

**COMMISSIONERS REGULAR MEETING**

**February 16, 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 Thursday, February 16, 2017 A. D. at 4:30 P. M.

**COMMISSIONERS PRESENT:**

	Sallie Chandler
	Marston D. Lovell
(excused)	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**

- |                 |   |
|-----------------|---|
| <b>02-16-17</b> | <b>ITEM</b>   |
| <b>1</b>        | <b>PUBLIC COMMENT(S) ON ANY ITEM(S)</b><br>None   |
| <b>2</b>        | <b>TO APPROVE THE MINUTES OF THE FEBRUARY 1, 2017 MEETING</b><br>Commissioner Lovell motioned to approve the minutes of February 17, 2017.<br>Commissioner Cote seconded the vote. Motion passed with a 4-0 vote.   |
| <b>3</b>        | <b>TO HEAR ANY REPORTS OF THE COUNTY COMMISSIONERS</b><br>Commissioner Lovell informed all that he recently went before the Saco City Council and spoke about the recovery center. He stated that it was a positive conversation.<br>Commissioner Cote added that he had recently had conversations with some folks from various NACo entities regarding the recovery center idea. He was advised that we should try to find places in our area that are running a similar program.<br>Commissioner Lovell stated that there is a foundation that was based in OOB and is now in Portland called the Milestone Foundation. Commissioner Cote added that |

the people he spoke to also advised that we should have an RFP as we might be missing some things. Commissioner Cote added that he was also told by a person currently running a big facility in Utah that we should not be afraid of Medicaid as we might get something from that.

4

#### **TO HEAR ANY REPORTS OF THE COUNTY MANAGER**

a. Discussion on warrant approval process-

The County Manager stated that in response to the Commissioners questions on the warrant approval process, he had provided them a legal opinion from County Attorney Gene Libby that stated the way that we are handling the process now is an acceptable form to complete the warrant process. The Opinion (attached as record) stated that we operate under a different set of statutes. Also, continued Mr. Zinser, there are no violations of the law and it does not conflict with FOIA statutes as it is a public record. He added that it comes down to a policy decision for the Commissioners.

Commissioner Lovell commented that at one of the recent MCCA meetings he spoke to the Kennebec and Washington County Administrators and they spoke about how the hiring process falls into the same lines (*as the warrant process*). One county has a sign sheet so each Commissioner can review the hiring packet and then just sign the sheet giving approval, explained Commissioner Lovell. He continued that then at the meeting following, they invite the individual so they can meet the Commissioners and shake hands.

Commissioner Chair Sallie Chandler stated that the warrant signing process as it is currently is convenient and works as we can come in anytime.

Commissioner Clark stated that he read the attorney's letter and he may be wrong and he may be right but he does not address the FOIA at all. "*It is the Public's business and should be done in front of the public,*" stated Commissioner Clark. He continued by saying that he has taken the FOIA training and he feels that to pass something around that has not been introduced in public session violates the spirit. He added that he can call the AG's office but that he feels strongly this isn't the right way to do business. County Manager Zinser circulated an e-mail from County Attorney Gene Libby regarding the FOAA issue that stated he sees no conflict. Commissioner Lovell stated that he likes to go page by page through the warrant and often has questions. Therefore, he stated that he couldn't vote on approving it (warrant) without reviewing it.

Commissioner Cote shared with all that he had called Brenda Kielty, Ombudsman for the Maine Attorney General's office and explained the situation. She told him that it was a difficult set of circumstances as people are coming in and signing the warrant and it's not a meeting. She didn't have a definitive answer, according to Commissioner Cote. He explained that he then checked with a couple of other counties as he doesn't want to see us going through it line by line answering all kinds of questions. In Androscoggin County, explained Commissioner Cote, it is a simple motion to approve and then the Commissioners vote on it by simply reading the warrant amount. He stated that he would be okay with the process if it is limited to that. Commissioner Cote added that the County Manager won't be able to answer questions on all expenses so department heads would need to be here. He continued that we could have a copy of the warrant for public inspection.

Commissioner Clark commented that he has served in municipal government for eighteen (18) years. Warrants were presented at every meeting and it was never a difficult thing. The warrant was online so any questions were asked and

answered in a public session as should occur here. Sometimes mistakes were found by selectmen and money was saved, stated Commissioner Clark. Commissioner Cote asked would we continue the business of signing the warrant every week like we do now as he doesn't want to give up his authority to sign. Commissioner Clark responded that he is not interested in that but if there is an issue it should be asked and answered in public. He added that he has no interest in nitpicking. Commissioner Lovell asked how we make the warrant public. Commissioner Clark replied that prior to websites, it was printed copy. Commissioner Lovell agreed that we can take that approach. Commissioner Clark commented that the other issue is the weekly payroll requiring the need for weekly signatures. He stated that in Wells the Board delegated that authority to the chair or vice chair to sign that weekly. Commissioner Cote asked why we can't continue to sign the warrant. He added that he is the closet one to this office and that he signs the warrant every week. He commented that he would like to see that we continue and then have a public vote when we do meet along with the warrant available for the public to look at. Commissioner Clark asked why the warrant is not made available until the night we are voting. The County Manager replied that is how it's been done and that we can continue the way you have always done it and also put it on the agenda and number the warrant and retroactively have the Commissioners approve the prior week. He added that he just needs to know how the Commissioners want him to handle it. Commissioner Lovell stated that if he doesn't arrive at the meeting early enough to review the warrant, he will abstain from voting. Commissioner Clark replied that the warrant should be made available to the Commissioners online and that there should be a change in policy to get the warrant done on Tuesday afternoon. Commissioner Clark stated that it is not appropriate to ask people to vote on something they haven't seen. Commissioner Cote commented that it does come out a little close to the wire while adding that he was not being critical. Commissioner Chair Chandler informed all that past practice has always been the warrant is completed on Wednesday. The County Manager stated that the warrant will be e-mailed to the Commissioners on Tuesdays.

