

**WALDO COUNTY COMMISSIONERS COURT SESSION
FEBRUARY 12, 2015**

PRESENT: Commissioners William D. Shorey (Chairman) and Betty I. Johnson. (Commissioner Fowler was absent). Also present was County Clerk Barbara Arseneau to take minutes.

Call to Order: Commissioner Shorey called the meeting to order at 9:00 a.m.

TREASURER'S

D. Parkman reported that after this week's payroll, there will be \$192,314.21 remaining in the Corrections Budget and \$69,311.52 in the County Budget. After this, the County will have to start borrowing on the Tax Anticipation Note.

2015 TAX COMMITMENT:

The Treasurer submitted the County of Waldo Tax Commitment in the total of \$7,333,582.59. The Commissioners were pleased to note that there were 17 municipalities whose tax commitments were reduced from the 2014 commitment.

JAIL CONSOLIDATION DISCUSSION:

D. Parkman reminded the Commissioners that when the Maine Jails first became consolidated in 2008, they had to run the first six months without funding. The audit was made to reflect what was in the budget as of June 1st, because the initial audit showed the Jail budget in the red. He made sure this was changed to reflect accurately that there was money in the budget. There is funding in the savings account in Machias, which he felt is dedicated to pay back to make sure the audit reflects an even budget. He thought the first six months after June 30, 2015 there might be a cash flow problem. The good news is that the Budget Committee approved \$2.8 million so there will only be a short-term cash problem. He felt that either way the situation turns out with the jails, the County of Waldo should be fine.

A. Fowler reported that Maine Municipal Association is "fighting tooth and nail" not to release the cap on the jail budgets.

W. Shorey recommended that there be more discussion on this topic at the Commissioners' next workshop as it was all "hypothetical" now but there will be more known at that point.

D. Parkman felt that the boarding costs they were talking about are about \$48.00 per inmate. Either \$1.2 or \$1.5 million is what the boarding costs will be. He believed that the Sheriffs want to unify and set their own rate. He just wanted to mention this and felt that it was an excellent idea that the Commissioners discuss this during their next workshop.

There are two options – Bangor Savings has short-term money and the County could perhaps extend the Tax Anticipation Note to a higher rate. D. Parkman also went to meet with the bank manager in Rockland, and there is a line of credit that might be available. One way or the other, he felt the County of Waldo's Corrections situation should be all right.

W. Shorey said he thought it would take two to three years before the \$1 million was averaged out.

A. Fowler stated that changing the County from a calendar year to fiscal year created this issue.

There was brief discussion on the many different views of Sheriffs, Commissioners, etc. on how to handle the current and ongoing the jail consolidation issues.

A. Fowler said that Waldo and Oxford will always be in the predicament they are in because they cannot go back to being Jails. The rates will be varying from one county to the other. There is some talk of making the Jails being governed by “jail authorities” and decisions made by an authorized group.

D. Parkman told the Commissioners he had heard that there are some who want to form a new committee that serves in an advisory capacity to the jails.

W. Shorey said it amuses him that all over Augusta someone can't write \$2.5 million dollars in checks because there has to be a “receiver.”

A. Fowler thought that the \$2.5 million will be going through the Department of Corrections.

****B. Johnson moved, A. Fowler seconded to file the Treasurer's Report. Unanimous.**

WARRANTS:

****A. Fowler moved, B. Johnson seconded to authorize payment of the January 29, 2015 General Fund Accounts Payable warrant and January 15 and 29, 2015 payrolls in the amount of \$342,178.60. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the January 29, 2015 Capital & Restricted Reserve in the amount of \$59,503.85. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the January 29, 2015 Reentry Accounts Payable warrant and January 15 and 29, 2015 payrolls in the amount of \$1,038,832.81. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the February 12, 2015 General Fund Accounts Payable warrant and February 12, 2015 payroll in the amount of \$211,428.10. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the February 12, 2015 Capital, Active & Restricted Reserve warrant in the amount of \$48,993.64. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the February 12, 2015 MCRRC Restricted Reserve warrant in the amount of \$45,462.23. Unanimous.**

CONTINUITY OF OPERATIONS:

D. Rowley was present to discuss the continuity of operation plans for the departments and noted that he is still working with the Technology Consultant on that piece. He explained that for the most part a back-up location has been identified for most employees within the departments. For example, Commissioners staff could move into the EMA Offices due to computer access, telephones, etc. and one or more might work at the County Archive in the Superior Courthouse.

