

**WALDO COUNTY COMMISSIONERS COURT SESSION
JANUARY 8, 2013**

PRESENT: Commissioners William D. Shorey – Chairman, Amy R. Fowler and Betty I. Johnson. Also present was County Clerk Barbara L. Arseneau to take minutes.

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

2013 COMMISSIONER CHAIRMAN:

****A. Fowler nominated, B. Johnson seconded for W. Shorey to continue as Chairman for 2013.** B. Johnson asked that the Commissioners work on functioning as a unit and a board, as she would like to see improvement in that. **Unanimous.**

TREASURER’S REPORT:

Present with the Commissioners was Treasurer David A. Parkman and Deputy Treasurer Karen Trussell.

COUNTY REVENUE:

D. Parkman reported 101% received in revenue, which is much lower than usual. K. Trussell informed the Commissioners that the State of Maine paid, in 2012, the monthly January District Court space rent for 2013, so there won’t be payment in December for 2013.

APPROPRIATIONS:

D. Parkman gave the final 2012 Budget Report. The Emergency Management Agency budget was overdrawn by approximately \$90.00. The Facilities Management budget was approximately \$390.00 overdrawn. It was noted that this is never the case with these two budgets and they are usually well on track. The Audit budget was also overdrawn, but this was anticipated. D. Parkman reported \$124,306.00 remaining in the County budget. The 2012 budget, overall, was 97% expended.

RESERVES:

D. Parkman recommended putting some undesignated funds into the Technology Reserve. The Commissioners discussed the anticipated technology upgrades for 2013 and 2014. W. Shorey also felt that the Facilities - All Other reserve account needed to be built up. It was noted that Severance has been funded in the amount of \$25,000.00, which is being requested each year as part of the budget process at the recommendation of the auditor.

D. Parkman recommended creating an Audit Reserve for unanticipated federal audits that may come up from year to year. There was discussion of using funds from the Grant Matching reserve and also the idea of changing the description of Grant Matching to include money for federal audits required when over \$500,000.00 is expended in a year. W. Shorey recommended renaming that reserve “Grant Matching/Federal Audit”. The Commissioners talked briefly about whether or not this would be in the Active or Restricted Reserves.

\$336,000.00 is the amount that is available to work with. D. Parkman also recommended putting some of that money into the undesignated fund balance.

W. Shorey recommended adding funds to the following reserve accounts:

Technology - \$200,000.00

Facilities - All Other - \$15,000.00

Grant Matching/Federal Audit - \$10,000.00

****B. Johnson moved, A. Fowler seconded to add \$200,000.00 to the Technology Reserve, \$15,000.00 to the Facilities – All Other Reserve and \$10,000.00 to the Grant Matching/Federal Audit Reserve as recommended. Unanimous.**

****A. Fowler moved, B. Johnson seconded to change the name of the Grant Matching Reserve to “Grant Matching/Federal Audit”. Unanimous.**

CORRECTIONS BUDGET:

D. Parkman reported that the Corrections money has been received and A. Fowler confirmed this. The Corrections budget is 34% expended and could be 50% at this point in the year. He added that, after paying the Jail Investment fund, it will be 62% expended.

D. Parkman stated that during the last decade, he has worked for excellent, responsible Commissioners who have really looked out for the County. He commended the current board for this.

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

****B. Johnson moved, A. Fowler seconded to approve the final figures for 2012.**

WARRANTS:

****B. Johnson moved, A. Fowler seconded to authorize payment of the December 30, 2012 General Fund Accounts Payable warrant and December 20, 2012 Payroll in the amount of \$447,165.35. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the December 30, 2012 Restricted Reserve warrant in the amount of \$26,906.57. Unanimous.**

****A. Fowler moved, B. Johnson seconded to authorize payment of the December 30, 2012 Reentry Accounts Payable and December 20, 2012 Payroll warrant in the amount of \$146,287.23. Unanimous.**

****A. Fowler moved, B. Johnson seconded to authorize payment of the December 30, 2012 MCRRC Restricted Reserve warrant in the amount of \$120.66. Unanimous.**

****B. Johnson moved, A. Fowler seconded to authorize payment of the December 31, 2012 General Fund Accounts Payable (Final) and January 3, 2013 Payroll warrant in the amount of \$39,908.45. Unanimous.**

B. Johnson moved, A. Fowler seconded to authorize payment of the January 8, 2013 General Fund Accounts Payable warrant and January 3, 2013 Payroll in the amount of \$149,403.08. Unanimous.