5

#### **OLD BUSINESS**

a. Commissioners to vote on County Patrol Association grievance heard at February 1, 2017 meeting-

County Manager Zinser recapped that at the last meeting the Commissioners heard the County Patrol Association's grievance and requested information from them which they received last Friday in their meeting packets. He added that a schedule was circulated by Deputy Mains to them prior to the meeting beginning. Deputy Heath Mains explained the charts (schedules). Commissioner Lovell asked Deputy Mains if he was saying the process is what you feel was not done properly and not the impact that it had. Heath Mains replied that the only impact that we had is that we weren't allow to bid on the shift. The CPA realizes that the contract deputies are not biddable positions and the CPA is arguing they are grieving that open slot existed.

Sheriff King addressed the Board and stated that the Union is saying there was a spot and that there was not a (vacant) spot. This was a special circumstance in that Limington had a concern over money. We had to do something to save the job so we did, continued the Sheriff. We didn't feel it was fair to upset Deputy Searway and we thought it was temporary and now as it comes to be, Limington is happy with Deputy Belleard and its going back to shift bid. Sheriff King listed other

examples of when shift bids were not done: Deputy Chenard was assigned as the School Resource Officer when Deputy Solomon was pulled out. In this situation, Deputy Sweat didn't get days even though he was senior as Deputy Solomon had the day shift. We pulled detectives and put them on the street when it was needed, continued Sheriff King and there was no shift bid. Deputy Moore was the Limington contract deputy and that position was reassigned and he went to patrol. Deputy Roux was in Arundel and a situation arose and he needed to be removed and he was put on days. The Sheriff stated that this is management and that they are doing what they need to do. Deputy Searway has no problem with this situation. Sheriff King believes this will be corrected with the next shift bid.

Commissioner Lovell motioned to enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (E) consultation with legal counsel. Commissioner Cote seconded the motion. (Sheriff King and Chief Deputy Baran were in executive session.) Vote 4-0.

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

Commissioner Clark moved to deny the grievance. Commissioner Cote seconded the motion. Vote 4-0.

b. Commissioners to adopt Findings of Fact for Dearborn Property Tax Denial Appeal Hearing of February 1, 2017

Commissioner Clark motioned to approve the Findings and change the date of letter to the date of the meeting, February 16, 2017. Commissioner Lovell requested Commissioner Clark amend his motion to allow Commissioner Chair Chandler to sign on behalf of Commissioners which Commissioner Clark did. Commissioner Cote seconded the motion. Vote 4-0.

## 6

### **NEW BUSINESS**

a. Tony Palminteri, Alfred Selectboard member to address the Board –County Manager Zinser informed all that Mr. Palminteri asked to postpone his request. Commissioner Clark moved to table this item for two weeks and clarified to table his request to be heard before the Board until the next meeting. Commissioner Cote seconded the motion. Vote 4-0.

b. H.R. Director, Linda Corliss, to request transfer of Wendie Binette (currently legal secretary in D.A. office) to Victim Witness Advocate- Linda approached the Board to formally request to fill the VWA position and informed the Commissioners that this position is already funded and available due to a vacancy. H.R. Director Corliss requested a transfer date of February 27, 2017. Commissioner Lovell asked if this meant there is now a legal secretary opening. Linda Corliss replied, yes and that she is posting that position internally at this time and if there are no candidates, the posting will go externally. Commissioner Cote motioned to approve the transfer of Wendie Binette from legal secretary to the position of Victim Witness Advocate. Commissioner Clark seconded the motion. Vote 4-0.

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

Sheriff King addressed the Board and stated that John Sylvester has done a great job plowing and clearing at the jail. He added that Chief Deputy Baran, Major Mitchell and Lt. Col. Vitiello spent the night at the jail during the recent blizzard.

The Sheriff informed all that Deputy Dan Shaw was selected as American Law Enforcement Officer of the Year.

Commissioner Lovell asked the Sheriff what the jail population was currently and how many corrections officers we have. Sheriff King replied that he believed the current jail population was around 232 and they have around 10 vacancies. He added that there is a training class scheduled for mid-March (for corrections officers). We hope to get a list (of attendees) by the next session.

Rachel Sherman asked if the formulated policy will be available for review for two weeks if someone had questions or ideas.

Commissioner Cote clarified that the discussion had by the Commissioners was about the warrant and a decision was made to change the procedure.

Ms. Sherman replied that usually in the past, policies/procedures would be posted and public comment and suggestions would be allowed for two weeks. The County Manager replied that he would do so if directed by the Board.

**8 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).**

No executive session occurred other than in Item #5(a).

**9 ADJOURN**

Commissioner Clark motioned to adjourn. Commissioner Cote seconded the motion. Meeting adjourned at 5:34 p.m.

