

## COMMISSIONERS REGULAR MEETING

July 1, 2015

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 Alfred, within and for the County of York, being held on Wednesday, July 1, 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**

#### 07-01-15 ITEM

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

Donna Ring addressed the Board and asked questions regarding the remodeling of currently vacant space in the Government Building. She asked why the project was not itemized in the County budget. County Manager Zinser explained that the funds used for the project are in budgeted in the reserves. Commissioner Dutremble added that the project was also specified and voted on in the minutes as well as broken down in the County audit. He stated that this is the same procedure followed by York County towns and cities. Commissioner Dutremble also stated that the Commissioners are elected to oversee the money that is in the County budget. Ms. Ring responded that she did not feel this is a transparent way of doing business.

##### 2 TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS MEETING OF JUNE 3, 2015

Commissioner Dutremble motioned to approve the minutes of June 3, 2015.  
Commissioner Sinden seconded the motion. Vote 5-0.

**3 ABATEMENTS**

- a. Poverty abatement (heard in executive session pursuant to 1 M.R.S.A. §405(6)(F)-(discussion of confidential records)
- b. Commissioner Lovell motioned to enter into executive session pursuant to 1 M.R.S.A. §405(6)(F)-(discussion of confidential records).  
Commissioner Dutremble seconded the motion. Vote 5-0.

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

\*\*\*Details of vote taken by the Commissioners are located in the file of the party heard by the Commissioners.

- c. Property tax abatement denial appeal Hearing- Stephen McLean-Town of Limerick

Mr. McLean was sworn in by the County Manager. No representative of Limerick was present.

Mr. McLean explained that he appeared before the Town of Limerick Board of Selectmen to present his case. In his presentation to them he referenced an abatement granted to another landowner in Limerick at a February 14<sup>th</sup> meeting.

Commissioner Sinden responded to Mr. McLean that he was making a general complaint rather than presenting lots that were similar to his but assessed differently. Commissioner Sinden reminded Mr. McLean that the Limerick Selectmen made it clear that their decision granted at the February 14<sup>th</sup> meeting was a one time abatement and did not apply to all properties in Limerick.

Commissioner Lovell stated that the municipalities and the County have to follow State law.

Commissioner Sinden motioned to deny Stephen McLean's abatement request.  
Commissioner Cote seconded the motion. Vote 5-0.

**4 HEAR ANY REPORTS OF THE COMMISSIONERS**

None

**5 HEAR A REPORT FROM THE COUNTY MANAGER**

- a. General Discussion – LD 186 and what we can expect  
Commissioner Sinden moved that this matter be tabled until final legislation is passed. Commissioner Lovell seconded the motion.  
Vote 5-0.

## 6 OLD BUSINESS

- a. Deliberation and action on County Patrol Association Grievance (executive session may be necessary)

Commissioner Dutremble motioned to enter into executive session pursuant to consultation with legal counsel pursuant to 1 M.R.S.A. §405 (6) (E).  
Commissioner Cote recluded himself from the session. Vote 4-0.

Sheriff King and Chief Deputy Baran were present in the executive session. CPA President, Travis Jones and Past President, Mat Nadeau were also present.

Commissioner Lovell motioned to come out of executive session. Commissioner Dutremble seconded the motion. Vote 4-0.

Commissioner Sinden made the following motion:

- (1) that the grievance be granted to the limited extent of finding that there was a technical violation of Article 36 of the Collective Bargaining Agreement in that the Grievant was notified of the commencement of an official investigation two days after he should have been so informed, but that the contractual violation did not harm the employee and it does not justify any change in the discipline that was imposed; and
- (2) That the balance of the grievance be denied in its entirety; and
- (3) That the County Manager deliver to the Grievant and the Union, a written notification of this action which shall be deemed a confidential personnel record pursuant to 30-A MRSA §503(1).

Commissioner Dutremble seconded the motion. Vote 3-1 with Commissioner Lovell opposed and Commissioner Cote abstained from voting.

## 7 NEW BUSINESS

- a. Approve hiring of part-time DA personnel to fill vacancy

Commissioner Dutremble motioned to approve the hiring of Cheryl Graveline in the position of part time legal secretary in the District Attorney's office. (memo attached as record of the minutes).  
Commissioner Sinden seconded the motion. Vote 5-0.