****A. Fowler moved, B. Johnson seconded to authorize payment of the January 8, 2013 Capital & Restricted Reserve in the amount of \$15,030.03. Unanimous.**

****A. Fowler moved, B. Johnson seconded to authorize payment of the January 8, 2013 Reentry Accounts Payable and January 3, 2013 Payroll warrant in the amount of \$833,835.48. Unanimous.**

(See separate minutes for Pet. #360 Peter Woodward vs. Town of Palermo Tax Abatement Appeal Hearing.)

(BREAK)

Since the court session was running ahead of schedule, the County Commissioners decided to discuss miscellaneous business.

MISCELLANEOUS COMMISSIONERS BUSINESS:

1. Health Insurance Premium, Employee Contribution, for Judge Susan Longley: Commissioner Shorey reported that the Judge of Probate, Susan Longley, has spoken with him about reconsideration of the employee portion of her health insurance premium. He reminded the board that the Judge had previously met with the Commissioners in 2012 about the same matter. A. Fowler said she understood every time the Judge of Probate position is re-elected, the Commissioners have this discussion about whether or not the Probate Judges are the same, in terms of health insurance, as any other employee. W. Shorey referenced the case law [Voorhees v. Sagadahoc County, June 28, 2006] noting that the question that was raised with that case was whether the constitutional prohibition against the reduction of compensation of Maine judges during their "continuance in office" applies to a sitting judge who begins a new term of office without interruption. He reminded the Commissioners that Superior Court had ruled in favor in of John Voorhees in that case, but it was also noted in the case law that this decision may not be made the same way in an appeal. Since the Judge Longley was just re-elected January 1, 2013, the Commissioners discussed holding the rate at 10% of the total portion, rather than increasing it to 15%, which is currently paid by all other County employees. After brief discussion, the Commissioners agreed that in the case of the Waldo County Judge of Probate, the Commissioners would hold the employee portion at 10% for during continuous service as Judge of Probate. A. Fowler said she was struggling to understand why this position was different than any other employee. She appreciated and respected the case law that was referenced. B. Johnson agreed that it is challenging to make decisions based on case law. Commissioner Shorey acknowledged that this was a difficult decision for all and expressed appreciation that the other Commissioners were willing to consider it.

****B. Johnson moved, A. Fowler seconded for the applicable employee contribution (employee only) of the health insurance premium not increase above 10% of that premium for the duration of continuous service of the current Judge of Probate in that position, in accordance with the aforementioned case-law (Voorhees v. Sagadahoc County, 2006). Unanimous.**

2. A. Fowler informed the Commissioners that Liberty Fire Chief Bill Gillespie had submitted the following name for the WCRCC Board of Directors for District 3 Representation: James McDevitte, Liberty Selectman.

****A. Fowler nominated, W. Shorey seconded to accept James McDevitte as a Waldo County Regional Communications Center Board of Directors as a District 3 Representative as recommended. Unanimous.**

3. A. Fowler reminded the Commissioners that there had been an important meeting on the evening of October 9, 2012 in Executive Session with the Fire Chiefs and others. It was agreed that a follow-up meeting would be sent up for those who attended the first one, and any others who needed to attend. The Commissioners decided that another meeting should be set up soon with a few refreshments as a workshop, not a Commissioners Court Session.

4. Discussion of CLEO or WIA of Coastal County Workforce:

B. Johnson informed the Commissioners that she has accepted the position of Treasurer on the Coastal County Workforce board. She is also on the Executive Director Board of MCED (Midcoast Economic Development Corporation). She felt that the CLEO wasn't well represented at the MCCA Board of Directors meetings and expressed interest in being a member. She asked if Commissioner Fowler was firm about wanting to continue as a member of the MCCA, as she was also interested in being a member.

