

COMMISSIONERS REGULAR MEETING

September 6, 2017

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, September 6, 2017 A. D. at 4:30 P. M.

COMMISSIONERS PRESENT:

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

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

- 09-06-17** **ITEM**
- 1** **PUBLIC COMMENT(S) ON ANY ITEM(S)**
None
- 2** **TO APPROVE THE MINUTES OF THE AUGUST 2, 2017 MEETING**
Commissioner Dutremble motioned to approve the minutes. Commissioner Cote seconded the motion. Vote 5-0.
- 3** **TO APPROVE TREASURER'S WARRANTS**
a. Warrants dated 8-2-17 in the amount of: \$287,504.24
Commissioner Clark motioned to approve the warrant. Commissioner Cote seconded the motion. Vote 5-0.
b. Warrants dated 8-9-17 in the amount of: \$334,499.54
Commissioner Clark motioned to approve the warrant. Commissioner Cote seconded the motion. Vote 5-0.
c. Warrants dated 8-16-17 in the amount of : \$519,230.72
Commissioner Clark motioned to approve the warrant. Commissioner Cote seconded the motion. Vote 5-0.

- d. Warrants dated 8-23-17 in the amount of: \$407,563.01
Commissioner Clark motioned to approve the warrant. Commissioner Cote seconded the motion. Vote 5-0.
- e. Warrants dated 8-30-17 in the amount of: \$1,233,120.02
Commissioner Clark motioned to approve the warrant. Commissioner Cote seconded the motion. Vote 5-0.

4 TO HEAR ANY REPORTS OF THE COUNTY COMMISSIONERS

A. Commissioner Cote-re-appointment on the County and Municipal Detention Facility Advisory Committee

Commissioner Cote informed all that he had been reappointed to this Committee for a one year appointment from August 2017 to August 2018.

5 TO HEAR ANY REPORTS FROM THE COUNTY MANAGER

a. Report on discussion with Hollis select board regarding contract deputy

County Manager Zinser informed all that he met with Town of Hollis Select board on August 23rd to discuss their desire to have a contract deputy in their town. He added that he is asking the Commissioners for guidance as he has some concerns. Mr. Zinser stated that it was a good meeting and that the Hollis Board is very enthusiastic to bring a contract deputy into their town. They've asked for another meeting with him and the Sheriff. The County Manager continued that while generally, the Commissioners look favorably on towns wanting to be part of the contract deputy program, this one presents a little bit of a challenge as this is not a town now patrolled by York County.

"Part of the discussion will need to be about how we approach this regarding manpower", stated County Manager Zinser. He added that he did advise the Town that he would be bringing this to the Board. One of the issues is how many deputies we think we will need to have a contract approach in the town as the Town of Hollis is currently patrolled by the State Police. We assume the State Police would cease patrol of Hollis. Another concern the County Manager has is what type of volatile situation the County might be getting into. He explained that Hollis has requested costs for a deputy in the past and the contract deputy has been turned down by the town. The town has a TIF document and it gives the authority to address public safety. It is possible the authority of selectmen to contract could be removed from the TIF by vote of residents or other means.

Commissioner Lovell commented that Hollis is one of his towns and is adjacent to Limington and Waterboro where we have contract deputies. The Hollis Board would like to have real patrol as the State police, in their (town of Hollis) opinion, don't pay much attention to their town but will assign a detail once in awhile (speed) after the town submits a request for it. Dayton has over six State Police that live there so it is much more heavily patrolled. Commissioner Lovell agreed with taking a close look at this as TIF funds are an issue. He continued that there is an Active Citizens group in Hollis that meet regularly with the Select board. Some members are in favor of the contract deputy and others don't want a regular patrol.

Commissioner Sallie Chandler stated that her problem is manpower. Commissioner Clark added that he also has concerns with current manpower and the difficulty we have hiring qualified people. He asked what if the State Police withdraw and in some point in the future, it is decided to not fund the deputy; what is our obligation?

Commissioner Cote asked what if we take over Hollis and something goes wrong, we are probably stuck with them. He recommended the Manager should talk with Lt. Ross from the State Police regarding this concern. Commissioner Dutremble added if they want 24/7 coverage, they will need more than one deputy.

The County Manager replied that the TIF agreement will have to be reviewed to see what is allowed and what is not allowed (within and outside the TIF district).

Typically, the Town meeting is the final word.

