

**COMMISSIONERS REGULAR MEETING**

**October 7, 2015**

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At a regular meeting of the County Commissioners of the County of York, begun and holden at the York County Government Building in Alfred, within and for the County of York, being held on Wednesday, October 7, 2015 A. D. at 4:30 P. M.

**COMMISSIONERS PRESENT:**

Sallie Chandler  
Marston D. Lovell  
Richard R. Dutremble  
Michael J. Cote  
Gary Sinden

County Manager Gregory Zinser was present at the meeting.

*All present were invited to rise and salute the flag of the United States.*

**Call Meeting to Order**

**YOU ARE INVITED TO RISE AND SALUTE THE FLAG OF THE UNITED STATES**

**1 PUBLIC COMMENT(S) ON ANY ITEM(S)**

**2 TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS MEETING OF SEPTEMBER 16, 2015**

Commissioner Cote motioned to approve the minutes of the September 16<sup>th</sup> meeting. Commissioner Sinden seconded the motion. Vote 5-0.

**3 HEAR ANY REPORTS OF THE COMMISSIONERS**

None

**4 TO CONDUCT A HEARING RE: PROBATE SCHEDULING MATTERS**

Commissioner Sallie Chandler read a statement (attached as record) regarding the Hearing.

Commissioner Sinden asked Carol Lovejoy the following questions:

How long she had been Register of Probate. *Ms. Lovejoy responded that she was in her eleventh (11<sup>th</sup>) year and served two (2) years pro temp.* Since Judge Nadeau was elected in January 2013, how many court days per week were scheduled in 2013 and 2014? *Ms. Lovejoy responded two (2) days per week.* How many cases were scheduled with the court in calendar year 2012? *Carol Lovejoy responded that there were 787 in 2012, 2013 there were 827 and in 2014, 802 Hearings.* Commissioner Sinden commented that there was a notation of numbers and asked Ms. Lovejoy to comment on this. *Carol responded that those numbers were derived from a report run from a software program used in Probate and are new docket numbers.* Commissioner Sinden confirmed 1256 docket numbers in 2013 to 1200 docket numbers in 2014. Commissioner Sinden further asked the numbers of new cases filed? *Register Lovejoy replied again that in 2013, 827 and in 2014- 802 cases and from the beginning of this year to September 30<sup>th</sup>, there were 620 cases.* Commissioner Sinden stated that it appears that both docketed cases and Hearings have decreased from 2013 to 2014; correct? *Carol responded yes.* Commissioner Sinden asked Ms. Lovejoy if she was aware that Judge Nadeau requested 3 court days instead of 2. County Manager Greg Zinser interjected that it was at Hearings with the Commissioners where Judge Nadeau brought forth the idea of 3 days. This was also when the Judge requested a certain level of compensation vs. full time at a different level of compensation. He added that there might be e-mail traffic to back this up but as he recalls it was a range from 3-5 days. Commissioner Sinden asked Register Lovejoy is it her view that the case load warrants 3 court days per week. *Carol responded no, maybe 2 or 3 extra days per month might be needed. My full time staff in my office could not keep up with the administration.*

Commissioner Cote asked Register Lovejoy the following questions:

In 2015/2016- Judge Nadeau requested his salary be raised to \$90,000 per year. *Carol Lovejoy responded that she remembered hearing that but not the amount for the salary, but, she knew it was up there.* Commissioner Cote asked her if she attended the Commissioners' April 15, 2015 when the budget request was reviewed by the Commissioners. *Yes Carol Lovejoy responded that she was aware the Commissioners denied the Judge's request.* Did you receive an email shortly after Judge Nadeau left the meeting? *Carol replied yes.* Did you receive an e-mail at 12:00 a.m. on April 16, 2015 advising you to cancel court on Wednesday and Thursday without any prior consultation? *Carol answered yes.* Do you know why court was abruptly changed? *Register Lovejoy answered that she did not.* The next day were you instructed via an e-mail from Judge Nadeau to reschedule court days to Monday and Friday? *Carol replied, yes.* How current was the court's docket? *Carol answered that it was scheduled out 10-12 weeks at that time.* Was there a backlog? *Register Lovejoy responded no. Wednesday and Thursday cases already scheduled had to be cancelled.* What kind of administrative burden did canceling of all Wednesday and Thursday cases place on your office? *Carol responded that we had to prepare and send out from 2 to 25 notices for each pending case which was very burdensome. All staff was involved and it was very stressful.* Was a request made by you to the Manager to close for two mornings to meet the demand of rescheduling all of the cases? *Ms. Lovejoy replied yes.* Are Monday and Friday holidays made up? *Carol replied no they are not made up.* Did it appear to you that the Judge deliberately scheduled Monday and Friday to have holidays off? *Carol answered yes.* Did Judge Nadeau send you an e-mail on April 18<sup>th</sup> stating that October 12, 2015 would count as his 8 court days and he would not make up the

day? *Carol replied yes.* How many holidays has Judge Nadeau scheduled for himself in 2015? *Register Lovejoy replied 6.*

Commissioner Dutremble asked the following questions of Register Lovejoy.

Is there now a backlog of cases not being heard? *Carol responded yes.* How many cases? *Carol replied that it is hard to say perhaps 32 cases (giant backlog).* *The biggest problem is in scheduling cases. A temporary guardianship order is only good for up to 6 months. Due to the backlog we can't get them back for a Hearing before the 6 months. Expedited Hearings are causing trials to be put off. Keeping track of what files need notices is very difficult.* Judge Nadeau is paid for 96 days per year. How many days are scheduled in 2015? *Carol replied that 91.5 days are scheduled.* How many days will be worked after excluding paid holidays he has scheduled himself for? *Register Lovejoy replied 87.5 days. Some days are not able to be scheduled as he won't have Hearings as he has used this time to research.* Could this backlog be eradicated if the Court reverted to a Wednesday, Thursday schedule with 15 minute increments? *Carol replied yes, but it would take a lot of time to get back on track.* Have you received complaints? *Carol answered yes.* Did you receive a complaint from Attorney Martin Womer to which you replied on July 8, 2015? And, if so, what did you tell him? *Carol responded yes, I told him what had happened and how the Judge had ordered rescheduling of cases.* This appears to be a work slowdown to get Judge Nadeau a raise? Can the Probate Court handle its workload with 2 court days per week? *Carol replied yes with 2 or 3 more days per month.*

Commissioner Lovell asked the following questions.

Did you have a signature stamp for Judge Nadeau? *Carol replied yes.* How did you use that? For appointments of attorneys, per his instruction? *Carol answered yes. Judge Nadeau removed the stamp from my office in the middle of the night.* Does this delay your ability? *Carol- yes.* Do you know why he took the stamp? *Carol replied that she did not.* Is it correct that the Judge has solicited court attendees in his court to contact the County Commissioners? *Carol replied that, yes, the Judge has solicited people in Hearings to advocate for more court time.* Is it also correct that he puts blurbs on Orders instructing people who to contact to get more court time? *Carol responded yes, we are instructed to put a prescribed paragraph on the Orders.* Who puts the Commissioner's name on the Order? *Carol answered that Judge Nadeau writes the name in.* Judge Nadeau has appointed referees. Can you describe a referee's work? *Carol responded that her understanding is that a referee will hear a matter and make a report and the Judge will approve or not.* Are there competent referees here in York County? *Carol answered, yes, that back in 2013 Donna Bailey was appointed as a referee.* Do you believe referees would help and would speed up matters? *Carol replied yes at this point.* Does Judge Nadeau have the time to hear them? *Carol stated, yes, if the scheduling was different than it was now. Ten referees cost the county \$16,000.00 for the 10 cases so far- \$700 a day plus mileage. The parties to the referees are not paid but the referees are.*

Judge Nadeau approached the podium for questions. He asked to make statements and was denied by Commissioner Chair Sallie Chandler. Judge Nadeau voiced his concerns as to whether or not the Board was impartial. Commissioner Chandler clarified that the Hearing was set by the Commissioners to ascertain why the

schedule in the Probate Court is skewed. Judge Nadeau replied that he would answer questions as best as he could. He stated that it was quite clear to him that Commissioner Chair Chandler was not impartial as, according to Nadeau, she said something inappropriate to the County Manager in a past e-mail. Commissioner Sallie Chandler replied to Judge Nadeau that she wouldn't say anything about him to anyone that she wouldn't say to you him. Judge Nadeau asked if he could answer the same questions that were put to the Carol.