A. Fowler responded that she needed to stay a member in order to keep her Government appointed position on the Board of Corrections.

5. The Commissioners discussed mileage reimbursements and trying to keep those costs down and all agreed to try to keep mileage costs down as much as possible. B. Johnson's allotment was overdrawn, she acknowledged, but stated that this was largely due to her meetings being such a distance away. All agreed that they would try not to duplicate attendance at meetings. After brief discussion, B. Johnson decided not to attend the Annual MCCA meeting tomorrow. A. Fowler said she would make a fast phone call to take B. Johnson's name off the list for that meeting so there would be no charge for the meal.

6. Commissioner Committees: After brief discussion about assigning Commissioners to serve on various committees for 2013, the Commissioners voted as follows:

****A. Fowler moved, B. Johnson seconded to keep the Commissioner Committee assignments (including the Commissioners Staff assignments) the same for 2013 as they had been in 2012. Unanimous.**

****B. Johnson moved, A. Fowler seconded to nominate Commissioner Amy Fowler to continue to serve as the County of Waldo's appointed representative to the Maine County Commissioners Association Risk Pool for 2013. Unanimous.**

7. 2013 COBRA RATES – MERITAIN HEALTH PLAN:

****A. Fowler moved, B. Johnson seconded to set the 2013 COBRA Rates as recommended by Health Insurance Administrator Malcolm Ulmer in the following amounts:**

- **Single: \$802.00**
- **Participant and Child: \$1,284.00**
- **Participant and Spouse: \$1,444.00**
- **Family: \$2,006.00.**

Passed unanimously.

8. Restorative Justice Project of the Midcoast Executive Director Margaret Micolichek had sent a letter dated December 20, 2012 to the Commissioners requesting County funding for the Restorative Justice Court Diversion Program Initiative for juvenile offenders. A. Fowler noted that Restorative Justice is fully aware of the budget process for the Corrections side of it, and adamantly felt that this should not be funded.

****A. Fowler moved, B. Johnson seconded not to fund the Restorative Justice Court Diversion Program Initiative as requested by Ms. Micolichek. Unanimous.**

9. B. Johnson said she will know more soon about KWRED and would report back when she had information.

REGISTER OF PROBATE: DISCUSSION OF PAYPORT:

Present with the Commissioners was Register of Probate Sharon Peavey. S. Peavey explained to the Commissioners that she wished to set the Registry of Probate up to accept debit and credit payments for fees. This would be done through a municipal program called "Maine Payport." S. Peavey explained that there were minimal start-up costs and two contracts needed to be signed, so she was asking for the Commissioners' approval. S. Peavey went on to explain that the cost is passed on to the customer.

The Commissioners acknowledged reading the email message in from the County's Technology Consultant in which he had stated that he had no issues with the installation of this program.

****A. Fowler moved, B. Johnson seconded approving the installation of the "Maine Payport" program so that the Registry of Probate may accept debit and credit payments of fees. Unanimous.**

TECHNOLOGY REPORT:

Present was Technology Consultant James Arseneau and Sheriff Scott Story. J. Arseneau spoke with the Commissioners about the following:

1. After budget meeting, looked a WSKA program. Each has done a quick pass over the equipment. HP is looking at it and will submit to corporate the WSKA price, which is a consortium price.

2. J. Arseneau will be a conference call with IBM tomorrow for going over the Spillman server hardware specifications. The system is similar to what Hancock and Penobscot went with. Hancock did well so J. Arseneau is trying to use the same vendor.

3. Sun Review: J. Arseneau informed the Commissioners that this review of the transparency of Maine Counties will be coming out soon. He informed them that he has touched base with the other counties; many feel that these people are "nothing" and this report is unreliable and misinformed. He informed the Commissioners that he has made some updates and changes to the County of Waldo web site, but even after submitting those changes, he expressed frustration that this didn't seem to matter or increase the County's score. He explained that he has been emailing back and forth with one of the folks at Sun Review, and has tried to educate her regarding how the New England Counties function, which is quite different from the southern and western states.

