

**WALDO COUNTY COMMISSIONERS COURT SESSION
(SPECIAL SESSION)
AUGUST 24, 2010**

PRESENT: Commissioners Amy R. Fowler, Donald P. Berry and William D. Shorey. Also present was County Clerk Barbara L. Arseneau.

Commissioner Berry called the meeting to order at 8:45 a.m.

RECALL OF DISTRICT 1 NOMINATIONS FOR 2011 BUDGET COMMITTEE:

Present for the District 1 Caucus for the 2011 Waldo County Budget Committee nominations were Lincolnville Selectman H. Robert Plausse, City of Belfast Manager Joseph Slocum and City of Belfast Mayor Walter Ash.

Commissioner Berry welcomed the municipal officers. He explained that this would be a District 1 Caucus to nominate two members of the 2011, as the first caucus on August 10, 2010 was done incorrectly.

Commissioner Berry read the procedure from the M.R.S.A. Title 30-A § 853(1) (A) statute, which states: "The county commissioners shall notify all municipal officers in the county to caucus by county commissioner districts at a specified date, time and place for the purpose of nominating at least one municipal officer from each district as a candidate for the county budget committee; except that in 1987, at least 8 municipal officers shall be nominated from each district. A county commissioner shall serve as nonvoting moderator for his district's caucus. Nominations shall be received from the floor. The nominee receiving the most votes shall be approved. Any other nominees who receive a majority vote of those present shall also be approved. The names of those duly approved shall be recorded and forwarded to the county commissioners to be placed on a written ballot."

****Walter Ash moved, H. Robert Plausse seconded to nominate City of Belfast Councilor Roger Lee to be placed on the ballot for the 2011 Waldo County Budget Committee.**

****H. Robert Plausse moved, Walter Ash seconded to nominate Islesboro Selectman Nakomis Nelson to be placed on the ballot for the 2011 Waldo County Budget Committee. (There were no other nominations.) Both motions passed 2 to 0 by the two Selectmen.**

Commissioner Berry accepted the nominations for District 1 to be placed on the ballot, thanked all for coming to the caucus and also for all their hard work.

SHERIFF'S REPORT: (Postponed until later in the session)

Commissioner Berry noted that the Sheriff was quite ill and would not be meeting with the Commissioners this morning. He noted that the Commissioners would still need to review and approve the 2012-13 Corrections Budget as this is due in to the State August 30, 2010.

MISCELLANEOUS COMMISSIONERS BUSINESS:

MACIMAGE LAWSUIT: D. Berry announced that both MacImage / John Simpson have decided to dismiss a number of parties and to proceed to trial with respect to Androscoggin, Cumberland and Penobscot Counties. Therefore, Waldo County is no longer being sued. D. Berry explained the background of the lawsuit, including the fact that the Commissioners requested a proposal from John Simpson of MacImage, which was never received. The Commissioners had met with him during their

January 12, 2010 Court Session and thought they had all left on good terms. Then Mr. Simpson pursued a second lawsuit, by himself. The County's legal counsel recommended that the Commissioners consent to dismissal without prejudice and needs a decision from the County Commissioners to either accept or reject his recommendation to stipulate to dismissal.

****A. Fowler moved, W. Shorey seconded to approve the recommendation of legal counsel for the County to stipulate to dismissal in both the MacImage and John Simpson cases. Unanimous.**

Commissioner Berry replied by email immediately to inform legal counsel of the Commissioners' decision.

EXECUTIVE SESSION:

****A. Fowler moved, W. Shorey seconded to enter Executive Session at 9:03 a.m. according to M.R.S.A. Title 1 § 405 (F) - Discussion of information in records with access prohibited by the general public & Title 36 § 841 (2) - Poverty Abatement Appeal (6) (A) Consideration of disciplining, resignation or dismissal. Unanimous.**

****W. Shorey moved, A. Fowler seconded to come out of Executive Session at 10:32 a.m. Unanimous.**

****A. Fowler moved, W. Shorey seconded to table and continue to look into this matter, with a decision to be made no later than September 14, 2010. Unanimous.**

CORRESPONDENCE:

Present to review one brief date-sensitive item of correspondence was County Clerk Barbara Arseneau.