Commissioner Sinden addressed Mr. Nadeau and stated, as Judge of Probate you took an oath to provide judicial services to York County Register of Probate. What have you done to address the significant backlog? *Judge Nadeau responded that yes he did and that he, came to the Commissioners in April to make them aware that he was not able to address the backlog. Only ½ hour of allocated time in circumstances that might take a whole day. That is why he asked for funding for more time, stated Nadeau. He continued that the perception that is developed from members here is untrue and had nothing to do with any abrupt change in my salary. The fact of the matter is that Ms. Lovejoy was cramming too many matters, said Nadeau, and not enough time to prepare. I have to find time to do research and write decisions.* Commissioner Sinden continued and said the appearance is that the backlog appears unilateral from the change from Wednesday and Thursday to holding court on Monday and Friday. Why did you make the change without consultation with the Register of Probate? *Judge Nadeau answered that Court Hearings used to be heard on Mondays. This is nothing new even though it preceded all of you. I found it to be more efficient, stated Nadeau. Scheduling trials on Thursday as Carol and Donna Bailey were doing was not efficient, according to Judge Nadeau. In response to Commissioner Sinden's question regarding why he did not seek Register of Probate, Carol Lovejoy's input prior to changing the court schedule, the Judge replied that he already knew what the court docket and caseload looked like. He added that he appointed her (Register Lovejoy) in that position 12 years ago.* Commissioner Sinden asked in a complex situation like Probate court with a reasonably large staff and Register, wouldn't you consider having their input on such a major change? *Judge Nadeau responded that it was a change back to a system that I though worked better.* Commissioner Sinden recalled that on April 15, 2015 you (Judge Nadeau) appeared before the Commissioners to request a salary increase to \$90,000.00. The Commissioners considered and denied this request. Immediately after the meeting, you (Judge Nadeau) e-mailed the Register of Probate instructing her to decrease court time. He requested Judge Nadeau please explain the appearance of retaliation. *Judge Nadeau responded that this is an incorrect assumption.* Commissioner Sinden questioned that if these acts were so critical, why did you (referring to the Judge) make the change when you did on April 16<sup>th</sup> at 12:07 a.m.? *Nadeau replied that he was extremely troubled and decided we needed to have consecutive trial days. Register Lovejoy forgot to call attorneys to be ready for backup trials in many cases.* Commissioner Sinden stated that Judge Nadeau was at the meeting on the evening of April 15<sup>th</sup> and at 12:07 the morning of the 16<sup>th</sup>, you made this change. The timing seems to show the change resulted from our denial of your salary. What other explanation could there be? *Judge Nadeau replied that the Commissioners had an unwillingness to give more court time.* Commissioner Sinden asked Nadeau was he aware that the scheduling would not accommodate the court? *Judge Nadeau answered that he was not at the time. There are 50 to 60 unscheduled matters. All these matters are not scheduled for Hearings. We have to research and write*