4. W. Shorey explained that another \$100,000.00 will be put in the Technology Reserves this year. J. Arseneau said once all the pricing is set, which he is trying to get two quotes for (Penobscot County's

was higher, even though it is the same equipment as Hancock County's, so J. Arseneau is trying to work with Hancock's vendor) and then those costs will be brought back to the Commissioners for review. W. Shorey said it was good that this was being scrutinized closely, as any savings are crucial.

5. District Attorney's Office – Possible Office Changes. J. Arseneau briefly discussed with the Commissioners the potential office changes to provide more room for the District Attorney's staff. J. Arseneau said he would start gathering information about getting connections into the Probate Courtroom for the District Attorney, Grand Jury, etc. There was some additional discussion of the determining who would need equipment and what that equipment would be.

DISCUSSION OF EMA RESERVE ACCOUNTS AND JEEP

Present with the County Commissioners was Emergency Management Agency Director Dale Rowley, who discussed the following with the Commissioners:

1. D. Rowley asked for authority to drive the County EMA Jeep to and from his home. The Commissioners expressed surprise that he had not been doing so and approved this.

(A. Fowler excused herself from the court session as she had another meeting to attend.)

2. W. Shorey commended D. Rowley on the 2013 County of Waldo Emergency Operations Plan. The Commissioners would all sign it.

3. D. Rowley discussed with the Commissioners the EMA/Disaster Recovery Reserve (0263), explaining that it was put into place after the 1998 Ice Storm for equipment to be obtained during emergencies. He also discussed the Emergency Shelter Reserve (0253), which also came about as a result of the 1998 Ice Storm. D. Rowley requested changing the HAZMAT/LEPC Reserve (0251) to "EMA Equipment Reserve" and to change the description of what the funds can be used for. The \$5,000.00 for HAZMAT is now going to be handled by the State, so those funds don't need to be included. The County has funded the Disaster Recovery Reserve sufficiently. The Emergency Shelter Reserve is also sufficiently funded at this point. D. Rowley half-jokingly stated that he would like to see it be an even \$10,000.00 (as it currently sits at \$9775.00). He explained that the County of Waldo is quite prepared for potential disasters, adding that he has also talked about providing daycare for children of employees working on the EOC during emergencies.

****B. Johnson moved, W. Shorey seconded to change the name of the HAZMAT/LEPC Reserve (0251) to EMA Equipment Reserve, as County funds are no longer needed for HAZMAT/LEPC costs now that the State is providing for these; and a new description of this reserve with target goal amounts will be submitted by the EMA Director to the Commissioners. Unanimous.**

4. Unused 2010 Homeland Security Grant funds are now available. D. Rowley is working with J. Arseneau to try and submit an application for grant money for some state-mandated encrypting work and communications equipment. He could not understand why other counties are not using this money and returning the funds for planners, which can be funded through this grant.

TIME AND ATTENDANCE DISCUSSION:

M. Wadsworth & K. Trussell discussed the Time and Attendance program via Bangor Payroll, which has been requested by the Communications Director for the Communications Center for a few years, now. The program has software which can serve as a "punch-in" (clock-in and clock-out). This could replace

time sheets as an electronic time sheet, and clerical reports of time off. M. Wadsworth inquired of the Commissioners to see if they were interested in viewing a demo of the program. Hancock County uses this and the software “talks” with Bangor Payroll. She believed it would also track comp time, which is currently an issue. Both K. Trussell and M. Wadsworth said that the Technology Consultant had been present for the demo and was highly impressed with it.

M. Wadsworth explained that it would cost approximately \$1,000.00 to set it up for the Communications Center and reminded the Commissioners that this program was already funded in the Payroll component of the Commissioners’ Professional Services budget.

M. Wadsworth said she was not asking the Commissioners to commit at this point but to look at a demo, along with the department heads. The Commissioners decided to have Commissioner Johnson serve as the Commissioner Representative for this. A demo would be set up shortly.

