

WALDO COUNTY COMMISSIONERS COURT SESSION
September 11, 2006

PRESENT: Commissioners John M. Hyk (Chairman), Charles G. Boetsch, and Amy R. Fowler. Also present were Treasurer David A. Parkman, Deputy Treasurer Karen Ward and County Clerk Barbara L. Arseneau.

J. Hyk convened the meeting at 9:00 a.m.

TREASURER'S REPORT:

Present for this report was Treasurer David A. Parkman and Deputy Treasurer Karen Ward. D. Parkman reported as follows:

1. REVENUE: The County has received 95% of anticipated 2006 revenue at this point. When asked why, D. Parkman explained that there was unanticipated revenue from District Attorney court orders, miscellaneous income from various places, General Fund Interest, and Judges' orders for jail reimbursement from certain inmates.
2. D. Parkman recommended \$12-15,000.00 for Court Appointments be requested for 2007 in that line of the Probate budget, due to concern of possible overdraft.
3. D. Parkman read expenditures from the Active, Restricted and Capital Reserve accounts.

****G. Boetsch moved, A. Fowler seconded accepting the Treasurer's Report. Unanimous.**

WARRANTS:

G. Boetsch read the warrant amounts as follows:

****G. Boetsch moved, A. Fowler seconded authorizing payment of the August 23, 2006 Capital, Active and Restricted Reserve accounts in the amount of \$31,314.06. Unanimous.**

****G. Boetsch moved, A. Fowler seconded authorizing payment of the August 23, 2006 Regular Warrant in the amount of \$77,386.49. Unanimous.**

****G. Boetsch moved, A. Fowler seconded authorizing payment of the September 11, 2006 Active and Restricted Reserve accounts in the amount of \$11,104.62. Unanimous.**

****G. Boetsch moved, A. Fowler seconded authorizing payment of the September 11, 2006 Regular Warrant in the amount of \$189,185.42. Unanimous.**

****G. Boetsch moved, A. Fowler seconded accepting the Treasurer's Report as presented. Unanimous.**

J. Hyk asked D. Parkman if there were any surpluses in each department that can be used toward Inmate Board overdraft, should that occur. D. Parkman replied that, accounting-wise, he would say yes. Last year, the other departments' surpluses absorbed the Registry of Probate's overdraft in court appointments. "But accounting-wise, this year, you're going to end up in the red," he told the Commissioners.

J. Hyk commented that once Contingency has been exhausted, along with other departments' surpluses, he didn't think the Commissioners have the authority to expend more than what has been budgeted. D. Parkman concurred. He also mentioned that the Commissioners could hold off paying the bills until next year's budget and then budget to pay them.

CAPITAL RESERVE ACCOUNT FUNDING

(Also present for this discussion were E.M.A. Director Dale Rowley and Communications Director Owen Smith.)

The Commissioners discussed creating a new reserve account in the Active Reserves category for disaster recover, as requested by E.M.A Director Dale Rowley.

****G. Boetsch moved, A. Fowler seconded creating a \$1,500.00 fund called Disaster Recovery as an Active Reserve account. Unanimous.**

COURTHOUSES:

When asked, K. Ward told the Commissioners that they had already allocated \$35,000.00 to the Courthouses Reserve. Surplus was briefly discussed. \$174,000.00 was the amount originally started with when the Commissioners initially started discussions on setting reserve amounts earlier this year. With \$1,500.00 and \$35,000.00 already allocated to two reserves, this left \$137,500.00, according to the Commissioners. The Commissioners then decided to add \$10,000.00 to the Courthouses Reserve, making the total added \$45,000.00.

TECHNOLOGY:

There was brief discussion about what had been expended this year. J. Hyk thought \$40,000.00 was owed to that reserve. The Commissioners opted to replace the \$40,000.00 in the Technology Reserve.

Going back to the surplus amount, G. Boetsch said he thought that the figure for surplus had actually been \$168,000.00 as a starting point, not \$174,000.00. After some discussion between the Commissioners, the Treasurer and Deputy Treasurer, K. Ward confirmed that \$174,000.00 had been the starting point, but after some debate, the Commissioners agreed to start with \$168,000.00 "to be on the safe side."

