

COMMISSIONERS REGULAR MEETING

January 6, 2016

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 6, 2016 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

- | 01-06-16 | ITEM |
|-----------------|---|
| 1 | PUBLIC COMMENT(S) ON ANY ITEM(S)
None |
| 2 | TO SELECT A COUNTY COMMISSIONER CHAIRPERSON FOR 2016
Commissioner Dutremble nominated Sallie Chandler as chairperson for 2016.
Commissioner Sinden seconded the motion. Vote 5-0. |
| 3 | TO SELECT A COUNTY COMMISSIONER VICE CHAIRPERSON FOR 2016
Commissioner Cote nominated Commissioner Dutremble as Vice-Chairperson for 2016. Commissioner Sinden seconded the motion. Vote 5-0. |
| 4 | TO SELECT A WORKFORCE CENTER DIRECTOR FOR 2016
Commissioner Cote nominated Commissioner Chandler as York County's representative for 2016. Commissioner Lovell seconded the motion. Vote 5-0 |

5 **TO SELECT A SOUTHERN MAINE REGIONAL PLANNING REPRESENTATIVE FOR 2016**

Commissioner Chandler nominated Commissioner Dutremble as the representative for SMRPC for 2015. Commissioner Cote seconded the motion. Vote 5-0.

6 **TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS MEETING OF DECEMBER 16, 2015**

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

7 **TO ADOPT ROBERT'S RULES OF GOVERNANCE FOR CONDUCTING 2016 COMMISSIONER MEETINGS**

Commissioner Dutremble motioned to accept Robert's Rules of Governance for 2016. Commissioner Sinden seconded the motion. Vote 5-0.

8 **TO SELECT A DAY AND TIME FOR CONDUCTING REGULAR COUNTY COMMISSIONER MEETINGS FOR 2016**

Manager recommendations: 1st and 3rd Wednesdays beginning at 4:30 P.M.- following dates: January 6th, January 20th, February 3rd, February 17th, March 2nd, March 16th, April 6th, April 20th, May 4th, May 18th, June 1st, (June 15th if needed), July 6th (July 20th if needed), August 3rd (August 17th if needed), September 7th, September 21st, October 5th, October 19th, November 2nd, November 16th, December 7th, December 21st.

Commissioner Dutremble motioned to accept the meeting dates as recommended by the York County Manager. Commissioner Sinden seconded the motion. Vote 5-0.

9 **TO REVIEW AND ADOPT POLICIES FOR 2016 AS FOLLOWS:**

- a. **MILEAGE REIMBURSEMENT RATE** (manager recommends '16 IRS rate 54 cents)

Commissioner Sinden motioned to accept the mileage rate of 54 cents per mile as recommended by the York County Manager. Commissioner Dutremble seconded the motion. Vote 5-0.

- b. **MEALS ON COUNTY BUSINESS RATE** (manager recommends '15 rates of \$10.00-breakfast, \$15.00 lunch, \$20.00 dinner or \$45.00 per diem)

**Special note:* When the event you are attending includes any of the meals you are required to take part in the meal. If you are staying at a hotel that provides breakfast, you must utilize the breakfast provided by the hotel. In these instances, the amounts stated above will be deducted from the per diem rate.

Commissioner Dutremble motioned to accept the meal rates as recommended by the County Manager. Commissioner Sinden seconded the motion. Vote 5-0.

- c. **POLICE/ACCIDENT/INCIDENT REPORTS** (manager recommends '15 rate of \$15.00)

Commissioner Sinden motioned to approve the rates recommended by the County Manager. Commissioner Lovell seconded the rates. Vote 5-0.

- d. **NOTARIZATION/ATTESTATION FEES** (manager recommends '15 rate of \$5.00/\$10.00)

Commissioner Cote motioned to approve the rates recommended by the County Manager for notarization/attestation. Commissioner Dutremble seconded the motion. Vote 5-0.

10 TO HEAR A POVERTY ABATEMENT (HEARD IN EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6)(F), REVIEW OF CONFIDENTIAL RECORDS.)

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

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

Commissioner Lovell motioned to award abatement in full for case #16-01-06. Commissioner Sinden seconded the motion. Vote 5-0.

11 HEAR ANY REPORTS OF THE COMMISSIONERS

Commissioner Cote informed all that the annual Maine County Commissioners Association meeting would be held next Wednesday (13th) at the Senator in Augusta beginning at 10:00 a.m.

Commissioner Lovell requested a report at the next meeting of the progress and costs of the construction at the Government Building.

The County Manager replied that he would prepare that and that as he has stated in the past, due to steel structure requirements and asbestos (both not found until construction was underway), the project is over budget approximately \$50,000.00.

