

STATE OF MAINE

ANDROSCOGGIN, SS.

February 4, 2015
Regular Meeting 5:15 P.M.

Commissioner Bell called the meeting to order at 5:15 p.m.

Present at the meeting were:

Beth Bell, Chair
Elaine Makas, Commissioner
Sally Christner, Commissioner
Matthew Roy, Commissioner
Ronald Chicoine, Commissioner
Patricia Fournier, County Clerk
Bryan Dench, Attorney
Justice Kennedy
Justice Clifford
Ted Glessner, State Court Administrator
Ray LaFrance, Patrol Captain
Jeff Chute, Jail Captain
Dick Clark, WGLT-TV7
Eric Samson, Sheriff
William Gagne, Chief Deputy
Steve Sherlock, Sun Journal
Randall Greenwood, Commissioner

Absent from the meeting:
Alfreda Fournier, Commissioner

Motion: to accept and approve with a waiver of the reading of the minutes of January 8, 2015 and January 21, 2015.

Makas-Roy 5-0

Motion: to table agenda items VIII b. & IX a. Sheriff's Correspondence.

Friendly amendment: to change agenda to discuss items VIII b. & IX a. now (to accommodate Sheriff Samson and Chief Gagne who have a meeting to attend in Poland)

Christner-Makas 5-0

Motion: to accept correspondence from Sheriff Eric Samson, dated January 28, 2015, requesting that Detective Timothy Gamache be temporarily assigned to the vacant Patrol position and that Records Clerk Randy Williams be temporarily assigned to the vacant Dispatcher's position.

Makas-Roy 5-0

Sheriff Eric Samson – The temporary assignments help to compensate for the budget shortfalls within the jail. The employees are qualified for these vacant positions. Moving one employee from a corrections budgeted position to a patrol budgeted position, creating a savings in the corrections budget. The other employee is moving from the records department to dispatch. Both, involve no training and result in a savings by leaving those positions vacant until the shortfall is over.

Motion: to table until the next meeting, correspondence from Sheriff Eric Samson, dated January 28, 2015, requesting that Assistant Jail Administrator Lieutenant Jeffrey Chute be promoted to the position of Jail Administrator to replace Captain John Lebel at \$1,154.41 per week, per the personnel officer, effective Sunday, February 8, 2015.

Makas-Chicoine 5-0

Motion: to review and approve all bills, part-time deputies' payroll, Warrant #1503, 1504, 1504a. Corrections Division Warrant #15595, requisitions: 1118, 11121, 11127, 1131.

Makas-Roy 5-0

Motion: to approve the Tax Levy.

At a Court of County Commissioners held in Auburn, within and for the County of Androscoggin, on the 4th day of February, 2015, the undersigned County Commissioners have assessed as a County Tax the sum of Eight Million, Three Hundred Fifty-nine Thousand, Two Hundred Sixty-Eight Dollars and No Cents (\$8,359,268.00) for the year 2015 upon the several Cities and Towns in said County it being assessed in accordance with the provision of Title 30-A M.R.S.A., Section 725 and Section 706 this fact being hereby certified in the records of said apportionment, and we have apportioned the same agreeably to the valuation of the several Cities and Towns, in said County as shown by the reports of the Board of Assessors of the State of Maine, acting as a Board of Equalization, as a basis on which the State and County Taxes shall be levied for the year 2015, as provided by law, to wit:

Cities and Towns Rate \$.00109101763

	VALUATION	TAX
Auburn	1,963,550,000	2,142,267.67
Durham	351,850,000	383,874.55
Greene	311,400,000	339,742.89
Leeds	167,800,000	183,072.76
Lewiston	2,174,800,000	2,372,745.15
Lisbon	534,000,000	582,603.42
Livermore	184,450,000	201,283.20
Livermore Falls	151,500,000	165,289.18
Mechanic Falls	144,350,000	157,488.40
Minot	180,600,000	197,037.78
Poland	656,900,000	716,689.48
Sabattus	281,800,000	307,448.77
Turner	454,550,000	495,922.06
Wales	104,350,000	<u>113,847.69</u>
TOTAL		\$8,359,268.00

The foregoing being a true and correct statement of the County Taxes for the year 2015 IT IS ORDERED, that the same be paid into the County Treasurer on or before the first day of September, A.D. 2015

Beth Bell, Chair
Ronald E. Chicoine, Vice-Chair
Sally A. Christner, Commissioner
Alfreda M. Fournier, Commissioner
Randall A. Greenwood, Commissioner
Elaine Makas, Commissioner
Matthew P. Roy, Commissioner
Makas-Roy 5-0

Reports:

Commissioner Bell - Maine County Commissioners Association
The next meeting is on February 11, 2014.

Commissioner Makas - Central/Western Maine Workforce Investment Board
No report.

Commissioner Makas - Safety Committee
No report.

