

**WALDO COUNTY COMMISSIONERS COURT SESSION
(SPECIAL SESSION)
APRIL 26, 2011**

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

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

DISCUSSION & ACTION ON L.D. 1476 – AN ACT TO STREAMLINE THE COUNTY BUDGET PROCESS:

Present with the Commissioners was Waldo County Selectmen’s Association President Katharine Littlefield, Searsport Selectman Richard Desmarais, Winterport Councilor Joseph Brooks, Treasurer David A. Parkman and Sheriff Scott Story.

W. Shorey, referring to a spreadsheet listing budget increases for past 10 years, stated that the County has held the budgets very tight the last few years especially. He added that while he could not speak for the other Commissioners, he could say that he would not be in support of the L.D. 1476 bill. He hoped that this budget year would be one of working well together with the Budget Committee.

W. Shorey presented the selectmen with a list of bidders for the proposed EOC/Sheriff’s Building and stated that the Commissioners would be taking a vote on these. He noted that the bids came in lower than expected. He asked to see the Budget Committee reconvene to vote to move about \$66,000.00 from the reserves into the current budget, as it was going to be overdrawn before the end of the year.

D. Parkman noted that the County can’t go back to the Towns and ask for more tax money. This way, the Budget Committee could be called back and move some of this unappropriated balance back into the budget without asking more money.

J. Brooks asked where this money was coming from and was told that this was money left over from the 2010 budget.

K. Littlefield said she had been researching and she believed that there were six Maine Counties in which the budget committee had final authority over the county budget.

D. Parkman stated that the County cannot keep more than 20% of the total budget in undesignated funds. Anything above that must be given back to the towns by taking it off the tax commitment for the upcoming budget year.

W. Shorey spoke of this as “start-up” cash. J. Brooks asked if the Commissioners believed that there would be about \$375,000.00 remaining after the building was erected. W. Shorey responded that this is what the Commissioners believed would occur. J. Brooks asked for clarification on the funds, and received clarifying information that \$375,000.00 was from the 2010 budget.

D. Parkman said that, “by sheer luck” the County was overdrawn in seven different areas and stayed in the black.

J. Brooks asked what the law said about putting money into the budget to cover being in the red. He asked what would happen if the County overspent its current \$7.4 budget. He was told that the County can come to the Budget Committee for assistance.

D. Parkman explained that there is about \$900,000.00 in unappropriated funds. J. Brooks asked if this was surplus or dedicated money for the building. W. Shorey said that it was decided that this was going to be dedicated to the building. D. Parkman further explained that the Commissioners control the surplus [undesignated funds]. W. Shorey clarified that the Commissioners do not have permission to add to the current budget, which is what the Budget Committee was inquiring about. The County has to adhere to its budget and with gas prices, etc. the way they currently are, the budget is expected to be overdrawn.

K. Littlefield said she believed this was similar to the Towns – when a current budget was too low, the Town has to call a special town meeting to get authority to use the surplus.

J. Brooks said that he believed that the Commissioners needed to support the motion [on L.D. 1476]. W. Shorey said he didn't believe there would be any problem with supporting the motion.

He again referred to the budgets since 1989 and stated, "We want to save money as much as you do, but when different realities come up, we need to sit down and have a discussion."

D. Parkman said that really what would end up being altered would be the Sheriff's Office. "Sure, you could try to cut a position from each of the other departments that have more than two people, but really you're looking more at the Sheriff's Office."

W. Shorey asked R. Desmarais if he would like to speak. R. Desmarais stated that the fire department in his Town of Searsport is up one third this year. He said he believed they also went too low on fuel and had gone too low on the County. He stated that the three Commissioners on the Board now are doing an excellent job. He said that he knew that it was a bad year and that all had wanted the County to hold the line. He said that in Searsport, they ended up with going higher than he would have liked to see.

W. Shorey felt that all should not be adversaries since all are stakeholders and should hold meaningful discussions and work well together.

D. Parkman said he was on the Budget Committee in the '90's and he had never felt that the Budget Committee was coming after the County for the past three years. He felt that the line could be held and could be held fairly.

****A. Fowler moved, B. Johnson seconded to oppose L.D. 1476.** Discussion: A. Fowler said that once this motion is voted on and completed, she will be speaking with Rep. Cotta to remove all references to Waldo County before it goes to the committee.