*decisions. I did this last Saturday all day. There is no time. Commissioner Sinden stated to Nadeau that he needed his comment on this. It looks from the facts, that you did know the schedule would not be adequate. In your April 16th e-mail to Probate Register Lovejoy you wrote, "I know this won't allow us to keep up with the load." Judge Nadeau replied that there needed to be adequate time to do things. He's invited all of you to come to Court. Only one of you appeared and that was Commissioner Lovell. We met privately afterward. Insubstantial time to address the issues with him (Lovell). Commissioner Sinden cautioned Judge Nadeau to stick to the point. On April 15<sup>th</sup> at 12:07 you made this abrupt change which resulted in less court time and less court days. At 8:00 a.m. the next morning you stated that you understand this won't enable us to keep up with the load. The schedule prior appears to be far better than the schedule after. This appears to be a retaliatory act. Judge Nadeau replied that he understands the appearance. The cases I was hearing needed to be given adequate time and attention. I am there the required 8 days per month, stated the Judge. Office things are sent to me daily. I spend time at night and weekends reviewing decisions, continued Judge Nadeau. I also spend six (6) days a year going to judicial conferences.*

Commissioner Dutremble asked Judge Nadeau if he agreed with the Register of Probate's statement that the caseload was current as of 4-15-15? Judge Nadeau replied that he did not agree and added (to the Commissioners) do you already have your minds made up? Commissioner Dutremble replied that his mind is not made up until he hears the evidence. Judge Nadeau replied that the schedule was not current. Commissioner Dutremble asked for clarification on the Judge utilizing Monday and Friday National Holidays as a benefited paid holidays and making up those days lost as court hearing days. Judge Nadeau responded that prior to 2009 we had the same scheduling process. Commissioner Dutremble again asked Nadeau if he counted that holiday? Judge Nadeau answered that he holds court the 1<sup>st</sup> 2<sup>nd</sup> and 3<sup>rd</sup> Monday of each month so not necessarily. Do you reschedule for Tuesday or Wednesday? Judge Nadeau responded that he does not and that people who have to supplement their income, schedule out far in advance. Commissioner Dutremble asked Judge Nadeau if in an e-mail to Register Lovejoy dated April 18, 2015, he stated that October 12th is a holiday but it will count as one of the eight holidays. Judge Nadeau replied maybe. Commissioner Dutremble asked did Judge Nadeau not agree to provide the citizens of York County 96 court days per year. With the 91.5 scheduled due to the 4 days of used holidays, do you not owe the County 8.5 days to avoid a violation of your contract? Judge Nadeau replied that he is elected and does not have a contract- the 96 court days is not something I agreed to. In addition to court days, I spend 8 days per year engaged in judicial seminars. Commissioner Dutremble referenced a letter dated 12-18-12 in which Judge Nadeau stated that he will give 8 hours a day 8 days a month to the operating of the Probate Court. You (referring to Judge Nadeau) stated you did not have a contractual obligation to the County. You signed a letter.

Commissioner Cote asked isn't it true that there is now a backlog of cases in your court that are not being heard. Judge Nadeau replied that there was always a backlog of cases in the Probate Court. This is why I implemented a change, stated Nadeau. He continued that he felt he needed to do something to more appropriately address the backlog. Commissioner Cote asked if court users are complaining of a backlog. Judge Nadeau replied that he is not aware of many Complaints but that the answer is robbing Peter to pay Paul. Trial time had been ignored and if one

*was to compare our Hearings now to the list in March, they won't see a material difference. You will see a little bit of time between matters so I can review them prior to hearing a case, stated Nadeau. Commissioner Cote asked the Judge doesn't he have an obligation to assure the backlog is addressed? Judge Nadeau replied yes, but it is also with the County. He continued that he knows how to run the Court. He stated that he trained Register Lovejoy and he propped her up. There is not enough court time, according to Nadeau. Register Lovejoy doesn't understand what is involved in a case. She doesn't see what I do, continued the Judge. He added that she doesn't know anything about legal research and writing decisions. Commissioner Cote reminded Judge Nadeau that Canon 1.3 prohibits the Judge from using his office to cause a work slow down to get a raise. Judge Nadeau argued that there are also Canons that require appropriate funding of the Probate Court. He referenced Justice O'Neil and the fact that the Superior Court has two full time judges to deal with cases. Commissioner Cote asked Judge Nadeau if he believes it is appropriate to use a judicial office to get court users to ask for more court time. Judge Nadeau argued that he was not soliciting but simply giving people information. They have a right to know who the parties are that fund the court. This is the same thing I dealt with in 1999, he said. They funded additional court time at that time. Commissioner Cote asked again if Nadeau felt this was a misuse of judicial office for personal gain? Judge Nadeau responded that before he became Probate Judge, he made a whole lot more money than he does now. It is not for personal gain. He stated that he now only makes \$70,000.00 and if that was a concern, he wouldn't have run for office. Commissioner Cote asked the cost of the ten referees whom the Judge has brought in to hear matters. Judge Nadeau replied that he didn't know but guessed around \$700 a day. He added that they also bill for their expenses which might also include lodging. Judge Nadeau clarified that Referees make the decisions and that the only time he would become involved is on an appellate basis. Commissioner Cote asked if Judge Nadeau believed that reverting back to a Wednesday and Thursday schedule would address the backlog. Judge Nadeau responded that it wasn't working. He explained that cases started in March might not have a next available date until June. Trial dates are only on Thursdays. Commissioner Cote- When you left being Judge of Probate were you using the same schedule you are using now? Judge Nadeau responded that yes he originally used Judge Bailey's schedule.*