Public Comments:

Motion: to accept correspondence from Register of Deeds Tina Chouinard, dated January 29, 2015, requesting that a check be cut for a credit balance of \$321.50 for Atlantic National Trust LLC.
Makas-Chicoine 5-0

Motion: to accept correspondence from District Attorney Andrew Robinson, dated February 2, 2015, regarding compensation to Franklin and Oxford Counties for employee coverage.
Makas-Christner 5-0

EMS training rescheduled for March 4, 2015 at 2:30 p.m. at Emergency Management Agency Office in Lewiston.

Commissioner Greenwood joined the meeting.

Motion: to approve the request of the State Judicial Justices to renovate the law library into a second courtroom.
Makas-Chicoine 6-0

Justice Kennedy – There is a new criminal docket coming into place. This will help streamline things. It's going to allow us to have one docket, and will move things along in an efficient way.

Justice Kennedy also noted that the State of Maine is paying the bill for renovating the law library into a second court room.

Consent Agenda: to approve the consent agenda as presented:

To approve the inventory list from the Registry of Probate.

To approve the Sheriff Department's request for professional leave for Maurice Drouin to attend a class.

To approve the Sheriff Department's request to re-appoint Dennis Sampson
Makas-Greenwood 6-0

Commissioner Makas – In response to the letters sent by a number of municipalities regarding the Commissioners' wages and benefits, the Commissioners' drafted the following letter.

February 4, 2015

Dear Municipal Colleagues:

Thank you for the letters and comments from many of you expressing your concerns about the continuing debate over our County Commission decision to retain the reductions in salaries and benefits that we recommended to the Budget Committee prior to their deliberations. We agree with you that we all need to work together to restore and expand the relationships between our municipalities and our county. Many of the services provided to our municipalities (e.g., rural patrol, PSAP and dispatch, EMA, the county jail, the courts) would not be possible without effective county government. We want to assure you that we, as well as you, are strongly committed to a county system that is both highly efficient and fiscally responsible.

It is obvious that the County Charter, like most newly-crafted documents, contains language that is unclear and/or ambiguous. It is our intent as Commissioners to continue to work with our county legislators and with legal advisors to make further corrections to reduce these problems. To this end, we welcome your constructive input as well as that from Budget Committee members, former Charter Commission members, and other county citizens.

In addition to our goal of clarifying the meaning of the Charter, we as Commissioners must also allocate considerable time and effort to the tasks that are clearly spelled out in the Charter: to establish County Commission By-laws; to determine the role of an Administrator for our county, develop a job description for that position, and recruit and hire an individual to fill that role; to define and fill two additional positions, County Treasurer and Register of Deeds, which, prior to the adoption of the Charter, had been elected, but will now be appointed positions. We must also continue to oversee the basic operations of the county, to address on-going concerns (such as labor contract negotiations), and to deal with new challenges as they emerge (including likely changes in the consolidated jail system that may result in the shifting of huge additional costs from the state to the county).

With this busy agenda in mind, we hope to encourage your cooperation and your patience by correcting some of the misinformation associated with the debate over our salaries and benefits.

- 1) The salaries and benefits authorized by the Commissioners in the final 2015 budget (\$5,000 salary, an additional \$500 for the Chair, and a county-paid contribution toward single insurance coverage) represent a significant reduction from the 2014 budget (\$7,273 salary, an additional \$1,119 for the Chair, and a county-paid contribution toward single or family insurance coverage). These reductions were presented in writing by the Commissioners to the Budget Committee prior to that committee's deliberations. The text accompanying the presentation clearly stated that the reductions in salary and benefits for each Commissioner would result in total compensation for the seven-person (2015) Commission that would approximate the total compensation for the three-person (2014) Commission, a goal that had been suggested by members of the Budget Committee in their discussion of the 2014 budget. (It is important to note that there is no record of members of that committee suggesting that total compensation for the 2015 seven-person Commission should be approximately the same as that for one of the 2014 Commissioners.)
- 2) Although a majority of the Budget Committee members failed to approve our recommendations for reductions in the 2015 salaries and benefits, that decision was not unanimous.
- 3) All Androscoggin County employees, including the Commissioners, must pay a portion of their insurance coverage; none receive 100% employer-paid coverage.
- 4) Although it is true that more than a decade ago, Androscoggin County Commissioners received life-time insurance coverage after a specified number of years served, this life-time benefit was eliminated by the 2004 Board of Commissioners, and it has no impact whatsoever on any of the current Commissioners.
- 5) While it may be somewhat less common in the private sector for part-time employees to receive employer-supported insurance coverage, it is customary in many government offices. State legislators, for example, receive 95-100% employer-paid single coverage for the entire year despite receiving a salary for only four to six months of the year. Commissioners in ten of Maine's sixteen counties receive employer-supported insurance coverage. (In seven of the ten, the county pays 100% of the single coverage costs; in six counties, the employer also pays a substantial portion of family coverage.)
- 6) The salary per Androscoggin County Commissioner for 2015 (\$5,000) is considerably lower than that for a commissioner in any other county (the next lowest being \$7,000 in Somerset County, which has five Commissioners and a population that is less than half that of Androscoggin County).
- 7) A County Administrator does not significantly reduce the Commissioners' workload. In fact, twelve of Maine's sixteen counties already have County Administrators, yet Commissioners' responsibilities and compensation packages in those counties remain high (compensation ranging from \$7,000 to nearly \$30,000). The only counties (other than Androscoggin) that do not currently have an administrator all have much smaller populations than ours (Androscoggin -- 107,604, Hancock -- 54,845, Waldo -- 38,940, and Franklin -- 30,495). The salaries and benefits for all elected officials, including Commissioners, are fully reviewed each year prior to

