

**WALDO COUNTY COMMISSIONERS COURT SESSION
(SPECIAL SESSION)
OCTOBER 5, 2010**

PRESENT: Commissioners Amy R. Fowler, Donald P. Berry and William D. Shorey. Also present were Treasurer David A. Parkman, Deputy Treasurer Karen Trussell and County Clerk Barbara L. Arseneau.

Commissioner Berry called the meeting to order at 9:05 a.m.

D. Berry started the court session by tapping a large white staff called a “mace” on the floor twice. He explained to all present that this mace was presented at the Maine County Commissioners Association Annual Convention to each County and was historically used to call meetings to order.

JANITORIAL BIDS FOR 2011-12: (Lower level of the District Courthouse, the entire Superior Courthouse and the Communications Center.)

D. Berry informed the rest of the board that Facilities Manager Keith Nealley had told Commissioner Berry this morning that he had approached Central Maine Cleaning Company and Maureen Hall about dividing the bid between the two buildings, awarding the bid to each lowest bidder, and Mr. Reed was going to send a reply with respect to those bids.

COURTHOUSE SPACE:

D. Berry reported that the Belfast Courthouse is on the schedule for reconstruction in 2013. He informed the other Commissioners that he had an excellent meeting with Facilities Manager Keith Nealley and Clerk of Courts Terri Curtis, and the news is that the State will take care of this reconstruction. One question that came up is reconfiguring Superior Court. D. Berry noted that if anything is done there, it will have to be a complete re-do and that the County will not be paying for it. He expressed that it was a really good discussion - it will cost the County about \$12,500.00 for its share to have a study done of the situation. Some buildings that are possibly being considered are the former Matthews Brothers and also the Theatre Workshop for the Handicapped. The State people have expressed appreciation for being able to work with the current board of County Commissioners and are pleased that there is no plan to have the court removed from the building at the end of the lease. D. Berry said he would be coming back to the Commissioners as more information is learned. He expressed that he was excited about conversations about possible improvements in functions that may result from the study, etc. Space needs will be determined for both parties, and noted that the Commissioners need more space.

Justice Susan Longley was present and was recognized by the Chairman. First, she commented, on this topic, that the Probate Courtroom could be shared, if needed.

JUDGE’S SALARY DISCUSSION:

S. Longley explained that, secondly, she was there to speak to the Commissioners about her salary as Judge of Probate and suggested that, perhaps, she should present what she does for work. She noted that she has been able to bring in about \$30,000.00 in fees. She referenced Commissioners’ court session minutes from about this time last year, in which the Commissioners took the lead in setting up fair and equitable pay for those in supervisory position. She noted that in Waldo County, she is legally responsible for everything in both the registry and the courtroom. She said she wished to speak

respectfully of the staff and their talents, but noted that she had reorganized things “soup to nuts.” She has also come up with “helpful tips” for people coming into her courtroom.

She submitted a document that detailed a typical week in her schedule. She also provided examples of some of the systems she has set up. In summary, 25-30 hours of week are spent serving in this position, has thirty-plus years of experience in all branches of government and education, and helps save the taxpayers about \$30,000.00 and possibly more per year. She noted the Commissioners’ point about a fair pay scale, she was there to state that she handles her responsibilities seriously and works very hard at her job.

D. Berry noted that the County is in an economic situation where all department heads are getting a 1% increase in their salaries at this point. He also shared a 2008 survey of salaries for all the Judges of Probate, noting that Justice Longley’s salary was sitting in the middle of the average. S. Longley responded that she had more recent figures than 2008 and this was no longer the case.

S. Longley noted that there were economic issues last year and the Commissioners found opportunities to find raises for some employees. She was asking to be treated the same. She explained that she was earning less than people with fewer responsibilities that are being paid in the \$40,000.00’s.

A. Fowler commended Justice Longley for all her amazing work and commented that she is “wooded” by her. She noted that as a Commissioner, she puts in many more hours than she is paid for, as do the other Commissioners. S. Longley acknowledged that this was undoubtedly true, and said that she was asking for fairness, as had been done for other positions. A. Fowler noted that those positions were based on comparisons of the same positions throughout the state, adding that the Commissioners had been looking originally and zero COLAS.

