

COMMISSIONERS REGULAR MEETING

December 16, 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, December 16, 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

12-16-15 ITEM

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

2 TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS MEETING OF DECEMBER 2, 2015

Commissioner Dutremble motioned to approve the minutes. Commissioner Cote seconded the motion. Vote 4-0. (Commissioner Sinden not yet present.)

3 TO HEAR ANY REPORTS OF THE COMMISSIONERS

Commissioner Cote mentioned that he and Commissioners Chandler and Sinden had attended the meeting held by the legislative delegation and that he thought it was a good meeting.

4 TO HEAR TAX ABATEMENT DENIAL APPEAL (Roger LePage of Newfield)

Robert J. Gingras was present representing the Town of Newfield. He was sworn in. He explained that the town's position was as follows: a re-evaluation was completed in 2015. Mr. LePages' property has 505 feet of waterfront but he is charged for only 80 feet.

Commissioner Cote confirmed that he read in documentation distributed that the appraiser met with Mr. LePage and lowered his property taxes and is this where the lake frontage came into play.

Mr. Gingras replied yes and that Mr. LePages' property was originally taxed on a value of \$327,000.00 and was reduced to \$310,600.00. The County Manager asked if Mr. LePage had ever presented an appraisal to the Town. Mr. Gingras replied that he had not even though Mr. Gingras had recommended to him that he do so. He added that Mr. LePages' biggest complaint was the increase in taxes and that he can only assist with evaluation. The Town had actually lowered the values on all of Balch Lake.

County Manager Zinser explained that Mr. LePage did raise questions to unjust discrimination and that he was being singled out but that he did not provide any evidence to back up the claim. Commissioner Cote agreed and stated that since he is not present, no questions can be posed to him. He added that the Commissioners' responsibility is to find out if the town has done anything they shouldn't have done on their assessment.

Commissioner Dutremble motioned to deny the property tax abatement denial appeal of Mr. Roger LePage. Commissioner Sinden seconded the motion. Vote 5-0.

5 TO HEAR ANY REPORTS OF THE COUNTY MANAGER

None

6 OLD BUSINESS

- a. Update on employee given emergency leave of absence- (heard at the end of the meeting in executive session)
- b. Review of part-time administrative support position- The County Manager explained that the person is very much still needed as the employee who formerly worked in this position full time now works in EMA part time and in this position part time. Commissioner Lovell clarified that she is now permanent part time. The County Manager replied yes.
- c. Approval of Agreement with Limington for Contract Deputy- Limington Selectman Bruce Rozett addressed the Board and urged their approval of the contract as their fiscal year ends in December. He explained that they obtained their contract deputy as part of a three year grant agreement that former Sheriff Ouellette had obtained. The grant expired in May and he contacted the Sheriff's Office in January to understand the costs so that a warrant article could be prepared. The Article was approved by voters and they waited to receive a copy of the contract which they received in July. At that time, Mr. Rozett stated that they were surprised to receive a four year contract with a cost 10% higher than what had been appropriated. At that time, the contract was returned unsigned. The Selectmen then met with Commissioner Chair Chandler and County Manager Greg Zinser.

They then received a new contract with no substantive changes so they returned it unsigned. He stated that they informed the County that the municipal officers had intended to not put a warrant article to vote to renew the contract deputy next year. Mr. Rozett continued that their dealings with the Sheriff and Chief Deputy were open, honest and productive and that they were less than satisfied in their dealings with the County after the subsequent meeting. He continued that they are not renewing their contract which they feel is unfortunate as the contract deputy program is great and they would love to have a continuation of this program. Mr. Rozett stated that he feels the Commissioners are making a strategic error in not making the program attractive for small communities.

Commissioner Sinden asked Mr. Rozett if he was suggesting that the County was making a profit on the contract deputy program as all the County is doing is recovering its costs. Otherwise, other towns would be subsidizing your community policing. If you cannot afford to do it for the cost of community policing," *I don't know what the solution is as every town is strapped for money*", stated Commissioner Sinden. He added that the security of the Town is the Limington Selectmen's responsibility; not the County's.

Mr. Rozett replied that he did not mean to imply the County was making a profit, just that he was surprised with the increase as there had been no communication and in the meantime, it was discovered that the contract has to be between the Town and the Commissioners not the Sheriff.

Commissioner Cote commented that he believes the statute states that any contracts the County enters into have to be for the real costs. The big issue is, continued Commissioner Cote, that the contract deputy costs have been "low balled" for a long time. Also, there has been a misunderstanding for several years as to who should negotiate the contracts. It is the Sheriff's job to figure out what type of policing a town needs and then the County Manager puts a cost to it. We need to correct errors made in the past stated Commissioner Cote.

Commissioner Lovell asked for clarification on what contract was being discussed. The County Manager explained that the agreed upon amount of the Limington contract is \$83,000.00 but that does not cover the entire costs of the deputy.