Sheriff King approached the Board and stated that he felt all were getting a little ahead of themselves. He informed the Board that he had an initial conversation with the Hollis Select board regarding the feasibility of the contract deputy program. He told them because it is a new town they'd need three deputies. The Sheriff added that it was then agreed on there would be two deputies with the expectation that we would reevaluate. The Sheriff stated that there were 4200 calls per year the last time York County patrolled Hollis. Sheriff King stated that staffing levels are his responsibility- not the Manager's concern or his job. He added that we have dealt with the Maine State Police with a call share agreement. Due to the TIF, he stated that he also spoke with Hollis selectmen and told them York County would want to go with a five (5) year contract. Sheriff King added that he was not given the letter from the Union. He also stated that we can see if the State Police will switch towns.

6 GRIEVANCE HEARING-NCEU (may be in executive session)

Removed from the agenda (Manager stated that this will move forward at next meeting if need be.)

7 NEW BUSINESS

a. Introduce H.R. Director, Linda Corliss to seek approval to transfer Gayle Munro (currently part time administrative assistant in Manager's office) to part time H.R. clerk. Linda Corliss addressed the Board and requested a start date for this transfer of October 2nd. She added that this position was approved at the last budget process. Commissioner Lovell motioned to approve the transfer of Gayle Munro to the part time H.R. Clerk effective October 2, 2017. Commissioner Cote seconded the motion. Vote 5-0.

b. H.R. Director, Linda Corliss to seek approval of hiring Richard West in the part time custodian position. Ms. Corliss explained that this is a newly funded part-time position approved in the budget process. She requested a September 11th start date. She explained that there were no external candidates for this position. Commissioner Cote motioned to approve the hiring of Richard West effective September 11, 2017. Commissioner Clark seconded the motion. Vote 5-0.

c. Request approval of Parsons field contract deputy-
Commissioner Cote motioned to give the Manager permission to approve the Parsonsfield and second Arundel contract deputy. Commissioner Dutremble seconded the motion. Vote 5-0.

d. Request approval of second Arundel contract deputy (included in motion in item c)

e. Sheriff King to seek vehicle bid approval for (6) SUVs in budget-
Commissioner Lovell moved to accept Arundel Ford's bid of \$28,985.00 per vehicle. Commissioner Dutremble seconded the motion. Vote 5-0.
Commissioner Cote asked if these vehicles will be used for patrol. Sheriff King replied, yes.

- f. *Discussion with Sheriff King on deputy FBI task force position (taken out of order as County attorney not yet present) Heard after second executive Session.*

Sheriff King is asked to explain the FBI MOU. He stated that he entered into a preliminary agreement and that he signed it so background checks could be performed. Sheriff King continued that there are currently deputies in the Marshall Service and he is continuing a practice that has long been established for York County. Commissioner Clark asked where the deputy will physically be. Sheriff King replied that the discussion answering that would have to be in executive session. Commissioner Clark clarified that he simply wanted to know where the deputy would be working. Sheriff King responded that the deputy would report to the FBI office in Portland for three days and two days at the York County Sheriff's Office. The thought is the deputy will be working on cases in York County the Sheriff said. Commissioner Clark asked if any compensation would come from the FBI. The Sheriff replied that the deputy will be provided with a vehicle and overtime. Commissioner Clark clarified that 60% of this deputy's time will be spent outside of York County? Sheriff King commented that he will work on federal level cases that most likely will be in York County. Commissioner Clark stated that there has been a lot of discussion surrounding the contract deputies and the statute and who pays for what. This (FBI task assignment) is taxing the people to provide a service outside of the county. Sheriff King replied that Commissioner Clark is assuming the job will be outside of the county and that is not accurate. This is an opportunity for us to assist the entire county in serious high level investigations, stated Sheriff King. Commissioner Clark commented that when we pay for deputies he expects them to work in the county. He continued that the Sheriff has stated in Budget Committee meetings that his department is understaffed and now he wants to send someone somewhere else. Sheriff King replied that more than likely they will have some work in York County as that is why they wanted a York County deputy. The Sheriff explained that the County is getting a force multiplier. Drug cases all have tentacles in other states as well as lots of seizures that help us with asset sharing.