S. Longley explained that internal disparity was increasing. Because she knew the Commissioners were shooting for fairness, this is why she felt she could come forward with this request. She welcomed the Commissioners to spend time in her office and courtroom. She appreciated the bind the Commissioners are in with trying to keep budgets down. She recognized that the Commissioners would do their best and said she appreciated what they could do in this case.

W. Shorey said that, speaking for himself, the Commissioners appreciate the good job the Judge is doing and appreciated her good presentation and that they were not ignoring that.

S. Longley thanked the Commissioners for their time.

(The Commissioners instructed the Deputy County Clerk to put this latest submission from the Judge in the budget binders.)

EXECUTIVE SESSION:

Commissioner Berry requested an Executive Session to discuss assignment of duties and compensation. ****W. Shorey moved, A. Fowler seconded to enter Executive Session for discussion of assignment of duties and compensation according to M.R.S.A. Title 1 § 405, 6(A) at 9:31 a.m. Unanimous.**

****A. Fowler moved, W. Shorey seconded to come out of Executive Session at 9:56 a.m. Unanimous.** No action was taken by the Commissioners.

2011 BUDGET REVIEW:

1020 Commissioners Budget;

Technology Consultant James Arseneau sat in briefly and said he just wished to remind the Commissioners that a couple of years ago the Budget Committee had made the accusation that the Technology Reserve of being used for operational expenditures as the Commissioners wished, which was not the case. B. Sneed had reminded the Commissioners that the Commissioners at the time had established the reserve for the purpose of upgrading the systems every so many years. J. Arseneau recognized that the Commissioners are trying to keep the 2011 operating budget as low as possible.

W. Shorey suggested that the Budget Committee might want to consider handling it this way if they wanted a low budget this year.

J. Arseneau expressed concern that if dipping continues into the Reserves, then the County will not be able to accomplish the upgrades, noting that the Budget Committee has not been funding the Reserve at the recommended levels anyway and when it comes time to refresh the units there will not be sufficient funds there.

J. Arseneau said this was just an informational point, and ultimately, the Commissioners must make the decision about this. He suggested that the Commissioners might present what is needed, and let the Budget Committee make the decision about whether it comes from the reserve or operational budget.

J. Arseneau suggested, for the Commissioners' consideration, that it might be possible to move the data cards into the appropriate departments rather than continue to have them under the technology budget.

2025 EMPLOYEE BENEFITS:

4724 – Health Insurance:

D. Berry noted that there were two proposals being looked with the premium total possibly being increased by 10% or 15%. W. Shorey asked if it needed to be either 10 or 15%, and D. Berry replied that these were suggestions to start with.

K. Trussell, when asked, said that the fund in the plan is sitting at about \$400,000.00. W. Shorey suggested the possibility of the County increasing the premiums to 12% for 2011 and then 13.5% and then 15% later; something to that effect with preference of starting with 12% for the total premium rather than jumping directly to 15%. D. Berry recognized that suggestion and added that he believed the employee portion of the premium would also need to increase. A. Fowler thought that it might work to go to 10% for the total premium and increase to 12% for the employee portion of that premium. W. Shorey said that he believed it could go either way but definitely felt that the employee portion needs to increase if nothing else. D. Berry thought it would make sense to not go any higher than 12% on the total premium, and 12% for the employee portion of that premium. M. Wadsworth was asked to prepare the spreadsheet reflecting those base figures.

M. Wadsworth returned with the spreadsheet. The Commissioners expressed their agreement with this arrangement. Rounding up the County's budget line portion, the figure would be \$796,000.00 for health insurance .

4735-MainePers:

K. Trussell said she was waiting for the Commissioners to vote on the personnel lines and then she could provide a new figure for the MainePers Retirement line.

2050 – GRANT WRITING:

After lengthy discussion on motivating departments to search and find their own grant funds, the Commissioners decided not to fund the Grant Writing Reserve, noting that at least \$5,000.00 should be placed in the Grant Matching Reserve.

1080 ADVERTISING AND PROMOTION:

The Commissioners decreased line 4718 (Time & Tide RC&D) to \$1,500.00.