FACILITIES ALL OTHER:

The Commissioners decided to allocate the \$5,000.00 previously discussed in the spring.

EMERGENCY SHELTER:

The Commissioners decided to allocate the \$3,000.00 recommended in the spring.

COMMUNICATIONS EQUIPMENT IMPOROVEMENTS (New Reserve):

After brief consultation with Comm. Center Director O. Smith about his request earlier in the year for a new reserve to be created for upkeep and upgrade of communications equipment, the Commissioners asked how much he felt it should be funded. O. Smith expressed a need for \$30,000.00 to be funded. He explained that it is difficult to know what grant funding is available, and mentioned that, for example, the Zetron radios need to be replaced. J. Hyk wondered why that wouldn't be a Capital Outlay item in the Communications Center budget, as it seemed more of an "operational" thing.

The Commissioners noted that O. Smith had sent a memo requesting \$30,000.00 to be set aside in a reserve for Communications. When asked what he could "live with" in the reserve, O. Smith illustrated that a

simulcast repeater could be \$25,000.00 to replace, if something happened to one of them. He felt that the County should have a reserve for unanticipated events and added that the County has never put anything in a reserve for Communications prior to now. When asked by the Commissioners if he could live with \$20,000.00 being funded at this point, O. Smith agreed.

Tree Work:

O. Smith informed the Commissioners that microwave dishes need to be installed up at the Comm. Center/Jail complex and so a few trees need to be trimmed. The Commissioners authorized this. O. Smith noted that the trees are in bad shape and will eventually need to be cut down.

SETTING RESERVE ACCOUNT FUNDING 2006

COUNTY PLANNING:

The Commissioners authorized \$43,500.00 to be added to the County Planning budget.

FUTURE COUNTY LAND/BUILDINGS:

The Commissioners decided to leave this for the Budget Committee to consider.

EMPLOYMENT SECURITY:

The Commissioners decided not to add any funding to this reserve.

EQUIPMENT SERVICES:

The Commissioners decided not to add any additional funding to this reserve.

SEVERANCE:

The Commissioners opted to fund \$10,000.00 in the Severance Reserve rather than the initial consideration of \$16,000.00.

The total amount of funding being added to the Reserve accounts was \$168,000.00.

****A. Fowler moved, G. Boetsch seconded moving the money, as chosen, into the reserve accounts.**

Unanimous.

E.M.A. REPORT:

Present for this report was Waldo County E.M.A. Director Dale Rowley, who reported the following:

1. The Emergency Operation Plan was ready for the Commissioners to sign, which the Commissioners immediately did, as they had reviewed it a number of weeks before. D. Rowley informed them that he would be modifying the plan for Pandemic Flu at a later date.
2. D. Rowley will be doing a table-top exercise for Pandemic Flu on October 25, 2006 at the Armory. The only other County that has done this is York. There will be no cost to the County, including fliers that will be sent out.
3. There was an exercise in Searsport for the HAZ-MAT spill and contamination incident management. This also included the Coast Guard. The notifications went fine except for the State and Federal. "Our primary communications worked, but the backup failed," D. Rowley reported.

A. Fowler said she had heard that another Maine Homeland Security grant is available. D. Rowley said it was about 1/5th of the amount previously available. The only potentially successful attempt at getting this is to do a regional approach. If an individual town tries by itself, it has little to no chance of receiving funding. D. Rowley's intent was to apply for this as a unit with all the towns in Waldo County.

4. D. Rowley said he had been working on HAZ-MAT budget calculations and explained that the State HAZ-MAT budget is \$150,000.00. To put together a DECON Strike Team locally would normally cost about \$70,000.00 but he had brought down the cost to \$15,000.00 for a local HAZ-MAT. He explained that the County could get second-hand spare air packs from local fire departments. Most suits are about \$100.00 each. The biggest cost is detection equipment and air packs and he is applying for grants for these. There had been a budget question regarding HAZ-MAT. Originally the Commissioners wanted it put in the E.M.A. budget. D. Rowley stated he would like to try to get grants for these. The Commissioners thought that was a fine idea.

