

**WALDO COUNTY TREASURER'S MEETING  
WITH STATE of MAINE BOARD OF CORRECTIONS, STATE of MAINE DEPARTMENT OF  
CORRECTIONS, STATE SENATORS & REPRESENTATIVES, ETC.**

**JULY 13, 2010**

**Location: Waldo County Probate Courtroom  
39 A Spring Street  
Belfast, Maine**

**PRESENT:** Waldo County Treasurer David A. Parkman, Waldo County Deputy Treasurer Karen Trussell, Waldo County Commissioners Amy R. Fowler, Donald P. Berry and William D. Shorey, Waldo County Sheriff Scott Story, Senator Carol Weston, Department of Corrections Commissioner Martin Magnusson, Scott Ferguson with the MDOC/SBOC, Neale Duffett of the BOC, District 41 Representative Veronica Magnan, District 42 Representative Michael Thibodeau, Republican Journal Reporter Ethan Andrews, and County Clerk Barbara L. Arseneau to take minutes.

David Parkman called the meeting to order at 1:06 p.m.

D. Parkman stated, to start off with, that the County of Waldo went along with the changes in the Jail system and noted that Waldo County Sheriff Scott Story "was very good about getting together all the costs for the CAP at \$2.8 million, which included audit, interest, etc." D. Parkman explained that the County had a six-month audit that they took off the old year and started off well. He noted that the County of Waldo paid the exact amount of the money left, adding that, at the time, the County had money coming in from taxes, so it was agreed to pay the money to the Board of Corrections as outlined in the law.

He introduced Karen Trussell, his deputy. He stated that she separated the Corrections accounts out, and was paid by the County. The first five months or so, he heard nothing from her about the work related to corrections. He had heard from other Deputy Treasurers and finance people about how much work was involved. He explained that in December, there is a lot of work to close out one year and begin another year. He related that he telephoned Karen at the office on December 7<sup>th</sup> and heard in Karen's voice that something was wrong. She informed him that she had not had time to do the County's warrant because she had a lot of work to do for the State and was under a deadline. He found out the request came from Mitch Boynton, whom he had never heard of. D. Parkman decided then that County work would come first, then stated that any work other than mailing reports to the State would have to wait until County work was done. On January 5, 2010, another request came from the BOC. D. Parkman responded that they would have to do without Waldo County's information at that time. In April, he reported that Scott Ferguson "got a few licks" at him and then D. Parkman responded with a letter about what he thought. D. Parkman said he then found out that Scott Ferguson had been told not to pay any of the Counties since January. At that point, D. Parkman asked for an accounting of what the State had been doing with the funds.

Martin Magnusson said State would be happy to provide and does provide the accounting information. D. Parkman remarked that those were never shared.

D. Parkman continued, stating that he had heard that Neale Duffett had made that decision not to pay any of the Counties since January. "Why wasn't the Board [of Corrections] informed of that decision?" he asked.

M. Magnusson stated that the Board was notified, later down the road.

D. Parkman stated that this arrangement is not working. He said that Commissioner Peter Baldacci intends to put legislation together that is more favorable to counties.

D. Parkman referred to list of the “musts” that counties have to account and provide for, noting that the DOC is never required to report this way.

M. Magnusson responded that the Department of Corrections, starting in either July or August, will have to present the same accounting information to the Board of Corrections (BOC) as the counties do. He agreed that what D. Parkman said was true. He acknowledged that they had not received the same oversight the counties had. He was only speaking for the Department of Corrections and agreed that they should do whatever they can to make this work. He stated he was wide open to suggestion for whatever needs to be provided to the Maine County Commissioners Association. He added that, statutorily, it is not on same level. The Governor still wants the final authority on the State’s budget. He noted, however, that it is under the scrutiny of Working Group.

Scott Story stated that everything else is the same for the State as the County, for most other things, adding that they “just haven’t gotten there yet.” He felt once the BOC had the authority to look at these budgets, things would improve. S. Story said he was part of the group putting things and acknowledged that they had not planned on things being this way, too. He stated that the most frustrating thing on the BOC is that they have spent so much time getting too deep into these budgets, largely because they had to find ways to save money. Collectively, he declared the past year as a fairly good year, with some surpluses. He felt that there had been some battles on some of the decisions that had been made. \$1 million dollars had been allotted, and he said he knew, a few years ago, that the budget was going to be left with about \$100,000.00. He felt it would not pass the straight-face test to ask to spend it on whatever he wanted. He compared Waldo County, which didn’t need its entire cap, with Aroostook County, who needed more.

Amy Fowler said it was a huge issue for counties that have notified and made their requests known. The State could have been at least responded to these requests.

D. Parkman said he had sent a letter on May 3, 2010 to Scott Ferguson, with a copy to Neale Duffett, which was never replied to. He said he still had no response, seventy (70) days later.