1090 AUDIT BUDGET:

There was discussion of the Federal audit budget and the decision was made by the Commissioners to “zero” that account and to pay for the Federal audit immediately from the Facilities All Other Reserve, as this would be the appropriate place to do so.

W. Shorey inquired about the LD 1 CAP. K. Trussell commented that the assessment could potentially be about \$319,706.59 less than the previous year.

D. Berry noted that salary adjustments needed to be made to some of the personnel lines that would be increased 1% over 2010.

1030 FACILITIES BUDGET:

K. Trussell reminded the Commissioners that in their previous review, they had reduced line 4304 from \$7,000.00 to \$4,000.00 and more than \$4,000.00 had already been expended this year. She felt that was too much of a reduction in that line, since they would still be in the old building for most of the year. The Commissioners agreed to increase that line to \$5,500.00.

VOTES ON BUDGET:

Projected Revenues:

****W. Shorey moved, A. Fowler seconded approving \$506,338.00 for 2011 Projected Revenues. Unanimous.**

1010 EMA BUDGET:

It was noted that the Deputy Director line was changed to \$30,049.00.

****A. Fowler moved, W. Shorey seconded the 1010 EMA Budget at \$98,224.00. Unanimous.**

1015 DISTRICT ATTORNEY:

The Commissioners held off discussion on this budget for the moment.

1020 COMMISSIONER’S BUDGET:

B. Arseneau asked if the Commissioners wished to reconsider the reductions made in Dues, line 4820. NACo dues had been in there for \$745.00, but was cut.

D. Berry expressed that his only concern was that there a people using that prescription drug discount card and the only way he would vote to get rid of those NACo dues is if he can get information that those people can be reinsured by another company. W. Shorey agreed that it should be left in there, rather than speculate on it at this point.

B. Arseneau also explained that more than just the \$745.00 had been cut – there was another \$200.00. A. Fowler explained that she did not believe the MCCA Dues would increase over 2010, so it had been cut from there. B. Arseneau further explained that the MMA Dues may increase up to \$25.00 and she had factored that in, as well.

When asked, B. Arseneau explained that the statutes in book form are still used in the office. She had suggested several years ago trying to minimize costs by viewing them online but had found that online version has not always been current, whereas the pocket-parts that are sent annually are. She further noted that if the public needs to look at the statutes, there is no public computer in the office for them to do so. The Commissioners decided to keep this in the budget request.

B. Arseneau inquired about the salaries for the office staff and the Commissioners and was told that the Commissioners were going to continue with the current pay scales for both the office staff and the Commissioners.

After calculating, the new total for the Commissioners Budget was \$459,055.00.

****A. Fowler moved, W. Shorey seconded to accept the 1020 budget at \$459,055.00. Unanimous.**

1025 TREASURER'S BUDGET:

The Deputy Treasurer's salary was increased from the Treasurer's previous recommendation and would now take effect January 1, 2010 with the total being \$40,996.00. There will be a new pay scale to reflect the increase in this salary.

****A. Fowler moved, W. Shorey seconded to accept the Treasurer's budget at \$60,598.00. Unanimous.**

1030 FACILITIES MANAGEMENT BUDGET:

The Commissioners noted the increase in line 4304 to \$5,500.00.

A. Fowler moved, W. Shorey seconded to accept the Facilities Management budget at \$240,472.00. Unanimous.

1065 DEEDS BUDGET:

****W. Shorey moved, A. Fowler seconded to decrease the total Personnel to \$25,971.00, making the new total \$108,166.00. Unanimous.**

It was noted that the Register of Deeds Salary needed to be changed to \$46,269.00. It was noted that the Commissioners had reduced the telephone and postage lines during a previous budget review session.

****A. Fowler moved, W. Shorey seconded to accept the total Budget at \$196,900.00. Unanimous.**

1015 DISTRICT ATTORNEY BUDGET:

D. Berry said a new position needs to be created – a second Clerical Aid position. There was discussion of whether or not the hours would be at 35 or 40. A. Fowler suggested funding 40 hours. There was brief discussion about the hourly wage needing to be \$29,557.00.

