

COMMISSIONERS REGULAR MEETING

January 21, 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, January 21, 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

01-21-15 ITEM

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

- 2 HEAR M.S.E.A. GRIEVANCE (may be in executive session pursuant to 1 MRSA §405 6A)**

Astrid Marshall advised that she wished her grievance to be heard in public. Donna Ring, MSEA Steward, addressed the Board and stated that there is a lot of information contained in the County Manager's response letter that Astrid disagrees with. She informed all that Astrid would like to comment on the letter from the County Manager. Astrid addressed the Board. She explained that she is the LEPC Planner for York County and that she also works for the Probate court. Astrid stated that she believes the response from the County Manager to her grievance is personal as contained in the response is information about her personal life. She continued that on August 9th she was hired for the Hazmat position in which she

would work 15 hours a week. Astrid continued that the Probate Court position was a Union position posted at 16-20 hours per week. She believed the expectation of the Probate Register was that she would work 4 hours a day. This combined with her EMA job would make her job full time so that she would get full time benefits. She added that, in her opinion, this was the Acting EMA Director, Dave Francoeur, Register of Probate, Carol Lovejoy and H.R. Director, Linda Corliss' positions. There was never a discussion that benefits would be an issue, according to Ms. Marshall. Ms. Marshall went on to state that the Probate position decision was unilaterally changed the day she signed up for the Probate court part time position. *"This was brought to my attention while I was filling out paperwork. The H.R. Director stated that she misspoke. I didn't know what to say. There was no red flag during the posting process, during interview process or the offer."* stated Ms. Marshall.

She continued that, she then had a meeting late in 2014 with York County's H.R. Director in which she made it clear to her that any hours she worked over 29 hours would get her in trouble with the Union. Ms. Marshall continued, *"I was new- I didn't know anything about Unions. I was afraid; I did not want to get into trouble. I was in tears in her office. I was going to intensive training so I would be over 29 hours for 2 weeks in a row. She made up a schedule that would include comp. time."* stated Marshall.

She continued that Ms. Corliss explained to her that the two positions would be combined. During this meeting, Astrid stated that she had no representation by her Union Representative.

Ms. Marshall continued that she had a meeting again without Union representation when the County Manager asked her to come and talk to him. She added that she did not think this was a formal meeting and that the H.R. Director was present also. Astrid stated that she had no inkling what the meeting was about. At this meeting it was reiterated to me that if I worked more than 29 hours, the Affordable Care Act would kick in. According to Astrid, the County Manager told her that she did not have to accept the offer. Ms. Marshall stated, *"What I accepted wasn't the offer." "In the 11th hour those hours were reduced."* she said. Ms. Marshall continued that the correspondence from the County Manager and the Human Resource Director cover a lot of ground and a lot of it was personal. Astrid stated, *"I gave this information so they would know it wouldn't interfere with my County jobs. I stumbled upon my Union representation. I then understood there were some things I didn't understand. I am just trying to get what I was offered: 2 part-time positions to get combined so that I get benefits. Again, this was the goal of the Probate Register, the Acting EMA Director and the H.R. Director."*

Donna Ring addressed the Board again regarding the denial of grievance based on the following points: **"not filed in timely manner"** Donna disagreed and stated that she was unaware that there were any changes made in the original posting until mid October. The other disagreement was the Union can only speak to the Probate portion (Union) which was posted as a 16-20 hrs a week. While she agreed, she asked who represents the Non-Union employee who is a County employee. The EMA job was posted for 15 hours and the Federal Insurance Plan says you have to offer insurance to Ms. Marshall. This is the clear reason why the position was reduced, stated Ms. Ring. She continued that Ms. Marshall was offered the two

positions. Ms. Ring went on saying that they were told that our insurance company stated that employees need to work 30 hours in order to receive insurance. *“We now know this isn’t true as others are getting insurance who do not work 30 hours a week. Who reduced Astrid’s hours and why? The Department Heads did not request these reductions in hours”* stated Ms. Ring.

Commissioner Cote questioned what changed from the original posting. The County Manager replied that the original posting hours were changed before the offer was made. Commissioner Sinden asked for clarification from Ms. Ring that the MSEA is not making any claim for the EMA position per se and that they (MSEA reps.) are there to represent the Probate position only. Donna Ring replied, *“We represent the MSEA position but we also represent the employee. Someone represents them.”* Commissioner Sinden continued and asked Ms. Ring if she was in agreement that in the future if something came up with this person with her EMA position it would not be covered by the contract. Donna agreed. Commissioner Dutremble questioned if there was a probation period. Attorney O’Brien clarified that there is no provision in the MSEA Union contract that a member cannot file a grievance in the first six months. Commissioner Cote asked for clarification on whether or not the original date of hire for the two jobs was at the same time. The County Manager stated that they were not and that the Probate position was something she put in for later. Commissioner Lovell asked the County Manager whether he was aware that when Ms. Marshall was interviewed for the Probate position she was already a County employee. The County Manager replied that yes he was and that several County employees were being interviewed. Commissioner Lovell asked if there were any other positions like this. County Manager Zinser responded not that he was aware of.

