in the minutes of September 21st we would have 90 days to comply; however, the business was suspended on October 13th.

Commissioner Sanborn moved to close the hearing at 10:10 a.m. with discussion to follow in executive session.

Executive Session---Commissioner Sanborn made a motion to go into Executive Session at 10:10 a.m., under 1 M.R.S.A. § 405 (6) (E) Legal Matter. Commissioner Cushing seconded the motion. Vote to approved passed 3-0. Present were: Commissioners, Administrator Honey, Director Shaw Weeks, Deputy George Buswell, Treasurer John Hiatt and Attorney Tim Pease. Session ended at 10:38 a.m.

Action Taken –

A decision will be made at the Commissioners Meeting of December 21, 2021

Public Session – Resumed at 10:45

Facilities Update –

Director Brian MacDonald reported the following since the November report:

- Number 1 boiler is becoming more of a concern; working with our service contractor for a contingency plan when we lose that boiler.
- Phase II of the current jail project is still on hold; we expect the contractor to be available mid-January
- The post office still has floor issues on the tile floor; waiting for a contractor to take a look at it and schedule a time for repairs

Facilities Update – Continued:

- The sink hole in the parking lot issue has been resolved, as well as the sinkhole between the courthouse building and the Sheriff's Office. There was also a sink hole at the Hammond St entrance of the Y, which we made a temporary repair. There is a significant void under that sidewalk that will need to be repaired when we begin work on that building.
- The electric car plug in, the generator manual transfer switch, and multiple electrical issues in the jail are on hold as the contractor is dealing with their own COVID outbreak at the moment
- Still waiting for the permanent battery charger replacement for the generator
- The contractor has been notified of issues with the front steps at the jail; hopeful will be able to repair this week
- 10 Franklin Street has flooring issues in the restroom and the toilet is sinking through the floor
- The Sheriff's Office basement seems to have a foundation leak behind the heater. I have been unable to find the leak.
- The pre-bid meeting was held and we have decided to extend questions to this Wednesday, December 15. The course changed to allow different methods to be considered. We didn't want to start completely over, we thought it best to extend dates
- Interviews have been held for the Maintenance Technician yesterday and more today

UT Update –

Director Shaw Weeks presented the following contracts for signature:

- MO Harris contract extension on the Scraggly Lake Road Project. Signed
- Commissioner Sanborn moved to approve the Bradley Animal Control Officer 2022 contract. Commissioner Cushing seconded the motion. Vote to approve passed 3-0. Signed.
- Commissioner Sanborn moved to approve the Dedham Animal Control Officer 2022 contract. Commissioner Cushing seconded the motion. Vote to approve passed 3-0. Signed.

Administration Update -

Administrator Honey presented the following:

Administration Update – Continued:

- Communication –
 - Medway Hydroelectric
 - DOT Bangor I-95/Broadway bridge notification of a public hearing
 - Proposed study plan on the Ripogenus and Penobscot hydroelectric projects
- Employment within the County:
 - With the maintenance technician position interviews concluding, requesting permission to post the second position next week for the Facilities Department
 - Finance Director position closes Friday
 - Probates Clerical Specialist position is out and closes on December 23
 - Recruiting for part time jail cook and full time Correction Officer's positions
- Last week's meetings:
 - Risk Pool meeting – OSHA ETS order is on hold for the time being as it applies to the County's
- This week's meetings:
 - Line Unit Negotiations will take place Wednesday
 - Monthly department head meeting will be Thursday
 - Holiday Party will be Friday from 11:30 – 1:00 in the Third Floor Great Room
- Next week's meetings:
 - Spirit of America Ceremony will be held at next week's Commissioners Meeting as part of the agenda
 - Bid opening for the County Facility Renovation RFP on December 28th
- Grant Manager reported that four ARPA listening sessions have been set up. This information can be found on our website
- Payroll Warrant to be approved for 12.10.2021: \$282,148.37
- A/P Warrant to be approved for 12.14.2021: \$ 111,111.31
- UT Warrant to be approved for 12.14.2021: \$98,936.99
- UT TIF Warrant to be approved for: \$3,951.50
- Commissioner Sanborn moved to approve the warrants as presented. Commissioner Cushing seconded the motion. Vote to approve passed 3-0.
- Payroll Change Notices signed for: Noah Tamulonis Hired Full-time Patrol and Amanda Sweden – Hired Full time Corrections; Caleb Winter and Bettina Weymouth – Resignation; Brandon Deans and Tammy Buswell – Payroll Changes.

Executive Session---Commissioner Sanborn made a motion to go into Executive Session at 11:03 a.m., under 1 M.R.S.A. § 405 (6) (D) Contract Matter. Commissioner Cushing seconded the motion. Vote to approved passed 3-0. Present were: Commissioners, Administrator Erika Honey and Treasurer Hiatt. Session ended at 11:30 a.m.

Executive Session---Commissioner Sanborn made a motion to go into Executive Session at 11:31 a.m., under 1 M.R.S.A. § 405 (6) (A) Personnel Matter. Commissioner Cushing seconded the motion. Vote to approved passed 3-0. Present were: Commissioners and Administrator Erika Honey. Session ended at 11:45 a.m.

Meeting Adjourned-

Commissioner Sanborn moved to adjourn the meeting at 11:46 a.m. with no further business on the agenda. Commissioner Cushing seconded the motion. Vote to approve passed 3-0.

Certified By:

Administrator, Erika Honey

Peter K. Baldacci, Chairman

Laura J. Sanborn, Commissioner

Andre E. Cushing, III, Commissioner