5. NIMS Compliance: D. Rowley stated that after October 1, 2006, the towns who aren't NIMS compliant will not be able to apply for grants. He reminded the Commissioners that those who had not been trained could attend the class coming up on September 14th at the E.M.A. office at 2:30 p.m.

6. TRAILERS: D. Rowley will be meeting with Knox County and drawing up a mutual agreement so that Knox's \$20,000.00 worth of equipment that has no housing could be housed in Waldo County's trailer. The Commissioners expressed their approval of this arrangement and praised D. Rowley for putting this together.

TECHNOLOGY DISCUSSION & UPDATE:

Present for this discussion was James Arseneau of J. & B. Diversified Associates as the County's technology consultant.

J. Arseneau gave the Commissioners an update on the Spillman CAD (Computer Assisted Dispatch) system. It is online for law enforcement and Dispatch and now Searsport and Belfast are online. They can do work from their office space now. Certain key people can work remotely. Lincolnville will also be remotely linked. Dispatch has "real time" status on each officer that is working. He explained that the CAD provides information for officers. The County will soon be linking to the State Police. Other agencies will be able to be linked, if they so desire.

J. Arseneau hooked up a computer for the Commissioners so that they could look at the software and see how it worked. He demonstrated some of the basic features and functions.

J. Arseneau said he had been hearing remarks from the staff being trained in this system that they were glad they did not have to go to Massachusetts for this training, as they would have if the County had gone with the IMC CAD system. "It was hard enough to get everyone together locally," J. Arseneau stated. He invited the Commissioners to sit with a dispatcher or deputy to see how it works in action. The Commissioners thanked J. Arseneau for the update and demonstration.

FY 2007 BUDGET COMMITTEE BALLOTS:

County Clerk B. Arseneau read the names and tallies for the FY 2007 Waldo County Budget Committee as follows:

DISTRICT 1:

- Richard McLaughlin of Lincolnville received 5 votes.
- David Pendleton of Islesboro received 1 vote.

As there were two vacancies in District 1, both Richard McLaughlin and David Pendleton would be serving on the Budget Committee.

DISTRICT 2:

- Richard Crossman of Frankfort received 4 votes.
- Eugene Ellis of Stockton received 1 vote.

Richard Crossman would be serving on the Budget Committee for District 2.

DISTRICT 3:

- James Bennett of Thorndike received 9 votes.
- Harry Dean Potter of Palermo received 10 votes.

As there were two vacancies in District 3, both James Bennett and Harry Dean Potter would be serving on the Budget Committee.

****A. Fowler moved, G. Boetsch seconded accepting the ballots as read. Unanimous.**

SUPPORT STAFF PAY SCALE/CLASSIFICATION PRESENTATION:

Present with the County Commissioners were Deputy District Attorney Leane Zainea, Register of Deeds Deloris Page, and Register of Probate Joanne Crowley.

This discussion started with a statement and request to the Commissioners regarding reclassification of certain positions, as read by Joanne Crowley. She started by reviewing the work put in by the Department Heads during the past year on the reclassification study and recommendations and that, as the Commissioners were aware, this had to be “shelved,” although it had been an “enlightening” study and provided much insight into the functions and duties of all the departments and the pay they were receiving. Because this study had been shelved, there were some positions that it was felt should be re-classified because of a number of reasons, which included, but were not limited to, highly specialized and complex functions, the degree of accuracy, knowledge of laws and procedures, requirements of the Commissioners Office, use of technical equipment, contact with the public, attorneys, and Court systems, etc., the stress level in particularly the Probate Court and D.A.’s Offices, and so forth.

The three departments submitted the 2005 pay scale, the amended pay scale from August 8, 2006, an amended pay scale dated September 11, 2006 and the proposed pay scale with classification recommendations for 2007. The group explained that the Department Heads had met recently and had voted to re-classify certain positions in the Non-Exempt full-time status as follows:

- Eliminate the Proofreading Clerk, Microfilm Clerk and E.M.A. Clerk, as those positions no longer exist.
- Change all Clerk titles to “Administrative Assistant.”
- Move all Deputy Registers and the Victim/Witness Advocate to Class VII.