Commissioner Dutremble questioned why Judge Nadeau waited two and ½ years to change a system he believed was broken. Why did he wait until April 15, 2015? You waited 2 ½ years. *Judge Nadeau responded that he was trying to work with the Register because she didn't want to work on Fridays to get ready. You changed it on April 15th after you met with us, reminded Commissioner Dutremble.*

Commissioner Lovell asked Judge Nadeau if he was familiar that in Superior Court the case goes to mediation, could this happen in Probate Court? *Judge Nadeau answered that no, that does not happen in Probate Court. County Manager Zinser added that he did e-mail Judge Nadeau regarding him holding mediation. Judge Nadeau replied that the problem is Probate Judges lack the statutory authority to make people go to mediation. We would have to fund it to make it work.*

Commissioner Chair Sallie Chandler concluded the hearing. She asked if any member of the Public wished to make a comment. Milda Castner, who indentified herself as an attorney at the firm of Bergin and Parkinson addressed the Board. She

explained that a huge portion of her firm's work involves Probate Court and that she's practiced law for over 32 years. She has seen the evolution of the Probate Court and understands that many cases have been affected. It is her understanding that ten cases have received appointments of referee. Her case has gone to Presque Isle. Five or six attorneys are involved. The economic cost to our citizens is huge. The Case started in 2013 and is now a protested Probate matter. She added that she is not familiar with the internal disputes but is familiar with the huge emotional toll on clients these delays are causing. The case she is involved with has been going on for 2 ½ years. "I want a functioning Judge and functioning Register", stated Attorney Castner.

Keith Patterson (attorney in Sanford) seconded what Attorney Castner stated. He stated that he would agree to be on a commission from users of the court system. There needs to be a way to measure how much time is needed and what that time is worth, stated Attorney Patterson. Commissioner Sinden asked both attorneys if they experienced any problems in 2010, '11, '13 or '14 in terms of scheduling? Attorney Patterson replied the accomplishments of the Probate Court has always been Herculean in terms of a response but, most immediately, there is a delay because of the new scheduling. The Court has always done more than what it's had time to do. Attorney Castner added that there are many situations where we can pick Superior Court or Probate Court. Our Probate Court has always scheduled emergency matters faster.

Commissioner Chair Sallie Chandler advised that the Commissioners will take this matter under advisement. County Manager Greg Zinser stated that it can be put on the next agenda and perhaps the Commissioners can come to a resolution at that time.