Commissioner Sinden motioned to enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (E) (consultation with legal counsel). 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.

Commissioner Lovell motioned that since he did not receive the materials relating to the grievance and because of the sympathetic case and weightiness of material, he would like to table a decision until the next Commissioners’ meeting so that he can review the material. Commissioner Sinden seconded the motion. Vote 4-1 with Commissioner Dutremble opposed.

3 HEAR TAX ABATEMENT DENIAL APPEAL (Ann Doiron-Berwick)

Ann Doiron, her daughter and son in law (Arleen and Jeff Berry) and Mr. McKinney, certified appraiser, contracted by the Town of Berwick, were sworn in by County Manager, Greg Zinser. Mrs. Doiron explained that her house sits on one side of property and land with a garage that has an apartment above it on the other side. She also stated that she used to always get one tax bill but that at some point in the 1970’s the town divided the land and she receives two property tax bills. A public road divides her properties. She clarified that she is contesting the land value only. Arleen (daughter) Berry spoke and wondered if her mother’s property should’ve been grandfathered? She questioned the huge jump in property taxes

from 2006 in which taxes were \$27,300 and then the next year the property taxes jumped to \$84,600. Mrs. Berry explained that her mother has tried to sell property. A site evaluator states it is not buildable and the Town shows it as wetlands. Son in law, Jeff Berry addressed the Board and stated that their concern is the enormous jump in property taxes from one year to the other. He added that the vast majority of the parcel is a swamp. There was a small buildable lot in the rear of the lot but it was deemed unfit for a separate septic system. The properties share a septic system.

Assessor McKinney explained that the first acre is taken out (Doiron's house site) and that the remaining 6.45 acres is valued differently. 40% was taken off the value of this remaining land as it is wet. Mrs. Doiron referenced abutting property that is 13.5 times larger than hers but his valuation is only 2.5 times higher. Commissioner Sinden asked the assessor if the other large parcel that Ms. Doiron mentioned is similar on per acre value. Assessor McKinney responded that he was not sure but that it would be valued the same way- take one acre out and then an acreage discount (gravel pit). Commissioner Sinden responded that still is such a drastic difference. Discussion ensued on the percentage of the lot considered wetlands. Commissioner Cote questioned whether or not taxing Mrs. Doiron's property as one lot as it had originally been, had been looked at. Assessor McKinney replied that he cannot say that had been looked at but that the property was on the market and advertised as a separate lot. He added that the Town considers it a separate lot. Commissioner Cote wondered that in light of the site evaluation that shows some detrimental effects (wetland), these folks have a right to question that. Assessor McKinney stated again that the Town is valuing the site that the house is on as they do every other site in town and that they are not putting a lot of value on the wetland. He said that he can take a look at this as the report did not give me any percentages. Commissioner Sinden stated that there is still the possibility of billing for simply one lot. It appears State law allows for this. Who would make this decision? Assessor McKinney stated that the selectmen would. Commissioner Sinden asked Mrs. Doiron if she had brought this request to the assessor. Mrs. Doiron replied that she had appealed her property tax bill a couple of times. Commissioner Sinden asked if there is a manual, set of policies regarding valuations in town, buildable, non-buildable as well as written policy concerning this question of a road dividing a property. Mr. McKinney explained that a revaluation had been done in Berwick in 2006 and yes, he does have a manual. He added that the Town of Berwick is at a 108% ratio right now so all properties in town are over valued. I'd have to look at town statutes to see if there was any information regarding the road division of property (lots). Commissioner Sinden replied that he would like to see if there was such information.

Commissioner Dutremble motioned to table the Hearing as he believes there is room for negotiations with both sides. Commissioner Cote seconded the motion. Commissioner chair Sallie Chandler clarified the motion for the parties. She stated that the Commissioners urge all present to get together with the Town of Berwick CEO and attempt to come to a reasonable conclusion. Mr. Berry explained that Mrs. Doiron had met with the Assessor and the CEO and was dismissed with extreme prejudice. Mr. McKinney stated that was a different assessor who had not personally assessed her property. Commissioner Cote added that the Commissioners are asking also for the Assessor to give us more information and look at all this before we can make a proper determination. He advised the property owners that they don't have to sit down with the Town Officials but that he thought

it would be a good idea. He added that the Assessors are the Selectmen and they will make the decision. Commissioner Lovell added that Mrs. Dorian needed to show the rent as well as expenses she has incurred on the apartment above the garage. Vote 5-0.

The tax abatement denial appeal Hearing will resume at the next Commissioners' meeting to be held on February 4th at the York County Government building.

5 min break.