To this, K. Littlefield responded that she had been told a while back from some of the "key players" of her group that they feel that removing Waldo County's references to this bill appears to be "jumping ship." They all felt that this threatens the whole idea of checks and balances. She felt that even if Waldo removed themselves, this will come back later. There is a push toward regionalization. If York County goes down, Waldo County will be after that. She stated that this group feels that it should include Waldo County and the fight will be fought in Augusta. What the group was asking was

that the County Commissioners vote to oppose. Then after all testify in Augusta, the entire bill “will go down in flames.”

J. Brooks said he agreed with K. Littlefield. He said he was of the mind to kill the bill now, but recognized that this was not the way. He felt that if it wasn't handled right, it would come back to haunt everyone. He knew there was some support for this particular bill. He explained that there are several stages that this could be done. He thought that the public hearing portion might be the best place to get rid of it. This was the group's suggestion.

B. Johnson asked if there would be a public hearing. K. Littlefield said yes and explained that she had spoken with Rep. Cotta to ask if he would withdraw it and he said no; it would be best for people to come and speak at a public hearing. She noted the issues with public hearings – people work and can't attend, some are uncomfortable speaking, etc. K. Littlefield also said that she appreciated A. Fowler's attendance the other night at the Selectmen's' meeting. She noted that MCCA had never taken a formal stand on things. She referred to an article that quoted an MCCA member that said this had been discussed and that if they took a formal stand, it would bring it to the attention of the opposition, who would derail it. She acknowledged the tough times and that there needs to be a cushion for budgets to be run on, noting that she often has to use surplus until all the taxes have gone out.

W. Shorey said that she was absolutely right and this was what the County was also concerned about. He said he felt that nobody wants to spend any more than they have to spend.

W. Shorey asked R. Desmarais where he stood. R. Desmarais said he stood with the group and remarked that when the vote was called at the meeting on Wednesday night last week, it was a unanimous vote – there was no hesitation.

A. Fowler asked that the Budget Committee members assist in educating the towns.

R. Desmarais said he appreciated that the past few budgets have been looked at very closely by the Commissioners before they come to the Budget Committee.

A. Fowler said she believed one of the key things that shows the County's frugality is the health insurance that the County has, noting that the savings with self-funding plan have been “astronomical.”

D. Parkman reported that when he was first elected in 2002, the third day as Treasurer he had to borrow money from the T.A.N. to make payroll. This past year, it was April before the County had to borrow from the T.A.N. because the County has improved its cash flow.

W. Shorey brought the discussion to a close, stating he was pleased that all had been able to have this discussion this morning. He agreed that when a budget comes before the Budget Committee, it should come to them ready to be almost “rubberstamped.”

VOTE: Unanimously approved.

L.D. 1465, AN ACT TO AMEND THE LAWS GOVERNING FREEDOM OF ACCESS:

A. Fowler inquired about L.D. 1465, which is related to freedom of access, noting that it will require three days notice. Another portion is that when a person comes in and asks for information, now they

will be able to call by phone and staff will have to stop what they're doing, find the document(s), make copies and mail them to the person requesting them. It goes State; County; local. A. Fowler expressed that she is in opposition to this change, and felt that MMA should also be in opposition. Her concern was MMA won't have time to get a meeting together.

K. Littlefield asked how authority could be given to someone to speak on behalf of the Town of Waldo or the Waldo County Selectmen's Association. A. Fowler explained that she just wanted to know who paid the position that was being created, how the training would be funded, etc.

R. Desmarais wondered, regarding notice of meetings, if three days' advance notice was still going to be required in the event of calling an emergency meetings. He illustrated with the example of roads being washed out after a hurricane.

A. Fowler and J. Brooks confirmed that this is what the changes were. A. Fowler suggested that perhaps she should be calling the Selectmen's Association rather than Geoff at MMA to see where the Towns stand on this.

J. Brooks also noted that if anyone violated this bill, they would be in violation of FOAA laws, etc.

W. Shorey said that a letter would be sent around to all the Selectmen notifying them of the Commissioners decision regarding this bill. The Commissioners thanked the Selectmen for attending.

EOC/SHERIFF'S BUILDING CONSTRUCTION BID CONTRACT & CHANGE ORDERS:

W. Shorey said that many people are involved in these meetings now, so changing meetings will be a difficult thing to do from now on. A. Fowler commented that after watching the bidding process, she was willing to have Commissioner Shorey and EMA Director Dale Rowley work on this and she trusted their judgment on decisions.