S. Ferguson responded that D. Parkman’s letter had started out with “shots and rhetorical questions.” He stated that he has always responded to requests for information from counties, and asked K. Trussell if she had ever asked him for something he didn’t respond to. She shook her head. S. Ferguson stated that if anyone looked at Dave’s letter, he would be shocked if anyone would take this as a request for information.

D. Parkman read portions of that letter.

Michael Thibodeau commented that David Parkman is an elected official, and, addressing S. Ferguson, remarked that he should have responded in some manner, whether he agreed or not.

S. Ferguson said he was not clear on the intention of letter.

Neale Duffett apologized and said he was completely overwhelmed, noting that he also has a “real job” and does not get paid for this work. He admitted that he knew little about budgets, and there have been multiple meetings in recent months. He stated that all they have been dealing with recently is budgets, and added

that the State has also now gone into a “winter, with an ice storm coming.” He spoke of the next legislative cycle, which starts in January. He mentioned the \$3.5 million that was due the Board of Corrections, stating that it became clear that some counties would have significant fund balances if quarterly payments to them were made quarterly and consistently. Realizing that they needed to be conservative and save money, he thought the money should be held and distributed as needed, because “once it is given to the counties, we don’t see any of it back.” He said he believed that they would make it through the 2011 budget and hoped that they would also make it through 2012. “Every county in fiscal ’10 has been made whole. None of them have gone into the deficit,” he reported.

D. Parkman inquired about Aroostook County, which he described as being “in the red.”

N. Duffett referenced this situation as being related to medical bills, adding that “they just haven’t got around to it yet.” He stated that rather than just pay the bill to the hospital, in his mind, he wanted to call the hospital and ask if they really needed the \$50,000.00 or could the hospital settle for less.

D. Parkman asked if Aroostook would end June 30, 2010 “in the red” or be paid.

N. Duffett responded that he didn’t believe they were in the red yet.

A. Fowler suggested that it would have been good for N. Duffett to have called Aroostook County and tell them that he was trying to negotiate with the hospital so that they would be aware of that.

D. Parkman reported that when things got tight in Waldo County, the Sheriff was able to “pull rabbits out of his hat” in terms of getting things done within his budget.

C. Weston, noting that her background is in education, said that by comparison, government is different. She felt the goal today was to open communications so that people would have a better understanding. She noted that pieces of email and other communications did not provide a large or accurate picture.

S. Story acknowledged that there are flaws that have been discovered in the legislation and they are trying to deal with this. He remarked that “it died of a bloody hemorrhage before walking in the door.” He said he has sat on both sides, as both the Sheriff with a jail budget that kept increasing in double digits, and sitting on this Board; he had seen both sides. He has found that he puts his budget together and that is reviewed by the Commissioners, then his budget is reviewed by the Budget Committee. Now it more difficult. First, the Corrections budget is now on a fiscal year, while counties budget by calendar year. He noted that the counties were all different. Some have budget committees with final budgetary authority, some have the Commissioners in authority, some work with charters – so they are all different. He acknowledged that there have been growing pains, but felt that it was all getting better. He commented that some incongruities have been found and are starting to get straightened out. He believed that Waldo County was the perfect example of savings. There were 0 increases in the budget because of the cap, and acknowledged that this is the same with all the other counties. He felt that it is costing less doing things this way, although he acknowledged that this came at a cost – downsizing his staff, etc. He described these again as growing pains and that people are learning along the way, adding that it is a painful, slow and difficult process and often feels as though they are stalled quite frequently. He agreed that changes need to be made. “There is nobody on the Board that likes to look at budgets one line at a time,” He noted that doing jail business is not cheaper today than it was yesterday or even an hour ago. That being said, he stated that he was not aware of anyone who has been laid off or lost work because the BOC hasn’t paid the money.

C. Weston said that the question D. Parkman had asked regarding where the \$903,000.00 had been expended was at the Board level and administered as needed. She wondered whose judgment determined which things were paid, since it was described as a “collective judgment.”

D. Parkman commented that he still did not have an answer yet. He asked if the BOC had \$2.7 million and was told yes. N. Duffett said he has spoken with Two-Bridges many times and Two Bridges has been “made whole.” Is aware of the situation, and has talked with that Sheriff many times and they have been “made whole for 2010” and “is at zero.”

A. Fowler reported that Waldo County communicates with a lot of counties. She added that she has not seen the State’s books. She understood that there are fifteen (15) counties that have had needs, but that things have been “dysfunctional.” “The decision not to allocate finds during the spring was not playing by the same set of rules in this ‘one Maine, one system,’ she said. She referenced Kate Snyder’s position and wondered if this should be a shared expense.

S. Ferguson clarified that this position did nothing for the DOC.

M. Magnusson said that they didn’t know how to compare the tracks of how they were growing as jails under the new system. He said that the State has lost 90 positions and that they were at an 8% reduction.

A. Fowler reminded him that this is because the State has put some of their inmates in the County Jails.

M. Magnusson said he fully expected that the State would be in front of the Board, just like the counties have been. He offered that “the budget is wide open and can be seen by anyone.”

