

COMMISSIONERS REGULAR MEETING

March 6, 2013

YORK,ss

At a regular meeting of the County Commissioners of the County of York, begun and holden at the York County Government Building in the Commissioners' Community Room in Alfred, within and for the County of York, being held on Wednesday, March 6, 2013 A. D. at 4:30 P. M.

COMMISSIONERS PRESENT:

Sallie Chandler
Daniel C. Cabral
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.

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

2 TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS' REGULAR MEETING OF FEBRUARY 20, 2013.

Commissioner Cabral motioned to accept the minutes of the Commissioners' meeting of February 20, 2013. Commissioner Sinden seconded the motion. Vote 4-0 (Commissioner Dutremble abstained).

3 TO HEAR ANY REPORTS OF THE COUNTY COMMISSIONERS

None

4 TO HEAR ANY REPORTS OF THE COUNTY MANAGER

a. Recommend Commissioners adopt and sign County Patrol Association Contract

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

- b. Recommend Commissioners confirm the appointment of Thomas Baran to the position of Major in the York County Sheriff's Department

Sheriff Ouellette introduced Thomas Baran to the board as the new Major.

The County Manager asked for a confirmation vote on Mr. Baran's hiring.

Commissioner Sinden motioned to approve the hiring of Thomas Baran as Major for the York County Sheriff's Department. Commissioner Cabral seconded the motion. Vote 5-0

Sheriff Ouellette informed the board that Chief Deputy King had been requested at a Senate Hearing in Washington DC for testimony on scam as an expert witness.

5 TO CONDUCT AN EXECUTIVE SESSION ON PERSONNEL ISSUE PURSUANT TO 1 M.R.S.A. § 405(6) (A) and CONSULTATION WITH LEGAL COUNSEL PURSUANT TO 1 M.R.S.A. §405 (6) (E)

Commissioner Dutremble motioned to enter into executive session. Commissioner Cabral seconded the motion. Vote 5-0.

Commissioner Sinden motioned to come out of executive session. Commissioner Cabral seconded the motion. Vote 5-0.

Commissioner Chair Sallie Chandler reiterated that the session would be in public per Mr. Nadeau's request and informed Judge Nadeau that he may present his case. Judge Nadeau passed out packets of information with his exhibits. He explained that he served as probate judge for three four year terms. Mr. Nadeau stated that he looked into salary and found it was lower than before. He stated that he also looked at the budget and benefits and decided to run as an independent. He further explained that he was told he would get health and dental benefits as had his predecessor. After the election, Mr. Nadeau said he received a letter from County Manager Zinser regarding the compensation being lower than what Judge Bailey was making when she left. Judge Nadeau stated that he believes that elected officials are not subject to probationary periods and that he believes his position is not a part-time position. He then referenced his exhibit 4 which is another letter from County Manager Zinser stating that "*you maybe able to have some benefits*". He added that health insurance plans were also enclosed in that letter. Judge Nadeau further commented that he did fill out the paperwork to receive health benefits and dropped them off at the Manager's office. He then received insurance cards in the mail. He later received an e-mail from Mr. Zinser explaining this was an administrative oversight and that his health insurance benefit had been cancelled. Mr. Nadeau added that all full time employees

including elected officials also receive health insurance. He added that he feels there is significant ambiguity on how elected officials are classified. Judge Nadeau also remarked that Commissioner Cabral and any other county officials who are receiving health insurance benefits should have to pay the County back for those costs.

Judge Nadeau continued that is when he decided to grieve what he feels to be inequitable treatment of him in regards to receiving benefits. He voiced his displeasure with the Hearing conducted by County Manager Zinser and Attorney Libby.

County Manager Zinser responded to Judge Nadeau's comments by stating his letter to Judge Nadeau dated January 31, 2013 clearly outlines the reasons for denial. The County Manager also clarified that Mr. Nadeau never contacted him in regards to the salary for the probate judge. County Manager Zinser added that many of Judge Nadeau's exhibits reference past practice which has been changed through official votes by the County Commissioners.

The County Manager stated that the non-union policy states clear classifications in that employees who work thirty (30) hours or more are eligible for health benefits, while twenty (20) hours or less equal part-time and are therefore ineligible for health insurance.

Commissioner Chair Sallie Chandler closed the Hearing.

Commissioner Sinden commented that he agrees with the County Manager that the past does not dictate policy. He added that he would like to research this issue in detail before coming to a decision.

Commissioner Sinden motioned to table this item in order to give time for the Commissioners to review the evidence presented and then deliberate at the March 20th meeting. Commissioner Cote seconded the motion. Vote 5-0.

6 NEW BUSINESS

7 OLD BUSINESS

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

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 Cabral motioned to adjourn. Commissioner Cote seconded the motion. Vote 5-0. Meeting ended at 6:00