**5 TO HEAR ANY REPORTS OF THE COUNTY MANAGER**

**None**

**6 OLD BUSINESS**

**7 NEW BUSINESS**

- a. Introduce EMA Director Art Cleaves to seek approval of UAV (drone) acquisition-

Director Cleaves informed all present that the drone is a new tool. (Powerpoint presentation attached as record of meeting). Mr. Cleaves introduced Tom DePeter, Director of Central Maine Power Co. who stated in a major event using the drone is valuable giving a bird's eye view to learn quickly what we have out in the field so he can acquire the appropriate number of resources. CMP Director, DePeter added that the Commission would always be informed when CMP used the drone. Anne Hemingway from the IMAT team made a brief statement and read one of the support letters from Col. Williams of the State Police. Town of York Police Chief and EMA Director Doug Bracy added that he supports the purchase of the drone stating that public safety is near and dear to his heart and that he feels the drone would be tremendously valuable. We currently don't have assets to be able to look down at events. Understanding that privacy is a big issue, a report is necessary every time the drone is used. Sheriff

King commented that this item is a tremendous value for both EMA and the Sheriff's Office. Commissioner Sinden asked if any other counties are using a UAV? EMA Director Art Cleaves replied, no and added that's why he thinks it's important we have the first opportunity. Commissioner Sinden asked if others think it's so valuable, why don't they have one? Anne Hathaway responded that she works for the Maine DEP and that they are looking in to purchasing one but that it's not in our current budget. Commissioner Sinden responded that it's not in ours either. Commissioner Chair Sallie Chandler inquired how do we pay for it?

Director Cleaves explained that from money set aside over the years in reserve accounts, we have the funding on hand right now so it does not cost the taxpayers of York County anything. Commissioner Sinden commented that he is concerned about the topic as a whole and that he hasn't gotten to a place where he can really support this. There is legislation recently passed concerning UAV's. He stated he'd like to see this as well as written policies and the costs of the drone purchase. Director Art Cleaves replied that they do have a policy

Commissioner Cote asked if the unit is battery operated? EMA Director Cleaves replied that, yes it was. Commissioner Cote asked that is it correct that the drone won't go out of the site of the operator. Art responded that is correct. Deputy Director Blain Cote explained that the drone records GPS location and auto returns to where it came from. If anything happens to it, it will hover or go back to where it came from. Commissioner Cote asked about the legislation and that it is his understanding that it applies to law enforcement only. EMA Director Cleaves replied that, no, they just have to adhere to the Law. The Law states that if a municipal or county government wants to use it, it's ok to do so.

Commissioner Cote asked if the cost includes insurance, maintenance costs, and what is the longevity. Blain Cote explained that there is a service agreement and a once a year inspection. He added that the drone is low maintenance. Anne Hathaway added that the blades are replaceable as are the arms. Commissioner Cote asked what temperature can this be run in? Art cleaves responded below zero to 90 degrees. He added that the cost is \$19,000 and that the camera equipment is what costs. Commissioner Chair Chandler asked that Director Cleaves supply the Board with a copy of policy, the legislation and a detailed breakout of costs. Commissioner Lovell asked the County Manager if we could push for our attorney to review the policy prior to the next meeting. County Manager Zinser said yes, he will try.

Commissioner Sinden moved to table the approval of the UAV (drone) purchase until the next meeting or further out if necessary. Commissioner Lovell seconded the motion. Vote 5-0. Commissioner Sinden clarified that there needed to be enough time to review everything. The County Manager agreed and stated that we will push for the next meeting but if not possible, we will resume discussion on the matter at a future meeting.

- b. Introduce District Attorney Office Manager, Jennifer Kern, to request hiring of Mylinda Piadade for the full time legal secretary position (opening) - H.R. Director Linda Corliss addressed the Board and reminded them that at the last meeting they were asked to hire Debra Briggs for a Legal Secretary position and updated them that she took another offer and declined ours. Therefore, approval to hire Mylinda Piadade is being brought forward to the Commissioners. Linda

informed the Commissioners that she has spoken with Ms. Piadade and she has accepted the position beginning October 13<sup>th</sup> pending Commissioner approval. Commissioner Lovell asked if Ms. Slattery looks at her (Myllinda Piadade) as being a qualified legal secretary. Linda Corliss replied that she did.

Commissioner Dutremble motioned to approve the hiring of Myllinda Piadade as a legal secretary in the District Attorney's office. Commissioner Lovell seconded the motion. Vote 5-0.