****A. Fowler moved, W. Shorey seconded funding the total budget at \$208,048.00. Unanimous.**

1070 PROBATE BUDGET:

Also present for this discussion was Judge Susan Longley.

The Commissioners noted that the salary for both the Register of Probate and the Judge of Probate should be increase by 1%. The Register's salary would be \$43,767.00 and the Judge's salary would be \$30,074.00.

S. Longley said that she had noted the Commissioners lead on fixing inequities, and mentioned that in this current budget, the Registers of Deeds and Probates received a \$5,000.00 increase. A. Fowler made the comparison that the Commissioners' staff makes more the Commissioners, but noted that, ultimately, the buck responsibility rests with the Commissioners. S. Longley remarked that the Commissioners took the lead on FLSA Exempt staff changes. She compared the salaries of State attorneys with her own. She felt that her request was fair and out of respect for her position. She told the Commissioners that she would "weather the storm of the Budget Committee," regarding her salary proposal. She then offered to reduce the proposal to a \$5,000.00 increase, stating that she would find \$3,000.00 for the Judge items. She said she is bringing in money that no other judge in the nation is doing, which means more hours on her part. If the Commissioners would give \$2,000.00, she would find \$3,000.00 in judge-related items. She noted that she is at a Clerical Aide level at this point.

A. Fowler said she and Commissioner Berry had "ripped their hair out" over the salaries when they worked on them. She added that the Commissioners worked as elected officials, as does she.

W. Shorey asked how many years S. Longley had been a judge and was told six years. S. Longley said that the average salary is \$33,000.00 for Judges. There was brief discussion on which averages Judge Longley was using, which she was based on current salaries for this position in all the counties. The Commissioners believed that the work load was different for Cumberland and York Counties, and S. Longley replied that this was not true.

S. Longley proposed the following to the Commissioners: She was asking, instead of \$5,500.00, for the Commissioners to provide \$2,000.00 and she would find the remaining \$3,000.00 in "Judge Items" to fund a \$5,000.00 increase. She repeated that she was asking for the same consideration as the other FLSA Exempt positions that were funded with increases of \$5,000.00.

D. Berry said that he could not support this kind of an increase in anyone's salary, noting that the Budget Committee would not in support of this.

S. Longley said that last year was also an economic tough time and that certain Exempt employees were given raises. D. Berry said the scales were adjusted because of the long years of service, noting that those were not elected positions. S. Longley countered said that those positions are elected. S. Longley explained that "somebody was given a huge raise in the \$40,000.00's" and that is why those two elected positions came forward, as they believed their wages needed to be increased. D. Berry said that it was actually done for more than just those two, as there were other inequities. S. Longley said she knew that. Both Commissioner Berry and Judge Longley continued the discussion, at times, simultaneously.

A. Fowler interjected, stating that rather than continue the argument, she would sum it up to the fact that the economic situation was different than today.

S. Longley said she respected and appreciated all the hard work that the Commissioners were doing.

D. Berry repeated that 1% was what they were doing for department heads.

****A. Fowler moved, W. Shorey seconded approving the budget total for the Registry of Probate Budget at \$189,998.00.** Discussion: W. Shorey said that he was a big proponent of the 1% increase, but commended the Judge for her presentation and the way she presented her case, reminding her that she could certainly take her case to the Budget Committee when they met. He noted that nobody could predetermine what would happen, but observed that the Budget Committee might not be in a very giving mood. **Unanimous.**

(The Commissioners agreed to take a lunch recess at 12:41 p.m.)

(The Commissioners returned and came back into session at 1:40 p.m.)

2011 BUDGET REVIEW, CONTINUED:

D. Berry said that a few budgets needed to be revisited, as some minor discrepancies had been found in some of the salaries. A few departments rounded down the figures instead of rounding up. These were located and fixed.

****W. Shorey moved, D. Berry seconded to make all those adjustments as noted. Unanimous.**

1075 SHERIFF'S BUDGET:

The Commissioners reviewed the Sheriff's budget, noted the changes made during the last review session and also noted the 1% increase in the Sheriff's salary. The Commissioners voted as follows:

***A. Fowler moved, W. Shorey seconded to accept the Sheriff's Budget at \$1,201,878.00.**

Unanimous.