4 TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS MEETING OF JANUARY 7, 2015

Commissioner Cote motioned to approve the minutes. Commissioner Dutremble seconded the motion. Vote 5-0

5 HEAR ANY REPORTS OF THE COMMISSIONERS

None

6 HEAR A REPORT FROM THE COUNTY MANAGER

a. Discussion of unified vision for County jail

The County Manager addressed the Board and stated that it is important for the County, including the Sheriff, to decide what we want for the future of the County jail. He added that three bills have been submitted and that he hasn't seen the wording. Out of this meeting tonight, County Manager Zinser remarked, he would like established what we would like our jail to become and develop this and put this in writing and put it out to our delegation, invite them to the jail and provide them with a tour and dinner, as well as a power point presentation outlining our issues. He reminded all that our delegation was informed back in May that our preferred method was to return the jail to the County. So, we are already on record. He recommended that a set of statements (points) be sent to our delegation.

Item #1. Return York County jail back to York County.

Item #2. We are not in favor of a hybrid system as we don't think it would be in our best interest. Why would we want to operate with the County \$8.2 million and the State "promising" to contribute \$1 million . We will still have the BOC controlling everything we do.

Item #3. We would request all of the revenue that the State took from us be returned in full. The County Manager cautioned that we should not assume we would necessarily be making \$2. million like in 2006 as our own population is higher now. Therefore, boarding of prisoners at the same rate as in 2006 could require opening the vacant pod but we were making money in 2006. Mr. Zinser referenced definitions of the various jail revenues prior to the State takeover given to him by Lt. Col Vitiello.

Item #4. Items that need clarification. The big issue we face is the boarding rates which are currently \$22.00 per day. The actual inmate boarding cost is \$75 to \$85 per day. We automatically have a loss when we take State boarders. The previous administration did not want to take in boarders. Our jail is already at full capacity so if jail control returns to the Counties, are we going to be able to make money on boarding? The County Manager stated again that we will not unless we open the other pod. We need to address the County's ability to board.

Item #5. We need to clarify what agency is responsible for the medical costs. We pay now. I believe these costs should be absorbed by the sending agency. Lt. Col. Vitiello clarified that when the jail was under County control any non-routine services were paid by the sending agency.

Commissioner Sinden added that there are also a couple of other points we need to make clear to our delegation. According to Commissioner Sinden, Ryan Thornell of the BOC, has stated that initial motivation for State jail consolidation was to relieve local property tax payers from the tax burden of funding their jails. He continued that this was not true in York County. In fact, York County tax payers, through operations of our jail, enjoyed quite a bit of tax relief.

Commissioner Sinden mentioned a recent article in the Sun Journal in which Senator Gerzofsky stated that one of the original reasons behind consolidation was to stop the Counties from using the jails as cash cows. Commissioner Sinden disagrees as the citizens of York County bonded to pay for jail, not the State. This income was available to fund other County functions as well as used to fund the criminal justice system in York County. He stated that this is nobody's business except those from York County. He added that it certainly is no business of a Senator from Cumberland County. Commissioner Sinden continued that there is no reason other than the desire for them (the State) to get their hands on this cash. He finished by stating, "*We've already established our position once. Let's stand by it. The whole thing needs to be undone- the money, medical billing, etc. Put it back the way it was and let it move forward.*"

Commissioner Dutremble reminded all that in 2008, the County of York Commissioners were the only ones who objected to this legislation (consolidation). "*We were labeled renegades. We were generating an average of \$1 million. Let's get back to where we were before.*" stated Commissioner Dutremble.

Commissioner Cote stated that the Counties own the jails. Secondly, he asked how many State troopers, Game Wardens, etc. bring prisoners to our jail? Sheriff King responded that a lot of prisoners are brought by them. Commissioner Cote replied that this is the mistake the State is making by not remembering there are not just County prisoners in County jails.

Commissioner Chair Sallie Chandler recapped the process in that the County Manager will draft a statement with our points, letters containing these points will be sent to the delegation. She added that she feels it is a good idea to tour the jail.

The County Manager asks Sheriff King if he would like to add anything. The Sheriff added that we run a great operation with a good administration.

b. Introduce Sheriff King to recommend approval for hiring of Major's position

Sheriff King gave an overview to the Commissioners. He stated that twenty seven (27) people applied. Out of those, five (5) of the best qualified were interviewed. Paul Mitchell from Fairfax VA rose above everyone else. The Sheriff commented that Mr. Mitchell is anxious to get back into police work. Commissioner Cote sat on the panel and stated that Mr. Mitchell impressed him as someone who will do a good job and be dedicated to the agency and County. Sheriff King informed all that his hire date is February 2, 2015.

Commissioner Cote motioned to approve the hiring of Paul Mitchell for the position of York County Major. Commissioner Dutremble seconded the motion. Vote 5-0

c. Review Sheriff's request for recommendation for termination of corrections officer. (executive session required pursuant to 1 MRSA § 405 6A)

Commissioner Sinden motioned to enter into executive session pursuant to 1 MRSA § 405 6A (personnel matter). 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.

Commissioner Sinden motioned to continue the Hearing until the next Commissioners' meeting on February 4, 2015. Commissioner Cote seconded the motion. Vote 5-0.

7 NEW BUSINESS

8 OLD BUSINESS

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

None

10 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).

11 ADJOURN

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