The three departments also felt that other County positions that had been rated lower or equal with others and had changed to FLSA-exempt statues has created continued disparity because Deeds, the D.A.’s Office and Probate Registry feel that the exempt employees make out so much better in terms of pay. They recommended that the exempt positions be studied so that further disparities with positions that are similar

but falling in the non-exempt category could be reviewed further. The three departments requested that the Commissioners approve the recommendation as presented.

After J. Crowley finished with the above statements, L. Zainea requested that the Legal Secretary position be moved from Class V to Class VI. A. Fowler asked why the E.M.A. Administrative Assistant wasn't moved with the others being requested. D. Page stated that it was moved last year.

The Commissioners asked the group if the budgets they had received reflected the new pay scale and were told that this was the case. L. Zainea explained, "The only way we could adjust our egregious situations is by reclassification." When asked if they could provide a sheet showing what the pay would have been if just the approved 3.8% was used, it was noted that the D.A.'s budget included that on a separate sheet. D. Page submitted a comparison, as well and J. Crowley said she could do this, too. A. Fowler said she would need to take a look at all of them and would need to look at last year's pay scale before she could make an informed decision on these reclassifications. The other Commissioners also acknowledged that they would need time to review this in more detail.

J. Hyk asked if this reclassification would change and address the inequities. L. Zainea stated that this was difficult to respond to. "If you're asking if our current pay scale works, it may, but the pay steps don't make sense going across."

Sheriff Scott Story, who was now present, said, "This will take care of the "glaring disparities." He explained that the pay scale and classification still wasn't fixed after going through the process with Winters Associates.

L. Zainea stated, "We now have a more enlightened group of Department Heads."

When asked for total increases, the following was mentioned:

- Four people in Deeds would be affected with a total of \$7,000.00 increase.
- Three people in Probate would be affected with a total of \$3,400.00 increase.
- Three people in the D.A.'s Office would be affected with a \$10,000.00 increase.

A. Fowler commented on the increases, particularly the recommendation for the Victim/Witness Advocate, as being quite high. She then noted and expressed surprise over the increase being requested for the Human Resources/Payroll Director, as that was 22%. There was brief discussion about that position and B. Arseneau stated that she wasn't sure if this was the time for her to explain that or not, but she would provide the Commissioners with comparisons of other Counties who had H.R. positions, as that is what she had gone by. She asked if the Commissioners were still using the "top of the bottom one-third" as the ranking for Waldo County employee salaries because, with the Winters Study not being used at this time, nobody really knew what the "standard" was to be. J. Hyk said he thought that this was probably where the Commissioners were still placing Waldo County employees. There was brief discussion as to whether such counties as Aroostook or Cumberland should be factored in. B. Arseneau explained that not all the Counties had an H.R. position, so they had to look at the ones who did, although Cumberland had not been considered. There was brief discussion as to when a vote should be taken regarding all the reclassification and requests for increases in certain salaries and if this should occur later in September.

(Later in the meeting, B. Arseneau explained that the H.R. salary for Waldo County was at the bottom as compared with the others, and would still be, even with the increase requested. She told the Commissioners

she had done a comparison spreadsheet and would provide this later for them at the end of the meeting, and had also prepared one for the Facilities Manager's salary. She also told them that she had requested the 2006 salaries for several positions from the counties because the official 2006 Salary Study of all counties had not been completed yet. Penobscot County was doing it this year, since the Knox County Clerk, who had been doing it, was no longer employed in Knox as of last fall. The Penobscot County Administrator had an employee who was willing to do this and this employee sent B. Arseneau everything he had received for figures from the counties so far for all positions. There were a few counties who still had not submitted their figures. She would make copies so that the Commissioners could have them to look at so they could review all the salaries for all the positions.)