Commissioner Lovell clarified that the concern is for next year then. Commissioner Sinden commented that the Town was walking away from the program. Commissioner Lovell asked to see the numbers for the next year. Commissioner Sinden again stated that they have decided and informed us that they are walking away from the contract deputy program so why are we working on a contract? Commissioner Lovell replied that he is concerned as to why they are walking away and that Selectman Rozett told them that they are meeting on January 23rd so why can't the Commissioners try to understand this.

The County Manager commented that when he and Commissioner Chandler met with Mr. Rozett and the other selectmen, there were a lot of concerns raised by the Selectmen of Limington. He added that in the end, one of the issues was the Selectmen were concerned that if the cost was \$91,000.00, the Selectmen were concerned the warrant article would not pass. Mr. Zinser stated that it was still costing the County \$10,000.00 to cover the costs of this Limington contract.

Commissioner Lovell stated that it sounded like to him that Mr. Rozett had stated that there was an interest in continuing the contract deputy program but that the 10% hike in the cost is a bit high. Commissioner Sinden asked Mr. Rozett if he has any interest in looking at a new contract with the true cost of a deputy for next year? Mr. Rozett responded that they would look at a new contract but that the \$83,000.00 for the current contract passed on a 3-2 margin. At \$92,000.00, none of

the Selectmen feel it would pass. He mentioned that another issue was that they are given an estimated payroll liability number and need a firm number.

Commissioner Sinden commented that this is not a tax increase; this is raising the bill to the actual cost to all the towns in the county. Other towns are tired of subsidizing and we shouldn't be doing it as we have no authority to do so.

Discussion continued and the Sheriff stated that the contracts are always with the Commissioners. They have been dealing with this contract for years according to Sheriff King. The Town of Limington had a grant for half of the contract deputy costs and they paid the remainder. Once it became their full responsibility, they doubled the amount they had been paying. The Sheriff continued that this is the first year that the County has said that is not the number and raised it. Why wasn't the number higher when the Fed's were paying half, asked the Sheriff. He stated that while he understands the Commissioners are trying to recoup the entire costs, he feels it's too drastic of a raise for them. He stated that he did advise the County Manager and that's when the Manager started thinking about changing all of the contracts. The Sheriff went on to state that Waterboro and Arundel also have concerns. He added that he has been meeting with other communities to see if they will perhaps split a contract deputy. Sheriff King commented that he respectfully disagrees with Commissioner Sinden and feels that Limington and our other good partners supplement the Sheriff's Office. He ended with stating that he is elected to provide policing services to the towns.

Commissioner Sinden stated that under Home Rule, every town is responsible for their own town. It does not fall to the County to be responsible.

Commissioner Dutremble reminded all that we need to approve the current contract and can discuss the other contract later.

Commissioner Sinden motioned to approve the Limington Deputy Program contract at \$83,000.00. Commissioner Dutremble seconded the motion. Vote 5-0.

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NEW BUSINESS

- a. The Commissioners agreed to hear a poverty abatement denial at their January 6, 2016 meeting.
- b. Elect MCCA Representative and Risk Pool Director for 2016.

Commissioner Lovell nominated Commissioner Cote. Commissioner Dutremble seconded the motion. Vote 5-0.

Commissioner Lovell volunteered to be an alternate. Commissioner Sinden also stated that he could be available to attend.

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).

a. Discussion pursuant to 1 M.R.S.A. §405 (6) (A), personnel issues
Commissioner Lovell motioned to enter into executive session. Commissioner Sinden seconded the motion. Vote 5-0.

Sheriff King, Lt. Col. Michael Vitiello and Linda Corliss were present for the executive session.

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

Commissioner Sinden motioned that the request to grant an additional two weeks leave for the employee be granted. Commissioner Cote seconded the motion. Vote 5-0.

DISCUSSION: County Manager Zinser informed the Board that the Sheriff had sent him an e-mail requesting several items be heard in executive session but that he did not believe they qualified to be heard. He asked the Sheriff to explain why he requested an executive session. Sheriff King replied that the subject was dealing with special deputies vs. part time deputies and it was not appropriate to discuss in public session as the changes had not been discussed with the deputies yet. The County Manager responded that there is not a statute that covers this item. He explained that the issue dealt with the practice of swearing in deputies and the associated liability should they go over boundaries. County Manager Zinser continued that under the legislative change to 30-A, a local board can put statewide authority onto their officers. The County would assume no liability. Moving forward, the Sheriff has two options either get approval from each town or city council or swear in the officers and have them sign an agreement indemnifying York County from any liability.

Sheriff King commented that there is a long standing practice of York County swearing in deputies so there may be push back. Therefore, he wanted to make the Commissioners aware of this item and get their buy in. He felt it was inappropriate for public discussion and requested the discussion end.

Commissioner Cote commented that it has been a tradition for years to deputize area law enforcement officers and that the Sheriff might want to tell them prior as a good will gesture.

10 ADJOURN

Commissioner Lovell motioned to adjourn. Commissioner Dutremble seconded the motion. Vote 5-0. Meeting adjourned at 5:30 p.m.