- c. Introduce Sheriff King to request Commissioner approval on cruiser purchases- Sheriff King addressed the Board to request the purchase of four (4) SUVs from Arundel Ford at a cost of \$109,172.00.

Commissioner Sinden asked if this cost included the vehicles fully dressed? Sheriff King replied that yes it did. Commissioner Sinden asked if the vehicles would be painted locally? Sheriff King replied, yes. Commissioner Dutremble asked if the vehicles were purchased at the government purchase contract price? Sheriff King responded yes, the same price as the State Police get.

Commissioner Cote clarified that price doesn't include equipment. He asked if the equipment could be taken out of Impalas and put in these? Sheriff King informed the Board that they are going to using the outside light bar.

Commissioner Cote asked if the mechanic is trained to perform maintenance on these new vehicles (Fords) and is training available? Sheriff King replied that our mechanic is very well attuned to the Impalas but that he has done work on the Waterboro SUV. Sheriff King stated that it is his hope to get the mechanic up to par and get some training for him. Ford has become the industry standard. Chief Deputy Baran answered the equipment question posed earlier to the Sheriff by stating that the cage system is different. He added that they would look at all options on how to get the new vehicles retrofitted.

Commissioner Lovell motioned to approve the acquisition of four Ford SUV vehicles. Commissioner Dutremble seconded the motion. Vote 5-0.

- d. Review of and approval by Commissioners of jail budget- County Manager Greg Zinser pointed out to the Commissioners that a balanced budget is being presented to them but that a couple of line items are highlighted in red- overtime and inmate prescriptions. He further explained that it is our feeling that those items are underfunded and were reduced to meet our revenue targets. He added that it was necessary to reduce the budget by \$400,000.00. County Manager Zinser recommended to the Board that we have meetings every other month and one in December to understand where we are with the jail budget. Commissioner Sinden stated that he did not understand what it means that we are \$450,000 short but we made it look balanced. The County Manager explained that we have to comply with their (Dept. of Corrections) CRAS budget. We reduced line items to make this happen (balanced budget). Commissioner Sinden asked if that's not reality, where will the money come from? County Manager Zinser recommended monitoring every other month and a mid year review by the Commissioners. He further suggested that we work with the Sheriff for any changes he might make internally. The County Manager reminded all that in the past the BOC has always put in supplemental funding but this is not necessarily going to happen now. Commissioner Sinden asked if we are short how are we going to handle that- with layoffs? County Manager Zinser

replied that we will have to take a hard look at other expenses to see if purchases can be delayed or if there is something we don't have to do.

Commissioner Sinden asked if we can we reduce prisoner load? Jail Administrator Michael Vitiello stated that we currently have a pretrial load of about 140 participants. County Manager Zinser said that there may be a way to increase from three to four case managers and therefore realize a reduction in inmates. Commissioner Sinden asked if we have any boarders now? Lt. Col Vitiello replied that we have a close collaborative relationship with Cumberland County. We swap prisoners with them but nobody is paying us. Commissioner Sinden reminded all that seven employees (corrections officers) were out for an extended time with a cost to the County of \$300,000.00 Has any of that loss been carried forward, he asked? Commissioner Lovell commented as an accountant, he has never taken plug figures so he cannot vote for this budget. He stated that layoffs mean additional overtime unless you are able to close down a pod. That might be what we have to do to balance this budget. He asked if we could adjust the bottom line by our LD 1 figure increase? County Manager Zinser replied that taxes have already been committed for the County back on July 1<sup>st</sup>. The Jail budget has technically already been approved in the past and it is in the State system. LD 186 resulted in reduced funding, explained the County Manager. He further clarified that the prior Board already submitted a budget and that we have to work under \$8.3 mil. If we increase the tax cap for next year's budget, we would begin that discussion in April, continued Mr. Zinser. Commissioner Dutremble asked why is the fund balance in negative? The County Manager replied that there was a \$150,000 deficit June 30, 2015 and it was reduced to \$58,000.00. Commissioner Sinden asked if anymore action by this Board will be necessary to deal with the problem? County manager Zinser replied that we will have meetings with the Sheriff to have those conversations. We can discuss with the Sheriff to see what corrective actions he might be taken. Commissioner Lovell asked what drives the revenue. Mr. Zinser replied that whatever the legislature wants and that there may be a supplemental request before the legislation of \$2 million. If the State applies the same formula for funds we just received, that would mean \$350,000 to \$400,000 for York County. This might help cure the deficit, stated Zinser. Sheriff King reminded that Commissioners that there was a discussion about LD1 when the County budget was passed. The Commissioners didn't have an appetite for this, stated the Sheriff. Commissioner Sinden clarified that the tax increase is what we are talking about. Commissioner Lovell asked who sets community corrections? County Manager Zinser stated that is no longer applicable in 2016 and that under LD 186 it was eliminated and pushed into the State's contribution to Counties. Sheriff King stated that the \$159,000 that the jail pays the county for financial support is something we could look at. County Manager Zinser responded that it is the tax cap situation position of this Board that the tax cap should fund the true cost of running the jail. Commissioner Sinden reminded all that IT, H.R. and the Sheriff's salary can't be charged to the jail budget. It was decided that the jail budget review would be a formal agenda item for the Board every other month to see where we are.