- b. Approve hiring or Full-time DA position to fill vacancy- (*item withdrawn from agenda*)
- c. Approve hiring of part-time administrative support position

Commissioner Lovell questioned if there was enough work to support this position and recommended revisiting the position in November. The County Manager replied that this would coincide with her six month probationary period coming to an end. He added that the workload does exist.

Commissioner Lovell motioned to hire Cynthia Henigan based on a report prior to the expiration of her probationary period showing the continued need and continued funding of the position. Commissioner Cote seconded the motion. Vote 5-0 (memo attached as record of the minutes)

- d. Recommend moving part time Facilities Director position to full time status

Commissioner Lovell motioned to approve moving the part time position of Facilities Director to full time. Commissioner Sinden seconded the motion. Commissioner Dutremble interjected that technically the 2016 budget has not been approved by the Commissioners yet. Motion contingent on budget approval by the Commissioners. Vote 5-0. (memo attached as record of the minutes)

- e. Act on recommendation to grant a voluntary leave of absence of corrections officer- Sheriff King addressed the Board and stated that he approved and seeks approval from the Commissioners for this leave of absence.

Commissioner Lovell motioned to approve the leave of absence as requested. Commissioner Dutremble seconded the motion. Vote 5-0.

- f. Recommend Commissioners vote on 2016 budget as transmitted by the York County Budget Committee

Commissioner Sinden motioned to approve the 2016 budget as transmitted to the Commissioners by the York County Budget Committee. Commissioner Cote seconded the motion. Vote 5-0.

- g. Bid award for contract management process

The County Manager informed the Board that four companies were asked to submit bids for the project. Two out of the four companies responded. One stated that the project was too small and a bid received by the other. The construction management bid was awarded to Pine Brook Corporation. Commissioner Lovell asked if Pine Brook had done this type of job before. Facilities Director, Tim Amoroso, responded that yes, Pine Brook had done many such jobs.

Commissioner Dutremble motioned to award the construction management of the renovation project at the York County Government Building to Pine Brook Corporation. Commissioner Lovell seconded the motion. Vote 5-0.

- h. Discussion of CO's on leave

County Manager Zinser explained that he had sent out a census of County employees to the Commissioners. This prompted an inquiry as to why some corrections officers were on leave with pay since 2014. The Commissioners requested further explanation as to what the cost to York County was to have six officers on leave with pay.

Commissioner Sinden commented that he was deeply concerned by this information. He stated that three employees have been on leave at full pay and benefits for the last seven months. He addressed Lt. Col. Vitiello and asked how this could happen that employees can be on leave with pay for such a length of time. He continued by asking what kind of policy change needs to be made to prevent something this outrageous from happening again. Sheriff King replied that he is the boss of the corrections officers. The Sheriff added that the investigation was in depth and began in March of 2014. The Human Resources Director was also immediately brought in. Sheriff King reported that two officers resigned on March 20<sup>th</sup> and in September of 2014 the District Attorney brought forth indictments for the others. He relayed that there was a difference of opinion at the Sheriff's Department as to how to proceed in the criminal case. Commissioner Sinden questioned why weren't employer/employee disciplinary actions followed so that these officers would be working for their money instead of being out of work for seven months at a cost of \$125,855.50? The Commissioner questioned why there could not be administrative action for employees instead of relying on the courts? "Why did it have to cost so much when it could've been resolved quickly?" asked Sinden. "It was a management failure", stated Commissioner Sinden. Sheriff King replied that this was handled by the previous administration. He continued by stating that Commissioner Sinden's displeasure is wrongly placed. Commissioner Sinden asked for clarification that none of this leave with pay occurred after January 1, 2015 (when King became Sheriff). Sheriff King replied that the corrections officers would not agree to go on unpaid leave. Commissioner Sinden questioned who is in charge of taking administrative action. He added that it is a management call and it wasn't made.

i. Act on Sheriff's promotion requests for corrections staff

Sheriff King addressed the Board to recommend approval of promotions for two of his staff. He recommended the promotion of Colton Sweeney to Sergeant effective July 6, 2015 and Pete Turner to Corporal effective July 6, 2015.

Commissioner Dutremble motioned to approve the promotions as recommended by Sheriff King. Commissioner Sinden seconded the motion. Vote 5-0.

j. Act on Sheriff's request to hire a correctional officer

Sheriff King requested the re-hiring of Dillon Graffam who was previously employed with York County as a corrections officer. He requested a hire date of August 3, 2015.

