

**WALDO COUNTY COMMISSIONERS COURT SESSION  
AUGUST 11, 2016**

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

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

**TREASURER'S REPORT:**

Present with the Commissioners were Treasurer David Parkman and Deputy Treasurer Karen Trussell. D. Parkman reported that the total 2016 budget was 59% expended.

County Checking Account Balance: \$51,401.38.

Corrections Checking Account Balance: \$364,310.21.

County Appropriations:

The County budget is 59% expended and could be 63% at this point in the year.

County Revenue:

County revenue received is 73.65%.

Corrections Appropriations:

The Jail budget is 65% expended.

Corrections Revenue:

Corrections revenue received is 101.10%.

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

**WARRANTS:**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the July 28, 2016 General Fund Accounts Payable warrant and July 28, 2016 payroll in the amount of \$218,927.21. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the July 28, 2016 Capital, & Restricted Reserve warrant in the amount of \$46,188.07. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the July 28, 2016 Reentry Accounts Payable warrant and July 28, 2016 payroll in the amount of \$71,210.81. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the July 28, 2016 MCRRC Restricted Reserve warrant in the amount of \$1,508.75. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the August 11, 2016 General Fund Accounts Payable warrant and August 11, 2016 payroll in the amount of \$664,865.20. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the August 11, 2016 Capital, Active & Restricted Reserve warrant in the amount of \$49,726.13. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the August 11, 2016 Reentry Accounts Payable warrant and August 11, 2016 payroll in the amount of \$179,622.36. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to authorize payment of the August 11, 2016 MCRRC Restricted Reserve warrant in the amount of \$3,828.42. Unanimous.**

#### **EXECUTIVE SESSION:**

**\*\*A. Fowler moved, B. Johnson seconded to go into executive session for discussion of duties and assignments as permitted by M.R.S.A. Title 1 §405(6)(A) at 9:32 a.m. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded to come out of executive session at 10:01 a.m. Unanimous.**

**\*\*B. Johnson moved, A. Fowler seconded for only EMA Director Dale Rowley to perform certain maintenance on the County-owned towers with the stipulation that he maintains appropriate certification and training, this would be added to his job description, and that Workers Compensation and the Liability Insurance will cover this. Unanimous.**

#### **DISCUSSION OF NEW FLSA LAW AND PAY SCALE:**

Present with the Commissioners was Human Resources/Payroll Director Michelle Wadsworth with the following to report:

The Commissioners stated that they had reviewed the information M. Wadsworth had sent to them with options they could review and choose from related to the wages of the Facilities Manager, Human Resources/Payroll Director and Deputy County Clerk positions in connection with the recent changes to the Fair Labor Standards Act that takes effect December 1, 2016. As additional information, B. Arseneau explained that only Franklin County has a County Clerk and Deputy County Clerk, and submitted their annual wages for comparison; noting that the Franklin County Clerk works part-time so the Deputy County Clerk position is full-time and receives a higher wage than the County Clerk position.

M. Wadsworth explained that she had spoken with the Maine Department of Labor and was told that the starting wage for all FLSA-exempt positions must be at least \$47,476.00 annually or \$913.00 per week or that position cannot be classified as "exempt". The Facilities Manager, Human Resources/Payroll Director and Deputy County Clerk starting salaries do not meet that minimum. After brief discussion, the Commissioners voted as follows:

**\*\*B. Johnson moved, A. Fowler seconded to change the Facilities Director, Human Resources/Payroll Director and Deputy County Clerk positions from Fair Labor Standards Exempt to Non-Exempt effective December 1, 2016, to keep the wages the same, and to pay over-time after 40 hours worked per week. Unanimous.**

The Commissioners noted that the Jail Administrator and Detention Manager positions were also under that minimum but took no action at this time.

**DEPUTIES ASSOCIATION MEMORANDUMS OF AGREEMENT:**

Present was Chief Deputy Jason Trundy, who reviewed the following memorandum of understanding and memorandum of agreement with the Commissioners:

1. MOU with Islesboro Summer Coverage: The Commissioners noted that they had voted to accept this as presented during the July 14, 2016 court session. The MOU document was signed by the three Commissioners on July 14, 2016, and by both Sheriff Trafton and Association President Gerald Lincoln on August 8, 2016.

2. MOA for Corporal Positions: The MOA would allow for the creation of a two new Corporal positions, to be included in the Association, and the work week would be listed with the Patrol Deputies and Sergeants. The Commissioners noted that they had also approved this during their July 14, 2016 court session, along with the pay recommended by the Sheriff. At the request of Chief Trundy on behalf of the Sheriff, the Commissioners agreed that the positions took effect August 7, 2016. Commissioner Shorey for the Commissioners as Chairman and Chief Trundy returned with a signed original from Association President Gerald Lincoln.