D. Parkman said that it was not just him that had asked, but other counties, as well.

A. Fowler added that a number of people had asked to see the budget and had not been able to.

S. Ferguson stated that Board was not even in place when the 2010 budget was put together. The reason they did not receive scrutiny is because their budget was a “done deal” before the Board was well underway.

A. Fowler noted that a number of the counties are holding State inmates for a “ridiculously low amount” and that the State has two pods sitting empty.

M. Magnusson said he fully suspects that they will have to open at least one of their pods, but noted that they have not had enough staffing to do so. “Manpower is low,” he explained. He noted that Somerset County helped them a great deal and took some really tough inmates for them.

S. Story reminded all that counties were getting raked over the coals in terms of the daily inmate rate because that rate was quite high; well over \$100.00 per inmate per day. This money was now “staying inside, not being used to buy some County Sheriff’s Office a new cruiser or two.”

D. Parkman asked what the rate now was.

M. Magnusson responded that it ranged from \$22.00 to \$26.00. He asked S. Story how much it cost to take one inmate in and had been told about \$60.00.

S. Story said he would have had to look at it but acknowledged that it had become a “buyers’ market with Jails that had more beds,” etc. He was able to get cheaper beds, at some points, but described it as having been “enterprise” or a “for-profit” business.

M. Magnusson explained the “marginal cost.” If there was a unit with four empty cells, the marginal cost was \$23.00 to \$26.00. If a pod had to be re-opened, it now cost more than a marginal cost. He described the inmate classification structure. They are separated by classification and security levels.

N. Duffett gave his “spectrum speech,” as he called it. “What is the Board of Corrections? Nobody knows. We are just a Jail authority on one end, or are a super Corrections group. Everyone, depending on their perspective, views these differently on the spectrum,” he commented. He noted that lack of money and time both force decisions. “These are not being completely united in the system,” he acknowledged. He was well-aware of the Counties’ view that the State is not scrutinized nearly enough. He said he believed that eventually this would all get where it was supposed to be. He agreed that this has been a very difficult time for everyone on the Board but hoped they would “get there” eventually.

M. Magnusson said he personally believed the Board was improving with time. He thanked N. Duffett for being the president on the Board, noting that he often works more than 40 hours a week, with no pay. He said he believed the BOC micromanaged too much, especially the county budgets. He believed they needed to work on not calling the Counties in so much for information. He said he believed, however, that they were making progress.

D. Parkman said that he had been to meetings and it was “like watching paint dry.”

M. Magnusson joked that this must have been a good meeting, as “at some meetings, the paint didn’t dry.”

S. Story said that he believed the Board had gotten a lot done. He discussed pharmaceutical contracts. The Board has assigned a committee to look at a medical contract for all counties. He thought that it would be good to get the answers to single contracts for pre-trial, medical, etc. He noted that counties have been criticized for years about not doing bulk purchasing.

Veronica Magnan stated that she is a member of State Criminal Justice Committee and is very concerned about what she is hearing about Commissioner Magnusson’s budget and that it may have been luxurious. She said that they “distilled the budget to nothing,” and were “constantly cutting and cutting.” She wanted them to understand that these budgets are barely sustaining. She believed the budgets will be “hemorrhaging” at that point. “Incredible forward movement has been made, while each county has maintained their integrity. If you go to prison in Maine, you’re in another place,” she stated. “If you go to a County Jail, there a mission change.” She believed the system would work better and, as the economy improves, it will be even better. She believed that they should keep moving forward; however, noting that she did not believe it would be easy right at first. She felt if the legislation were repealed, they would be going backward.

D. Parkman thought that the “one Maine, one system” was not working and described it as “dysfunctional.” He felt that the counties should have more to say about running their jails.

V. Magnan said she thought it was already working that way.

“No it isn’t,” D. Parkman stated.

S. Story said he agreed with D. Parkman and that he would hate to see this go away from being a single system. He felt that specialized counties could be better utilized. He noted that there are people with severe substance abuse in this system. Someday, there would need to be something to address this. He felt that since the State had not been able to get this taken care of with HSS, it would likely fall in the counties’ laps.

W. Shorey said he felt that “the white horses are outside and riderless today,” and he said he is hearing communication today that he wished he had heard a long time ago. He felt it was important to hear what peoples’ intents are. He felt there was a basis for something to work for. He commented that he has been known to “rave about being micromanaged by BOC.” With open communication between the various Boards, etc., he felt that this was a system that might be able to work.

D. Parkman said that on Monday, June 28, 2010 there was an extensive article about County Jails and the problems that exist. Whatever Peter Baldacci puts forward, D. Parkman said he respects that and he believed he would be in favor of those changes.

D. Parkman thanked everyone for coming. He also wanted to apologize to Neale Duffett that when he used the term recently “dysfunctional,” he did not mean Neale personally – he meant the Board.

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