1076 COMMUNICATIONS CENTER BUDGET:

****W. Shorey moved, A. Fowler seconded to accept the Communications Budget at \$774,952.00.**

Unanimous.

1080 ADVERTISING AND PROMOTION BUDGET:

****A. Fowler moved, W. Shorey seconded to accept the Advertising and Promotion Budget at \$10,000.00. Unanimous.**

1090 AUDITING BUDGET:

****A. Fowler moved, W. Shorey seconded to reduce the Auditing Budget request to \$8000.00.**

Unanimous.

2000 INTEREST BUDGET:

****A. Fowler moved, W. Shorey seconded to accept the Interest Budget at \$20,000.00. Unanimous.**

2005 UNIVERSITY OF MAINE COOPERATIVE EXTENSION BUDGET:

****A. Fowler moved, W. Shorey seconded to accept the University of Maine Cooperative Extension Budget at \$42,702.00. Unanimous.**

2025 EMPLOYEE BENEFITS BUDGET:

The Commissioners noted the change in the amount being requested for Health Insurance.

****W. Shorey moved, A. Fowler seconded to accept the Employee Benefits budget at \$1,168,200.00.**

Unanimous.

2035 WALDO COUNTY SOIL & WATER CONSERVATION DISTRICT BUDGET:

****A. Fowler moved, W. Shorey seconded to accept the Waldo County Soil & Water Conservation District Budget at \$20,475.00. Unanimous.**

2045 RESERVES BUDGET:

The Commissioners decided at this point not to ask the Budget Committee to fund any of the reserves.

****A. Fowler moved, W. Shorey seconded to fund the Reserves Budget at zero. Unanimous.**

W. Shorey said that once the new building is done, he believed the proper equipment and furnishings should be put into it, "not junk."

2050 GRANT WRITING BUDGET:

****W. Shorey moved, A. Fowler seconded to fund the Grant Writing Budget at zero. Unanimous.**

****A. Fowler moved, W. Shorey seconded to accept the TOTAL BUDGET at this point at \$4,701,502.00.** It was noted that the over-all increase, including the Corrections Budget is 1.03%.
Unanimous.

K. Trussell explained that if things don't change drastically, roughly \$280,000.00 less will be assessed in 2011 taxes than in 2010.

A. Fowler remarked that this would be the third year in a row that the County has stayed under the L.D. 1 CAP.

CORRESPONDENCE:

Reporting correspondence to the Commissioners was County Clerk Barbara Arseneau with Deputy County Clerk Veronica Spear taking minutes, as follows:

1. Corporal Robert Cartier has resigned his position effective October 5, 2010. He wishes to remain on the part-time roster at present.

****A. Fowler moved, W. Shorey seconded to accept with regret the resignation of Corporal Robert Cartier effective October 5, 2010. Unanimous.**

2. Part-time Corrections Officer Matthew Hopkins has been rehired full-time as Corrections Officer, after having been laid off in July 1, 2009. There was brief discussion about where this position falls on the new pay scale as the Sheriff's letter requested that M. Hopkins resume at the two-year step since his original date of hire was January 20, 2008. The pay scale at that time would have placed M. Hopkins at \$16.01 per hour, whereas the current pay scale would place him at \$15.74, which be less. It was further noted that even the three-year step would be less that what he previously had been earning. The Commissioners agreed that the hourly wage should be \$16.01 and would stay that way until Officer Hopkins could be moved to the 4-year step on July 1, 2011.

****A. Fowler moved, W. Shorey seconded to rehire Mathew Hopkins as full-time Corrections Officer effective October 10, 2010 at \$16.01 per hour, which will stay at that level until July 1, 2011, at which time he will be moved to the four-year step of \$16.14 per hour. Unanimous.**

3. Communications Director Owen Smith sent notification that Dispatcher Elizabeth Daggett reached the two-year pay step increase on August 9, 2010 from \$15.99 to \$16.54 per hour, and was also

eligible to receive 16 additional hours of vacation. O. Smith apologized for the delay in submitting this documentation. The Commissioners noted this step increase.