3. Corporal Promotions:

**\*\*A. Fowler moved, B. Johnson seconded to approve the promotion of Gregory Jones to the position of Corporal effective August 7, 2016 with a pay increase from \$21.17 to \$22.17 per hour. Unanimous.**

**\*\*A. Fowler moved, B. Johnson seconded to approve the promotion of Cody Laite to the position of Corporal effective August 7, 2016 with a pay increase from \$21.17 to \$22.17 per hour. Unanimous.**

**CORRESPONDENCE:**

Present to report correspondence was County Clerk Barbara Arseneau as follows:

1. In response to a request to all Department Heads for legislative language to be brought forth in the next Legislative Session, EMA Director Dale Rowley submitted some legislative language to better clarify the County EMA program. B. Arseneau asked what should be done with this language. A. Fowler requested that it be emailed to her and she would take it forward to the Maine County Commissioners Association for submission.

2. Penobscot County Regional Communications Center Executive Director Chad LaBree sent copies to all counties of a letter he sent to Attorney General Mills regarding the recent rules adoption process concerning changes to the E9-1-1 rules within the Public Utilities Commission (PUC) and its

Emergency Services Communications Bureau (ESCB). In that letter he raised two questions of statutory interpretation that he believed were not adequately addressed: 1.) The Commission's vote did not appear to reflect any intention of funding computer-aided dispatch software, which is a necessary component of the quality assurance process endorsed by the Legislature, and 2.) The issue of an unfunded mandate resulting from failure for the state to cover costs including but not limited to this software associated with adopting the quality assurance rules.

Commissioner Fowler briefly spoke about this matter and recommended that Waldo County send a similar letter from the Regional Communications Center with the Commissioners' support.

3. B. Arseneau asked if the Commissioners wished to send gift cards again this year as door prizes for the annual Maine County Commissioners Association Convention. The Commissioners instructed her to purchase two \$50.00 cash cards.
4. State Court Administrator James T. Glessner sent a letter dated August 3, 2016 informing the Commissioners that the Judicial Branch will change its closing time from 4:00 p.m. to 4:30 p.m. effective September 6, 2016. The Commissioners acknowledged the previous month's notification that the Branch was considering making this change and the matter of locking doors had already been worked out by Facilities Manager Keith Nealley. B. Arseneau was instructed to send a letter to Mr. Glessner acknowledging this change of schedule.
5. B. Arseneau let the Commissioners know that she spoke recently with Bruce Flaherty about the upcoming Spirit of America Foundation Tribute Ceremony scheduled for October 15, 2016. The deadline for the municipal officers to choose honorees was June 30<sup>th</sup>. B. Arseneau checked the web site and saw that District 1 has two (2) honorees, District 2 has six (6) and District 3 has eight (8). The Commissioners may also choose other honorees if they wish.
6. B. Arseneau asked permission to dispose of the old Micro-File Machine that used to process microfilm and was last used in 2006 by the temporary Archivist at the County Archive, when it broke down. It is impossible to obtain replacement parts anymore and the County Commissioners Office had been sending out volumes for microfilming long before she came to work for the County in 1998. The Deputy County Clerk tried to find a home for it in the State of Maine Museum as an interesting piece of Maine History, but they were not interested. The Commissioners authorized disposal of the machine.

#### **APPROVAL OF MINUTES:**

B. Arseneau requested that the Commissioners approve the minutes from the July 28, 2016 Waldo County Commissioners Court Session as presented.

**\*\*W. Shorey moved, A. Fowler seconded to approve the minutes for the July 28, 2016 Waldo County Commissioners Court Session as presented. Commissioner Johnson abstained because she was absent. Passed by two.**

#### **COMMISSIONERS MISCELLANEOUS BUSINESS:**

The Commissioners greeted Waldo County Budget Committee Members Bill Sneed (Prospect) and Richard Desmarais (Searsport) and briefly discussed the following:

1. The current contract with Two Bridges Jail for housing Waldo County's inmates.
2. The possible need to build an "Economy Jail" in Waldo County when it no longer is financially viable to continue to transport Waldo County inmates to other Jails.
3. B. Sneed recommended that the legislation for filling vacancies on the Waldo County Budget Committee be reviewed and possibly changed as it is very difficult for the same town to provide a replacement on the Budget Committee when the current member can no longer finish their term. The Commissioners agreed.

#### **BUDGET CAUCUS:**

##### **District 1**

No municipal officers were present to make a nomination for the expired term most recently filled by Tom Flacke of Morrill.

##### **District 2**

**\*\*R. Desmarais nominated Peter Curley to serve on the Waldo County Budget Committee. B. Sneed seconded.**

Nominations ceased for District 2.

##### **District 3**

No municipal officers were present to make a nomination for the expired terms most recently filled by James Bennett of Thorndike, which expired in 2015 and remained unfilled last year, and for the term most recently filled by Penny Sampson of Unity.

Write-in lines will be provided on the ballots that will be sent to each municipality.

#### **NEXT COMMISSIONERS COURT SESSION:**

The next regular Commissioners Court Session is scheduled for Thursday, August 25, 2016 starting at 9:00 a.m. in the Waldo County Commissioners Conference Room.

**\*\*A. Fowler moved, B. Johnson seconded to adjourn the court session for the Budget Committee Luncheon at 11:20 a.m. Unanimous.**

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