CORRESPONDENCE:

Present with the Commissioners was County Clerk Barbara Arseneau, who reported the following:

1. The Commissioners are aware of the letter Commissioner Shorey has been sent to State Court Administrator Ted Glessner, recommending some creative ideas for keeping the District Court rent low while finding support from the State for freeing up space in the Superior Court building for District Attorney Staff. W. Shorey stated that he hoped the State would be amenable to this.

2. 2013 MILEAGE RATE: B. Arseneau asked the Commissioners what they wished to do the County’s 2013 mileage reimbursement rate, as the Internal Revenue Service issued a notice that effective January 1, 2013, the standard mileage rate would be 56.5 cents per mile for business miles driven. ****B. Johnson moved, W. Shorey seconded to set the County of Waldo 2013 standard mileage reimbursement rate at 56.5 cents per mile for business miles driven. Unanimous.**

3. Communications Director Owen Smith sent a memo indicating that Dispatcher Jennifer Lavway has successfully completed the one-year probationary period of employment and her rate of pay will go to \$17.64 per hour. ****W. Shorey moved, B. Johnson seconded approving the confirmation of completion of the probationary period for Jennifer Lavway with a pay increase to \$17.64 per hour, effective December 18, 2012. Unanimous.**

4. The Commissioners noted pay step increases for the following employees:

- Probate Clerk Elaine Russell will complete two years of employment on January 13, 2013 with a pay step increase to \$15.23 per hour.
- Corrections Officer Matthew Hopkins completed five years of employment and will receive a pay increase from \$16.86 to \$17.84 per hour effective January 20, 2013.
- Deputy Jordan Tozier graduated from the Maine Criminal Justice Academy December 14, 2012 with a pay increase from \$18.23 to \$18.59 per hour.

5. Deputy Jordan Tozier also completed his six-month probationary period of employment on December 19, 2012 and received a pay increase from \$18.59 to \$18.83 per hour.
****W. Shorey moved, B. Johnson seconded to approve the completion of the probationary period of employment for Deputy Jordan Tozier December 19, 2012 with a pay increase from \$18.59 to \$18.83 per hour. Unanimous.**
6. District Attorney Prosecutorial Assistant/Supervisory Lori Perez completed the six-month probationary period of employment November 29, 2012.
****B. Johnson moved, W. Shorey seconded to approve the completion of the six-month probationary period of employment for Prosecutorial Assistant/Supervisor Lori Perez November 29, 2012. Unanimous.**
7. Deputy Cody Laite completed the six-month probationary period of employment December 19, 2012 with a pay increase from \$18.59 to \$18.83 per hour.
****B. Johnson moved, W. Shorey seconded to approve the completion of the probationary period of employment for Deputy Cody Laite December 19, 2012 with a pay increase from \$18.59 to \$18.83 per hour. Unanimous.**
8. 2013 National County Government Month – April: B. Arseneau reminded the Commissioners that National County Government Month is April and asked for the Commissioners to discuss and decide well in advance regarding any projects related to this that they would expect the Commissioners Staff to be involved in.
9. LETTER OF COMMENDATION – SERGEANT DALE BROWN: Chief Deputy Jeffrey Trafton submitted to the commissioners a copy of a Letter of Commendation written to Sergeant Dale Brown for responding to a residential fire in the Town of Thorndike on December 25, 2012. Sergeant Brown was in the area, heard the Thorndike Volunteer Fire Department being dispatched to that residence and responded himself. Using a fire extinguisher, Sergeant Brown had the fire nearly contained before the fire department arrived. His quick action prevented the fire from spreading and the home being a total loss. The family was safe and able to still live in the home. The County Commissioners expressed their great commendation for and pride in the quick actions of Sergeant Dale Brown.

MINUTES APPROVED:

- **B. Johnson moved, W. Shorey seconded to approve the minutes from the Evening Session of October 9, 2012 and December 11, 2012 Waldo County Commissioners Court Sessions. Unanimous.**
- **B. Johnson moved, W. Shorey seconded to adjourn the meeting at 11:57 a.m. Unanimous.**

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