Commissioner Lovell motioned to approve the budget as presented.

Commissioner Dutremble seconded the motion. Vote 4-1 with Commissioner Sinden opposed.

e. Discussion of jail boarding issue-

The County Manager explained that Penobscot sent out a crisis e-mail for boarding needed. He reminded all that this Board has been opposed to accepting prisoners for free. Commissioner Sinden stated that we can't be bailing out another County when our own situation is dire. The question of boarding other prisoners is clearly the fault of the legislature in that they specifically prohibited four receiving jails from charging reasonable fees to board prisoners. It is totally unreasonable that 12 jails can request we take prisoners for nothing. We pay a huge cost for debt service on our bonds every year. Commissioner Sinden continued that he had spoken with a former Commissioner involved with negotiations of building the jail and the "selling" this new jail to our taxpayers. We were told to build a big jail so you can charge for boarders. Jail consolidation forbade us for charging for boarders. Our policy to the legislative delegation is to go back to the way it was pre-consolidation service and running. He believes the legislature is reacting to twelve counties instead of four. A lot of people were working behind the scenes. I suspect some of the York County delegation worked against York County, stated Commissioner Sinden. He believes the legislature has to fix the problem not taxpayers of York County.

Commissioner Cote added that the real problem is we're not only losing funding. The smaller Counties will now have to build facilities or pay to board. There is no other way it's going to work, commented Commissioner Cote.

Commissioner Lovell motioned that the Commissioners are not interested in housing of county boarders. Commissioner Sinden seconded the motion. Vote 5-0.

f. Reaffirm vote taken on abatement #07/6/15- Motion vote to grant poverty abatement 07.6.15 nunc pro tunc.

Commissioner Lovell motioned to grant the abatement. Commissioner Dutremble seconded the motion. Vote 5-0

**8 PUBLIC COMMENT(S) ON ANY ITEM(S)**

Susan Wiswell stated that she feels the drone is a privacy issue and that she'd like to see the policy statement once it's approved.

Rosi Kulow from MCCA was present at the meeting.

**9 TO CONDUCT AN EXECUTIVE SESSION ON PERSONNEL ISSUES PURSUANT TO 1 M.R.S.A. §405 (6) (A), ACQUISITION OF REAL PROPERTY OR ECONOMIC DEVELOPMENT PURSUANT TO 1 M.R.S.A. § 405 (6) (C), LABOR NEGOTIATIONS PURSUANT TO 1 M.R.S.A. § 405 (6) (D) AND CONSULTATION WITH LEGAL COUNSEL PURSUANT TO 1 M.R.S.A. § 405 (6) (E).**

**10**

**ADJOURN**

Commissioner Sinden motioned to adjourn. Commissioner Cote seconded the motion.. Vote 5-0.