presentation of the budget to the Budget Committee. Since it is anticipated that a County Administrator will be hired no later than the middle of FY 2015, there will be ample opportunity prior to the development of the 2016 budget to determine the actual impact of that position on the role and workload of the Commissioners.

8) The role and responsibilities of a County Commissioner are very different than those of a City Councilor or a Municipal Selectman. Although both municipalities and counties are responsible for addressing their citizens' basic needs, the diversity of needs is much greater when dealing with multiple municipalities ranging in size from Lewiston (which has a primarily urban population of 36,437) to Wales (which has a primarily rural population of 1,616). Much of the work required of the County Commissioners focuses on ensuring equal access to shared resources (e.g., EMA services, PSAP and dispatch services, Workforce Investment Act funds).

9) The bi-monthly meetings of the Androscoggin County Commission represent only a small portion of the time that we spend on our jobs. Much time is allocated to other responsibilities, including workshops, contract negotiations, dispute resolutions, constituent services, additional assigned positions and subcommittees (e.g., the Maine County Commissioners Association, the Workforce Investment Board, the Safety Committee), budget preparation and presentation, and research on other issues of interest to the Commission. Although the addition of a County Administrator may reduce some day-to-day functions, the majority of these duties as well as most of the decision-making and oversight for all of these duties will remain the responsibilities of the Commissioners.

10) There were some major differences of opinion expressed by members of the former Charter Commission as to the intent of the Charter. Although these differences may be useful in identifying sections of the Charter that might need clarification, it is important to remember that law is based on the text of the document adopted by the voters of our county and not on the stated intentions of any particular individual, and any change in the text must result from either a new vote by citizens or by legislative action. The enacted document states that the Budget Committee must approve the salaries and benefits recommended by the Board (of Commissioners). However, the Charter does not say what happens if this compensation is not approved. It is reasonable to assume that the existing language allows the Budget Committee to reject any proposed increase in salary or expansion of benefits, in which case, lack of approval would result in the status quo. Nowhere in the enacted document does it state or even suggest that the Budget Committee has the authority to set the salaries and benefits.

11) The Commissioners first sought legal clarification of the Budget Committee's authority in establishing the annual budget in January 2013, soon after passage of the Charter. The Commissioners were counseled at that time that the Budget Committee's role was advisory only. The Commissioners did not seek legal advice again until November of 2014, when a further clarification was needed. It should be noted that the Budget Committee's first vote to reject the reduction in compensation recommended by the Commissioners and their subsequent proposal for greater reductions in compensation occurred on October 29, six days before the election. Prior to those actions, one can safely assume that the majority, if not all, of the ten candidates running for the five contended seats as well as the two seated Commissioners who would be continuing to serve their four-year terms had no idea that the Budget Committee would propose

an 80-89% reduction in annual compensation from that received by Commissioners in 2014. At most, some may have anticipated the 16-47% reduction recommended by the Commissioners. Seeking another legal opinion prior to these unexpected actions by the Budget Committee would have been premature and an unnecessary expenditure of taxpayer money.

It is obvious that there is a strong difference of opinion as to the relative authority of the Board of Commissioners and the majority of Budget Committee members in establishing the county budget for 2015. We, as Commissioners, take your concerns and theirs seriously, and we will continue our efforts, with the assistance of all parties, to clarify the Charter language to avoid further misunderstandings. In the meantime, however, we must not allow this unfinished issue to interfere with the work that must be done both to maintain county functions and to improve county functioning.

We thank you again for your letters and comments, and we look forward to working with you to restore our mutually beneficial relationship.

Respectfully,

Beth C. Bell
Chair

Ronald E. Chicoine
Vice Chair

Sally A. Christner

Alfreda M. Fournier

Randall A. Greenwood

Matthew P. Roy

Elaine Makas

Motion: to officially approve correspondence from the Commissioners', dated February 4, 2015, in response to the municipalities regarding wages and benefits.

Makas-Greenwood 6-0

Ron Chicoine – Stated his belief that when someone runs for public office with the expectation of receiving health care benefits, that it is not fair to deny the benefits. Also, the budget for those benefits should be under budget because the majority of the group chose to opt out of that coverage.

Motion: to enter into Executive session with counsel pursuant to Title 1 M.R.S.A. Section 405, Subsection 6(F).

Greenwood, Makas 6-0

Returned from Executive Session at 6:45p.m.

Motion: to adjourn at 6:45p.m.

Patricia Fournier, County Clerk