(Also later in the meeting, A. Fowler expressed again her concern over the high salary requests. The Commissioners all expressed their displeasure with the way the budgets had been presented with the salaries increased as if the reclassifications had already been accepted and approved. B. Arseneau apologized and explained that if they were upset with anyone, it should be her because those department heads had asked how to present their budget requests and she had not known how else they could do it than to reflect their reclassification requests in their budgets. She explained that nobody had assumed the Commissioners would simply adopt these without considering them first. The Commissioners stated that they felt they had been expected to render a decision immediately and B. Arseneau explained that she did not believe anyone had expected the Commissioners just to decide on these without taking time to consider them. The Commissioners stated that they would have to look at all the material and figures very closely before making any decisions and would discuss this again at another meeting.)

SHERIFF'S REPORT:

Present with the County Commissioners was Sheriff Scott Story and Chief Deputy Robert Keating. The Sheriff reported the following:

1. R. Keating asked that the Commissioners consider a request on behalf of the three County employees who are not eligible to enroll in Maine State Retirement System (MSRS) but who are enrolled in the Waldo County Deferred Comp Plan. He suggested that the County might contribute the same match amount to the Deferred Compensation as is currently done with MSRS, which is 2.8% of the employee's annual salary. It was noted that the employees enrolled with MSRS contribute 6.5% of their salary and R. Keating suggested that if an employee wished to receive a 2.8% salary match in the Deferred Comp plan, they would have to contribute 6.5% from their salary. The Commissioners briefly discussed the pros and cons of doing this, noting that employees with lower salaries would stand to lose money with this method. R. Keating then suggested that a fair approach might be to simply increase the match from \$600.00 annually to \$800.00 to bring it up a bit more. The Commissioners stated that they would need time to consider this and the possible impact this arrangement might have.

2. S. Story informed the Commissioners that an inmate on the verge of dying may get a medical furlough so that the inmate may go home to pass away. The Commissioners understood this.

The Commissioners thanked Sheriff Story and R. Keating for their report.

FACILITIES REPORT:

Present for this report was Facilities Manager Keith Overlock.

There was brief discussion regarding the installation of the new boiler system in the District Courthouse. K. Overlock observed that Maine Energy was behind schedule on this installation and would not make the September 15, 2006 installation deadline, even though they had contracted for this work to be completed by that date.

K. Overlock requested an Executive Session for a legal/personnel matter.

****A. Fowler moved, G. Boetsch seconded entering Executive Session as allowed by MSRA Title 1, § 405 E at 11:20 a.m. Unanimous.**

****A. Fowler moved, G. Boetsch seconded coming out of Executive Session at 11:35 a.m. Unanimous.**

CORRESPONDENCE:

County Clerk Barbara Arseneau was present to review correspondence with the County Commissioners as follows:

1. Waldo County qualified for and has received a Workers' Compensation Dividend check in the amount of \$4,033.00. The Commissioners were pleased with this unanticipated revenue and that the County's Workers' Compensation claims have been so few.

2. Corrections Officer Jennifer Stilkey has been chose to fill the temporary full-time position at the Waldo County Correctional Facility effective August 20, 2006 at \$13.09 per hour.

****A. Fowler moved, G. Boetsch seconded approving the hire of Jennifer Stilkey as temporary full-time Corrections Officer, effective August 20, 2006 at \$13.09 per hour. Unanimous.**

3. Corrections Officer Greg Gallagher has resigned his position as noted in a memo dated August 11, 2006.

****G. Boetsch moved, A. Fowler seconded accepting with regret the resignation of Corrections Officer Greg Gallagher, as noted on August 11, 2006. Unanimous.**

4. B. Arseneau reminded A. Fowler that the Waldo County Regional Communications Center Board Member Carrie Peavey had resigned back in May and the vacancy has still not been filled. As this is in A. Fowler's District, she said she would look into finding an interested person to fill this vacancy.

5. The Maine Association of Counties needs representatives to be nominated to serve on the various sub-committees. The Commissioners decided to send the following nominations for the MACo Committees: Register of Deeds Deloris Page and Communications Director Owen Smith for the Legislative Committee and Sheriff Scott Story for the Steering Committee.