The technology piece is more complicated. Many people cannot operate without computers. There was discussion of the server in the Probate Office that serves both the Commissioners and Probate and that there is no back-up power in this building for that server. This is something that may require discussion in the future.

D. Rowley will send an electronic version of this document in progress for the Commissioners.

2. Fire Departments: There was a structure fire in Thorndike and D. Rowley and EMA volunteer Brit Rothrock were called to assist. B. Rothrock and D. Rowley ended up physically working on the scene assisting with the water supply, communications etc. There wasn't even time to set up contact with Dispatch. They operated by ham radio to Deputy EMA Director Olga Rumney and she would then call Dispatch. The firefighters had no traffic control so the Sheriff's Office handled that for five hours. This took two officers out of patrol duty.

D. Rowley explained that the Towns are really struggling to run their fire departments now. They went through 2/3 of the County to get people on the scene for that particular event. D. Rowley stated that if there was a regional fire department, and people were paid, it would be better than the situation now. There are currently 80 fire trucks in Waldo County and not enough manpower to operate them.

D. Rowley reported that there is a man in Southern Maine who is suing the fire department because of poor response. Apparently the suit didn't go anywhere, but this demonstrates that there is the risk that citizens will start suing fire departments for their inability to respond effectively.

The Commissioners asked if there was any discussion of regionalization with the firefighters. D. Rowley thought that many of the fire departments were receptive to the idea, but the Selectmen are not. He illustrated with school districts forming because the individual towns couldn't support them.

A. Fowler thought a good forum to discuss this might be at the upcoming Annual Maine Firefighters Association Convention. It was noted that by law, every town must have a fire chief. Knox has a fire chief but no fire department. They have a contract with other agencies for aid.

There was brief discussion of how the law allows for a county ambulance service, but not a county firefighter service.

B. Johnson commented that it might be time for municipalities to consider whether or not home rule on these matters is really benefitting the citizens or if it is time to regionalize in order to provide better services in a financially effective way.

CORRESPONDENCE:

1. Tax Abatement Pet. #367 - Derek Davis v. Town of Thorndike: An updated application has been received with the information that the Commissioners requested. The Commissioners stated that the appeal hearing will continue to be held on March 12, 2015.

2. A Tax Abatement Appeal Application was received from Marc Kadis regarding his property in Northport. The Commissioners reviewed the application and determined that it did not meet the criteria for an appeal.

****A. Fowler moved, B. Johnson seconded to deny hearing an appeal of Marc Kadis vs. the Town of Northport because it did not meet the criteria. Unanimous.**

3. The Commissioners requested that Officer Nicholas Oettinger come to the next regular Commissioners Court session to be presented with a Sentiment of Appreciation and gift card for receiving the award 2015 Maine Sheriff's Association award as "Deputy of the Year".

4. The Sheriff has submitted to the Commissioners the Maine Coastal Regional Reentry Center report entitled, "Breaking the Cycle – Reducing Recidivism Through Risk Reduction (A Study of MCRRC's Reentry Program Effectiveness) dated February 2015 and produced by Scott L. Story and Cheryl A. Gallant.

5. Time and Attendance payroll program: The Commissioners briefly discussed issues with the Time and Attendance payroll program that have been brought to their attention by the Human Resources/Payroll Director Michelle Wadsworth and Deputy Treasurer Karen Trussell. The program was started in the Jail, followed by Patrol and the Communications Center departments but it became evident that, even with time and effort on the part of the Time and Attendance representative, several issues could not be resolved and there were more problems than the program was worth; resulting in constant inexplicable errors an excessive amount of time being spent by all those involved in processing payroll.