Commissioner Dutremble motioned to approve the hiring of Dillon Graffam. Commissioner Sinden seconded the motion. Vote 4-1 with Commissioner Cote opposed.

k. Tax commitment for 2016

Commissioner Lovell approved the tax commitment in the amount of \$16,055,668.00 for fiscal year 2016. Commissioner Sinden seconded the motion. Vote 5-0.

l. Ratification of NCEU contracts (executive session may be necessary)

Commissioner Lovell motioned to enter into executive session pursuant to labor negotiations pursuant to 1 M.R.S.A. § 405 (6) (D). Commissioner Dutremble seconded the motion. Vote 5-0.

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

a. 2012 thru 12/31/14

Commissioner Lovell motioned to approve the ratification of the NCEU contract for the period of 1-2012 through 12-31-14. Commissioner Dutremble seconded the motion. Vote 5-0.

b. 1/1/15 thru 12/31/17

Commissioner Lovell motioned to approve the ratification of the NCEU contract for the period of 1-2015 through 12-31-17. Commissioner Dutremble seconded the motion. Vote 5-0.

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

Sheriff King addressed the Board and stated that he was concerned about LD 186 and its effects on the running of the jail. He suggested that the Commissioners go back to the Budget Committee and seek approval to raise LD 1 as we are "*leaving \$192,000.00 on the table.*" Commissioner Sinden clarified that we are "*leaving that money in the pockets of the taxpayer.*" Commissioner Sinden further clarified that we want County control of the jail back not to raise taxes but to do our best to not have tax shifts. He added that he would not support any further tax shift onto our taxpayers and that we have to tighten up our management procedures to get the jail operation back on track. Commissioner Sinden stated that that he believes one of the reasons that the jail consolidation failed is everyone thought of the State money as "free" money. He continued that we need to manage properly and get through the difficult times.

Commissioner Dutremble added that by law the budget cannot be re-opened once it is approved by the Budget Committee and the Commissioners.

Sheriff King replied that as he told the Commissioners previously (March 18<sup>th</sup> meeting) the numbers in the jail budget are artificially low and that he is concerned that he will be back before them suggesting layoffs. He added that without boarding opportunities, there is no way to get any income. Sheriff King further stated that he is concerned by the budget passed by the Commissioners.

Commissioner Sinden replied that the State will certainly have to revisit the question of boarding as who is going to board prisoners for free. He added that we will not board them.

Commissioner Lovell stated that he agreed with Commissioner Sinden's comments. County taxes cannot be raised as it represents a hardship on some less fortunate families. We need to work smarter.

Sheriff King commented that he has harassed the District Attorney's office since January 1<sup>st</sup> to attempt to find out what was going on with the cases for the indicted officers. He added that since his term began, two employees have left the Sheriff's Department, six corrections officers had obtained their level three certifications and long time employees have been recognized.

The Sheriff continued that while he found it unfortunate that the Budget Committee did not see the necessity of giving his department more deputies, they did recommend a study be done. He has found someone to perform a complete analysis at a cost of between \$25,000.00 to \$30,000.00.

Donna Ring addressed the Board and suggested there be a public comment period after each new item. She further commented that she was concerned that the Facilities Director position should have been posted when it went from part time to full time. It is her belief that this is a violation of the Equal Employment Opportunity Act. The County Manager replied that this change from part time to full time status was discussed and approved by the Commissioners at a previous meeting.

Audience member, Susan Wiswell, stated that she has the minutes of April 15<sup>th</sup> at which this item was discussed.

Deputy Mat Nadeau addressed the Board and voiced his concern over the position the Commissioners took on not raising the budget for the Sheriff's Department to allow for the hiring of more deputies. He stated that there should be no price tag on deputies and corrections officers' lives.

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).**

a. 1 M.R.S.A. § 405 (6)(D) labor negotiations update.

Commissioner Lovell motioned to enter into executive session. Commissioner Cote seconded the motion. Vote 5-0.

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

**10**

**ADJOURN**

Commissioner Sinden motioned to adjourn. Commissioner Cote seconded the motion. Vote 5-0. Meeting adjourned at 7:06 p.m.