6. The Commissioners have been invited to a regional informational meeting on the so-called "Taxpayer Bill of Right" or TABOR initiative, cosponsored by the Waldo County Selectmen's Association and the Maine Municipal Association on Thursday, September 21, 2006 at 6:30 p.m. at the Waldo Town Office. Commissioner Fowler planned to attend. B. Arseneau reminded the Commissioners that, back in May, AFSCME Council 93 Staff Representative James Oliver had asked for certain information from Waldo County regarding TABOR, including the projected impact should this legislation pass. The answer to that was not known at that time, but B. Arseneau had recently received some impact information from MMA during the August MCCA meeting and had forwarded that to Mr. Oliver.

7. B. Arseneau informed the Commissioners that they had been invited to a regional economic development forum on September 19, 2006 at 5:30 p.m. at Rockland City Hall. The Commissioners did not plan to attend.

8. An estimate from County Abatement, Inc. for the cost to remove the asbestos tiles in the law library in the amount of \$6,110.00 was shared with the Commissioners. The Commissioners asked if this was included in the 2007 budget request and B. Arseneau said she believed the Facilities Manager had done this. She informed the Commissioners that the State of Maine Court Facility Manager, Norman Ness, had offered the State's assistance of paying for half of the total cost to remove and replace these tiles. The Commissioners were pleased with this offer.

9. B. Arseneau asked if the Commissioners would like to continue to receive the pocket part updates for the Maine Revises Statutes Annotated, or to receive a completely new set for about half the price, but minus certain annotations. She also informed them that updated statutes could be obtained online at the State's website free of charge. They just had to be printed off. The Commissioners opted not to renew their subscription for the pocket parts and felt the statutes could be printed from the website on an as-needed basis. G. Boetsch commented that he felt the County used attorneys to interpret much of this, anyway.

10. B. Arseneau notified the Commissioners of the Healthy Communities Coalition's planning for volunteers to assist with "Operation Keep Maine Warm." The group was asking for members to register as implementation team leaders. When asked how involved the Commissioners wished for her to be since she was assigned to attend these meetings on occasion, the Commissioners told B. Arseneau not to register, but to simply stay in touch with the meetings.

11. E.M.A. Director Dale Rowley had sent notice of National Preparedness Month (September) activities coming up.

12. Penobscot County Register of Deeds Susan Bulay sent a request for candidates in the fall election to be aware that the Maine Community Cultural Alliance is circulating a questionnaire to at least all candidates asking for their support of "A Modest Surcharge on Recording of Deeds Should Support Community Cultural Preservation Efforts." S. Bulay informed the Commissioners that many of the Registers of Deeds have spoken strongly against this idea as they do not want "everyone's pet project funded by a surcharge in the Registry of Deeds.

13. B. Arseneau submitted a copy of a memo she had sent to all Department Heads for posting for all employees explaining that, in response to several inquiries recently, MCCA Risk Pool Claims Adjuster Malcolm Ulmer had informed her that in the event of an accident involving a County employee's personal vehicle while being used in County-related work, the employee's personal vehicle insurance is the primary insurance in such events. The MCCA Risk Pool insurance becomes involved only after the employee's personal insurance's monetary limit has been exhausted and has not covered the entire bill.

PAY SCALE CORRECTION:

Human Resources/Payroll Director Michelle Adams explained to the Commissioners that an error had been discovered as a result of inserting the now FLSA non-exempt status of the Facilities Manager position. The correction had been made and the pay scale was now submitted to the Commissioners to sign, which they did.

MISCELLANEOUS COMMISSIONERS REPORTS:

The Commissioners had no reports.

NEXT COMMISSIONERS COURT SESSION:

After brief discussion regarding the varying schedules of the Department Heads, the County Commissioners decided they would hold their next Court Session on September 26, 2006 to review the FY 2007 Budget Requests with the Waldo County departments and agencies.

****G. Boetsch moved, J. Hyk seconded adjourning the meeting at 12:30 p.m. Unanimous.**

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