****B. Johnson moved, A. Fowler seconded to stop using the Time & Attendance program for payroll effective February 28, 2015. Unanimous.**

6. Health Insurance 2015 Renewal Documents: Several documents related to the 2015 re-enrollment were reviewed and/or signed by the Commissioners as follows:

- 2015 Stop Loss Insurance application – HCC Life Insurance Company
- 2015 Renewal Amendment to Administrative Services Agreement
- UBS Financial Services, Inc. Confirmation: Information regarding the account of County of Waldo, ME – Self Funded Health Plan

7. The Commissioners briefly reviewed a Notice of Petition for Change in District Boundaries By the Maine Land Use Planning Commission. The Petition is a Map Adoption by Reference, ZP 749 and the location is Lincoln, Sagadahoc and Waldo Counties. Written comments from interested persons should be sent before the end of the public comment period – March 9, 2015.

8. The Restorative Justice Project of the Midcoast is celebrating its 10th Anniversary of "Vote for Justice" to choose the 68 nonprofit organizations of who will receive grants. Online voting ends February 28, 2015.

9. Sheriff Trafton has sent information regarding Camp POSTCARD and a current fund-raising effort for this annual project.
10. It was noted that due to a scheduling conflict, Grand Jury met in the County Commissioners conference room on Tuesday, February 9, 2015 rather than in the Probate Courtroom. The room was not ideal for such a large number of people but B. Arseneau reported that the District Attorney staff went out of their way to make it work and the Commissioner's staff was equally committed to making sure the space was adapted to accommodate the group as much as possible. Everyone was very positive, cooperative and it was reported that there was a lot accomplished that day in spite of the close quarters. The Commissioners commended all involved for making this work on short notice and agreed that there would need to be a meeting with all parties in the near future to figure out where the breakdown in communication may have occurred and how to make sure things proceed smoothly in the future.
11. Mid-coast Regional Planning Commission is holding its Annual Meeting and Dinner on April 29, 2015 from 6:00 to 8:30 p.m. at the Union Town Office. The topic is Municipal Partnerships with Broadband Internet Providers, and Maine DOT Transportation Projects in Knox and Waldo Counties.
12. Request to rent County office space: B. Arseneau informed the Commissioners that Belfast Economic Director Thomas Kittredge had inquired about available County office space for the Belfast Creative Coalition, as this organization is moving out of their current space. While sympathetic to the needs of the Belfast Creative Coalition, the Commissioners acknowledged the current cramped space in the County Commissioners Office, lack of proper records storage space, etc. and instructed the Clerk to respond that there is no available space.
13. State Claims Commission Hearings 2015: The State Claims Commission has issued its most recent hearings schedule. Waldo County is scheduled to host a hearing April 1, 2015 related to property locations in Burnham and Winterport. Commissioner Johnson volunteered to serve as the County Commissioner representative at this hearing.
14. Employee Commendation: Sergeant Matthew Curtis sent to the Commissioners a copy of a commendation for Deputy Jordan Tozier to recognize his professionalism and thoroughness in handling an arson investigation. Officer Tozier put additional effort and work into the case, culminating in the arrest of an offender for a crime that could have easily resulted in loss of life by the public, emergency responders and/or residential property. The Commissioners commended Officer Tozier for his excellent work on this case.
15. Feedback on "How County Government Works" video: B. Arseneau shared an email message from a local school in which it was stated that the video came at a great time because the fourth graders were working on their Social Studies Standard for government. The children were showed many parts of the video, have a better idea of the responsibilities of county government and were able to see the real people behind the jobs described. A few of the students have family members connected to county government and were very proud.

16. “How County Government Works” will be shown free to the public 6:30 p.m. February 25, 2015 in the Abbott Room of the Belfast Free Library.

JUDICIAL MATTERS:

Present with the Commissioners was Probate Judge Susan Longley. Judge Longley shared the following with the County Commissioners:

1. Recent Grand Jury Scheduling Issue: Judge Longley reported that she believed there is “movement” on this issue, which is good. She has looked at the contract and the days that the Probate Court is “loaned away” for the purpose of holding grand jury, which she described as being “for \$100,000.00”. According to that contract, the days that the Grand Jury is happening on the same days as Probate Court, Probate Court has to move to another location. This is very difficult. It seemed to her that when it comes to last minute changes, people can provide wiggle room. By statute, the Probate Court announces each year that Tuesday will be court day. It appears that now that the contract allows for Probate Court to go back in the planning of the dates. Judge Longley said she would like to split the difference on days that will conflict. Perhaps two of the Tuesdays, the Grand Jury goes elsewhere and the other two Probate could.