Commissioner Lovell commented that this matter is a complex arrangement. He added that the budget authority rests with the Budget Committee and the contracting authority rests with the Commission. We have a concern that we haven't seen a contract to approve. It has to be approved by the Commission to be a valid contract. Commissioner Lovell asked the Sheriff when he planned to present the contract to the Commissioners so they could identify whether they feels it is an appropriate approach for the County to take. Sheriff King replied that they need to do a background check on the applicant. Sheriff King stated that sole statutory authority rests with him. Commissioner Lovell responded that the contract authority is with the Commissioners. Commissioner Cote stated that the Sheriff presented a contract for the MDEA position and we approved. Why didn't you do it this time? Sheriff King replied that he signed an MOA not a contract. Commissioner Cote asked who will take this person's place when they are not here. The Commissioners are looking at this as a contract which they have authority over. Sheriff King replied that he is assigning a deputy which is his authority. This will increase our ability to work on major crimes. Commissioner Dutrumble stated that the Memorandum of Agreement is still a contract and the Commissioners have to see it to authorize it. Sheriff King replied that he sent it to the Manager. The County Manager stated that he had voiced to the Sheriff a few times that it has to go to the Commissioners and that assigning a deputy to the FBI is a diversion of county funds. Budget process does

not allow this. The Commissioners have the sole authority to approve all contracts in the County. They have not seen anything at this time as you have not presented me with a signed version. There could be many different versions. Is there a signed version? Sheriff King stated that he thinks the Commissioners are wrong and that the authority rests with him. The erosion of the State constitution has been highlighted tonight, stated Sheriff King. The Commissioners requested to see a signed version. Commissioner Clark added that he would like to see the contract before someone signs it as it is County money and a county employee. He asked the Sheriff if this (FBI task force position) was presented to the Budget Board. Sheriff King replied, "Why would need to do that? This is a task assignment." Discussion continued. Commissioner Chair Sallie Chandler requested the discussion cease. She informed Sheriff King that he is not authorized to sign a contract or an MOU. She further stated that until the Commissioners see the document, they ask the Sheriff to cease and desist any further discussions with the FBI. Sheriff King requested money in his budget for legal representation. Commissioner Lovell requested the County Manager distribute a copy of the unsigned MOU to the Commissioners thus allowing them to look at that document. The County Manager replied he will do so.

g. Schedule 2nd annual Spirit of America Awards-recommend 11-15 at 3:30 (prior to regular meeting)-. Commissioners are fine with this date. H.R. Director, Linda Corliss requested that perhaps the employee recognition ceremony also be held that afternoon.

8

OLD BUSINESS

a. Commissioners to approve Findings of Facts for Sullivan tax denial abatement appeal-

Commissioner Clark motioned to approve the Findings of Facts. Commissioner Lovell seconded the motion. Vote 5-0.

b. Jail Medical Contract-authorization to negotiate with bidder of jail medical contract -The County Manager reminded the Commissioners that a couple of meetings ago there was a discussion about a big cost increase with the jail medical contract so it was decided to go out to bid. He requested the Commissioners rescind their prior vote approving an informal procurement process and tell us to follow the formal bidding process. The second part of the request will allow us to enter into negotiations with one lone bidder. The price is \$260,000 higher than what we have budgeted.

Commissioner Dutremble motioned to rescind the prior vote. Commissioner Cote seconded the motion. Vote 5-0.

Commissioner Lovell motioned to give the Lt. Col. and County Manager authority to engage in negotiations with a single bidder. Commissioner Dutremble seconded the motion. Vote 5-0.

**NEW BUSINESS ITEM 7F was then heard.

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).

b. ****ENTERED INTO FIRST****Labor negotiations pursuant to 1 M.R.S.A. §(6) (D).

County Manager Zinser requested going into executive session for this item first as the County attorney had not yet arrived.

Commissioner Clark motioned to enter into executive session pursuant to the above statute. Commissioner Lovell seconded the motion. Vote 5-0.

Commissioner Cote motioned to come out of executive session. Commissioner Clark seconded the motion. Vote 5-0. No action taken.

Commissioner Chandler called a recess until Attorney Libby arrived at 5:15.

The Commission came out of recess.

a. Consultation with legal counsel pursuant to 1 M.R.S.A. §405 (6) (E).

Commissioner Clark motioned to enter into executive session as per the above stated statute. County Attorney Gene Libby and H.R. Director, Linda Corliss were also present in executive session. Commissioner Lovell seconded the motion. Vote 5-0.

Commissioner Clark motioned to come out of executive session. Commissioner Lovell seconded the motion. Vote 5-0. No action taken.

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

None

11 ADJOURN

Commissioner Cote motioned to adjourn. Commissioner Dutremble seconded the motion. Vote 5-0. Meeting adjourned at 7:32.