B. Johnson said that she would like more discussion on what will be going on because she needs to communicate with the "neighborhood" and she will need to be able to explain any changes other than what was promised or decided. She stated that she really didn't know the history of the building. She understood where the money was coming from. She understood that this included the EOC and Sheriff, so it was coming in under the \$1.5 million. She felt that for her to explain these things, she would need a little more communication, which she had found was not that good for her. She understood that it was natural for the other two to forget that she was not here for the previous things.

W. Shorey said he "seconded the motion." He and A. Fowler pointed to documents and architectural information that have been sitting on the shelf below the Commissioners mail boxes since October of 2010. W. Shorey told B. Johnson that regarding the rest of the information pertaining to this project, she had just received it the same as the other two had just received it. He said that WBRC was handling the bid process and so everyone was informed at the same time as to the bid prices. He noted that this would be a complicated project and there will be multiple discussions. W. Shorey said he had mentioned to B. Johnson before that those documents were there. A. Fowler said she didn't realize that B. Johnson didn't know where the documents were located. B. Johnson said she had been told some things would be in her mailbox, etc. She explained that she was not criticizing. W. Shorey commented that this was just part of the process when people take office.

Regarding the bidding process, B. Johnson said she wondered what their background was and W. Shorey had said he knew some of the background and explained when a company brings in a bond to do the work, an architect would not likely allow a company to come in on a project like this without a bond.

B. Johnson asked if W. Shorey had sat down with EMA Director Dale Rowley and Matthew Carter of WBRC and if the process had determined which company should be awarded the bid and was told yes. B. Johnson stated that if big decisions were going to be made, she hoped that W. Shorey would be coming back and discussing those things with the Commissioners. W. Shorey responded that this would definitely be the case.

B. Johnson asked a few questions regarding the duty list for project manager, resident engineer and design firm. W. Shorey made some explanations. A. Fowler thanked W. Shorey for this outline. She stated that she had a lot of faith in Commissioner Shorey and also noted that she had worked with D. Rowley in the past; that he was meticulous and she also was familiar with the good work of WBRC.

B. Johnson said she would occasionally “bug” Commissioner Shorey for information, because she would need to answer questions from the neighborhood. W. Shorey said he would supply hardhats and do a walk through with the two Commissioners after each Commissioners Court Session. B. Johnson felt that would be great, especially when something required a change order. She would like a walk-through and an explanation so that it is not just one person knowing this.

****A. Fowler moved, B. Johnson seconded to authorize the Chairman to sign the EOC/Sheriff’s Building Construction Contract and to execute change orders. Unanimous.**

B. Johnson inquired about the \$65,000.00 that had been mentioned to the Selectmen that were present today. She wondered if the Commissioners needed to take a vote on this. W. Shorey stated that the Commissioners should send a letter to the Chairman and copies to all the members of the Budget Committee. B. Johnson stated that this had been news to her and she was not aware of it prior to the meeting. W. Shorey explained that he and the Treasurer and discussed it only the day before. B. Johnson said that it had been stated that the Commissioners wanted to do this and she had not been aware of it. W. Shorey emphasized that this had just developed and he had stated it as his comment, not the Commissioners as a board.

The Commissioners reviewed the list of the current Budget Committee in preparation for the upcoming caucus in the fall to determine how many would be returning

WALDO COUNTY HAZARD MITIGATION PLAN:

****B. Johnson moved, A. Fowler seconded to sign the Waldo County Hazard Mitigation Plan. Unanimous.**

CORRESPONDENCE (DATE-SENSITIVE):

Reporting date-sensitive correspondence to the Commissioners was County Clerk Barbara Arseneau, as follows:

1. A reminder of meetings being held by the Department of Transportation to invite participation and discussion regarding public transit services in this community on May 3, 2011 at 9 Field Street in

Belfast and also at the Department of Health and Human Services Office, 91 Camden Street, Suite 103 in Rockland on May 5, 2011.

MINUTES APPROVED:

****A. Fowler moved, B. Johnson seconded to accept the minutes from the March 21, 2011 Waldo County Commissioners Court Session. Unanimous.**

NEXT COURT SESSION:

The next Commissioners Court Session is a regular session scheduled on May 10, 2011 unless any emergency sessions need to be scheduled.

****B. Johnson moved, A. Fowler seconded to adjourn the Court Session at 10:20 a.m. Unanimous.**

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