4. The Commissioners had spoken with an attorney to determine which direction R. Gallagher might be able to go regarding her unresolved issues with the Town of Monroe. B. Arseneau noted that the attorney was not clear on what was being asked of him. The Commissioners agreed that the attorney should be contacted with clarification this afternoon simply to determine whether or not Ms. Gallagher could take this to small claims court.

5. Facilities Manager Keith Nealley has asked that the Commissioners be notified that he has been in communication with Doug Reed, owner of Central Maine Cleaning regarding the Commissioners' proposal for a one-year contract for 2011 for cleaning services for the District Court and Communications Center, and another contract for calendar year 2012. He was awaiting Mr. Reed's response, as Mr. Reed had indicated that he would be writing a letter to the Waldo County Commissioners to share his viewpoint about the award process.

5. The County Commissioners received an invitation to a Celebration of the 20th Anniversary of the Waldo County Fund Thursday, October 21, 2010 from 4:00 p.m. to 6:00 p.m. at The Atrium in the Hutchinson Center in Belfast. None of the Commissioners could attend.

6. EMA Director Dale Rowley has sent communication that not all of the employees on the EOC Committee have completed the recent training. B. Arseneau noted that she owed D. Rowley two courses, herself, as she was away when they were scheduled, and would complete them before the end of the month. She explained that she continues to hear that some employees are not and do not plan to attend EOC training sessions. She noted that this has been discussed with the Commissioners before. Serving on the EOC has been a practice of the County for years; it had always been by word of mouth prior to D. Rowley coming on board and putting things in writing. She noted that after September 11, 2001, training increased with Homeland Security. She wondered if the time had come to put this into the applicable job descriptions so that employees would understand that this was their obligation as part of their employment. The Commissioners discussed the matter, noting that the employees who are on the EOC are being paid for a decent job. The consensus was that it should be included in the job descriptions. The Commissioners stated that a memo should be sent to the employees explaining that this issue has been brought to the Commissioners' attention and that training for the EOC is part of those employees' jobs.

7. Internal Control Report: B. Arseneau reminded the Commissioners that they had received copies of the Internal Controls that the auditor had prepared at their request, but these have not been neither formally accepted nor implemented to date. D. Berry said that he and the Deputy Treasurer would inform the departments and provide an actual start date, which he believed should be January 1, 2011.

8. District Attorney Geoffrey Rushlau sent a memo dated October 1, 2010 recommending that the County Commissioners allow him to purchase from 2010 funds 1.75 additional licenses, in part for the victim witness advocate previously shared with Knox County, the juvenile prosecutor and the proposed new position for the Waldo County D.A.'s office. After receiving clarification from G. Rushlau via telephone, Commissioner Berry authorized this expenditure.

****W. Shorey moved, A. Fowler seconded to accept the Internal Control Report and to implement it at the first of the year in 2011. Unanimous.**

MINUTES:

B. Arseneau asked if the Minutes from September 14, 2010 and October 28, 2008 were acceptable to the Commissioners.

****W. Shorey moved, A. Fowler seconded to accept the minutes from September 14, 2010 and October 28, 2008. Unanimous.**

B. Arseneau she still needed Commissioner Berry to let her know which changes needed to be made in the August 26, 2010 minutes, and he said he would do that as soon as possible.

MISCELLANEOUS BUSINESS:

Commissioner Shorey requested an Executive Session to discuss assignment of duties and compensation.

****W. Shorey moved, A. Fowler seconded to enter Executive Session for discussion of assignment of duties and compensation according to M.R.S.A. Title 1 § 405, 6(A) at 2:55 p.m. Unanimous.**

****A. Fowler moved, W. Shorey seconded to come out of Executive Session at 3:07 p.m. Unanimous.**

****A. Fowler moved, W. Shorey seconded to set the wage of the County Commissioner Chairman at \$1,800.00 above the base salary for the additional hours of work that go with that position for 2011. Passed by two; D.Berry abstained.**

****A. Fowler moved, W. Shorey seconded to adjourn the Commissioners Court Session at 3:22 p.m. Unanimous.**

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