Ed Murphy, Transportation/CSBG Director for Waldo Community Action Partners, sent a letter to the Commissioners indicating that he would like to apply for the Community Action Professional Certification. For his application to be considered, he needs three letters of recommendation and asked if the Commissioners would be willing to send a letter of recommendation to the Community Action Partnership based on the 40 years of service to the Waldo County area.

The Commissioners acknowledged that E. Murphy's efforts in this community are remarkable and commendable and requested that a letter of recommendation for E. Murphy be drafted for them to review and send as soon as possible.

SHERIFF'S REPORT (2012-13 CORRECTIONS BUDGET):

The Commissioners agreed to consider the Corrections Budget for 2012-13 even though the Sheriff is ill, because the budget must be submitted to the State by August 30, 2010. D. Berry stated that Sheriff Story had spoken with him by telephone this morning to comment on a few things. The Commissioners were reviewing, first of all, pay scales for the Corrections employees. The spreadsheet the Commissioners had prepared was discussed. It was noted that several of the employees would take a significant jump in wages, but it was largely due to being locked into pay steps for three years or more without changing on the current pay scale. The significant jump would move them up. K. Trussell explained, however, that with the COLAs they had received over the years, they had received somewhat of a raise in between. A. Fowler explained that this pay scale was restructured from the starting point up. She also said this would be the only year this "kick" would be seen, noting that she could live with this and justify it. The Commissioners acknowledged that it also stays within the capped budget.

W. Shorey commended the two Commissioners for their hard work on this.

K. Trussell asked when this pay scale would be implemented, as the Sheriff had posed the question of whether the pay should change at the beginning of the State's fiscal year (July 1st) or at the beginning of County's budget year (January 1st). Currently the Sheriff has to factor salaries one half of the year at one rate and one half the year at another rate. The Commissioners discussed doing this on the State's fiscal year. It was unknown how this would work and how it would be handled. A. Fowler suggested that this become a policy, that Corrections budget items would go by the State's fiscal year, because the Corrections budget is completely separate from all the other County budgets. W. Shorey felt that it also should be addressed in the other departments as well, so that after the first year of employment, the pay would change on January 1st every year.

****A. Fowler moved, W. Shorey seconded to accept the new pay scale for Corrections hourly employees to be implemented retroactive to July 1, 2010, as the State is currently in the 2011 budget.** Discussion: K. Trussell wondered if this should be implemented January 1st, and then July 1, 2011 enter into the July budget. **A. Fowler amended her motion to read that January 1, 2011 through June 30, 2011, the wages would be at the 2011 wages listed, and July 1, 2011 through June 30, 2012, it would be at the 2012 figures. W. Shorey seconded.** Further discussion: The Commissioners noted that this would remain within the cap. Nobody would be receiving a pay cut to switch fiscal years; actually they would be getting another raise six months early. Anniversary dates would be gone. W. Shorey said that one positive thing is that the funds would not be just getting sent to the State but would also be staying in Waldo County. D. Berry said that the date of hire would need to be removed and years served as of January 1st would need to be inserted instead. This would eliminate the anniversary date. The Commissioners recalled that they had discussed this in 2009 and needing to figure out how to pay enough to get the person into that January time slot from that time forward. The Commissioners further discussed the possibility of doing that for the remainder of the employees. **Unanimous.**

NEXT COURT SESSION:

The next Commissioners Court Session is a regular court session scheduled for September 14, 2010, however the Commissioners noted that they will likely need to schedule another session prior to that to finish the Corrections 2012-13 budgets.

****A. Fowler, W. Shorey seconded to adjourn the Commissioners Court Session at 11:39 a.m. Unanimous.**

Respectfully submitted by *Barbara L. Arseneau*
Waldo County Clerk