The Commissioners explained that all understood how things were supposed to work at the time the contract was written. There will be more discussion on this in the near future.

2. Law Clerk: Judge Longley said that she realized that should tell the County Commissioners when she is bringing an outside person into the County building so that they would be aware. She stated that the law clerk position is a prestigious one and an opportunity to work with Judge. This is usually someone who has just graduated from law school. The law clerk writes opinions for the Judge. She described these clerks as “usually fresh-out-of-law-school-minds, doing lots of work with lots of energy and the judges will review and critique. It is a strictly legal opinion.” The individual who worked with Judge Longley this past year asked if she could be a law clerk. Judge Longley wrote to the Judicial Branch Advisory Committee on Judicial Ethics to see if this was something she could do to. The response was that there are law clerks in many of the courts in the state. Judge Longley said that it would have been good to have allowed her access to the data on the computer, noting that this position is not an employee that is taking another person’s job – the person is simply there with a wonderful opportunity and does a lot of the heavy lifting for the Judge.

A. Fowler said that the Commissioners applauded the apprenticeship of an individual but they had not been aware of who it was and what was going on when they received the request for both building and computer access. When the Commissioners inquired, the Judge had not come back until now with an explanation.

Judge Longley said she wished she had spoken with the Commissioners before. Now, there would be a history.

W. Shorey said that it would have been beneficial if the Commissioners had understood this ahead of time, explaining that there are unions and people were not sure what the person is being used for. Then the Commissioners received requests for access to the computer and building. The

Commissioners had no idea who the person was and what was going on, so there is blame on both sides.

S. Longley said she had a copy of the letter she wrote that authorized the provision of a law clerk. When asked by the Commissioners if she was going to continue to have a law clerk in the future, Judge Longley said she didn't know. It is a benefit but it can also be time consuming - although enjoyable - teaching the individual when there is so much work that needs to be done in a timely fashion.

The Commissioners said that they had reached out to the Judge but when there was no explanation they didn't feel they could allow the access requested.

TECHNOLOGY REPORT:

Present with the Commissioners was Technology Consultant James Arseneau, who reported the following:

1. Computer Upgrades: About 50% of the computer update is complete. There are about 20 machines remaining at this time. He noted that there had been some glitches with some of the machines and things had to be done more than once. The transition has to be done with an extra step because the software was so old.

2. Email Issues: There is much duplication of reports going to people that get left in email boxes. People sign up for classes and just let junk mail keep coming in. Non-important "chit-chat" needs to be deleted and not saved.

A. Fowler asked about the reminder she gets from Yahoo that tells her that the mailbox is too full. Then she deletes the messages but wondered if she had to empty the deleted items. J. Arseneau explained that it varies per situation. He noted that the County backup takes 7 hours each day when it used to take only 4 to 5 hours. There are too many unnecessary emails being kept. Email messages should be retained as dictated by statutes, internal policies, etc. J. Arseneau recommended that there be a limit put on the mailboxes. He has consulted with other counties. Cumberland hires an archive service to archive their records for a period of years. If a limit was put in place, then emails will start bouncing back, which would serve as a reminder to clear out unnecessary messages.

When asked how much of employee email messages are not work-related, he estimated it as 1/4 to 1/3 of all email volume.

The Commissioners agreed that a limit should be put on email systems and a strong memo sent out to all departments.

J. Arseneau mentioned that there is also an issue with some departments that are retaining duplicate information that could be put in a central area for all to be able to have access. Now, there are also video recordings that have to be saved for a period of time and need to be saved in a particular location.

There is also a tendency for some employees to save documents and data on the computer desktop. The issue with this is if there is problem with that computer, that data can be lost because it is not saved on the network.

Commissioners' iPads:

J. Arseneau distributed and iPad to each of the Commissioners and spent the remainder of the time offering instruction for use.

APPROVAL OF MINUTES:

B. Arseneau had notified the Commissioners earlier in the month that it was impossible to transcribe the minutes from the three January court sessions due to an unusually large amount of projects, deadlines, union negotiations, illness in the office, etc. The Commissioners stated that they understood the mitigating circumstances and would accept the minutes when they could be transcribed.

****B. Johnson moved, W. Shorey seconded to adjourn the court session at 12:00 p.m. Unanimous.**

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