12 HEAR ANY REPORTS OF THE COUNTY MANAGER

a. Recognize County Employee- County Manager Zinser recognized EMA Director, Art Cleaves, for the good work he has been doing since becoming the Director about one year ago. The County Manager informed all present that he has been hearing positive comments from the community regarding Mr. Cleaves. He added that Director Cleaves has brought in additional funding to York County EMA.

b. Introduce Sheriff King to seek approval of acquisition of surplus property- Prior to beginning his discussion, the Sheriff invited all to the recognitions ceremony being held at the Sheriff's Office next Friday beginning at 2:00 p.m. The Sheriff explained that there have been storage issues at the Sheriff's facility for many years. Sergeant Thistlewood has been able to obtain storage containers through the government surplus property program at no cost other than transportation. Commissioner Cote asked what the transportation cost might be to get the units on site. The Sheriff estimated between \$600 to \$1,000.

Sheriff King asked what flexibility the Commissioners would be willing to give him in bidding on any property that might become available through this program as the items do get taken quickly.

Commissioner Sinden motioned to allow the County Manager to give the Sheriff approval to acquire item(s) from the Government Surplus program after consulting with the County Manager. Commissioner Dutremble seconded the motion. Vote 5-0.

13 OLD BUSINESS

14 NEW BUSINESS

a. Discussion on contracting authority-The County Manager explained that this item came out of discussions on the Limington contract. In the past, explained Mr. Zinser, the Board has always approved the procedure that all requests come through him. He asked the Board's desire for his involvement in contracts. Commissioner Sinden responded that the Board can only act as a Board. Any contracting is done through our agent which is the County Manager. No one else can speak for us unless we vote on them to act on our behalf. The only way to change this is by laws or our bylaws. He continued that he does not feel we need to take a vote as we already voted on our bylaws.

b. Hear NCEU grievances (2)- (executive session may be necessary) - NCEU President Colton Sweeney and the Union's Attorney, Paul Brunetti were present for the grievance hearings.

Grievance 0805 was heard first in public session as requested by NCEU. Attorney Brunetti explained that a directive was put in place by jail administration during the employee shortage. Accrued personal days were approved with appropriate notice. During the shortage, if two officers were on vacation, personal time could not be used during that shift. Now, for the most part, staffing shortages have been rectified, according to Attorney Brunetti. Working with past practice and the contract, approved earned personal time should be allowed to be used. Therefore, they (Union) are asking the Commissioners to direct the Sheriff and his staff to rescind the directive and revert back to past practice and/or the contract. Approved

earned personal time should be allowed to be used. Sgt. Sweeney stated that earned personal time and administrative time are different.

County Attorney, Tim O'Brien, clarified that prior to the employee shortage, two people per shift could take vacation time and other corrections officers could request earned personal time off. When the shortage occurred, discussions took place with the Union and they agreed that until the shortage was over, vacation requests would be honored but that there was not the manpower to allow earned personal time. It was agreed that only vacation requests would be honored. The Union is saying that now that the staffing shortage has passed, the County should revert back to the practice prior to the shortage. He continued that there is no contractual right to take that time off and that the Sheriff does not want to grant it if it results in paying overtime to cover it.

Commissioner Sinden asked if there was past practice to show what the Union is requesting. Sheriff King stated that he understood it to be his prerogative. Sgt. Sweeney stated that earned personal time requires five days notice. Lt. Col. Vitiello stated that it is up to administration to approve or deny earned personal time requests. Commissioner Lovell asked if the day being grieved was asked for within the time frame. Sgt. Sweeney responded that it was. Attorney Brunetti stated that is why the employee has to give a five day notice so that management can make arrangements. He continued that if these roadblocks continue, what is the point of an employee having earned personal time? Commissioner Cote asked Attorney O'Brien if this is within the scope of the Sheriff through the contract. Attorney O'Brien stated that the Sheriff looks at the potential financial impact to the County. The jail is facing a deficit and administration is willing to entertain these requests if they don't have to call someone in at time and one half. It is not always an out right refusal but a case by case decision. Sgt. Sweeney stated that the practice is now being used for a money issue not an employee issue and that was not the agreement they had. Union Attorney Brunelli stated this "willy-nilly" practice of giving some earned personal time off and not others is affecting the morale of the corrections officers.

Commissioner Sinden motioned to enter into executive session pursuant to consultation with legal counsel pursuant to 1 M.R.S.A. § 405 (6) (E). Commissioner Cote seconded the motion. Vote 5-0.

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

Commissioner Sinden motioned to table the grievance until the February 3rd Commissioners meeting and requested both parties submit information as to the frequency that earned time off was granted and refused before, during and after the state of emergency by January 27th to the County Manager. Commissioner Cote seconded the motion. Vote 5-0.

The Union asked if they wish to have grievance #0804 heard in executive or public session. They choose public session.

The County Manager explained that during the collective bargaining process, the 1.7% raise was approved. The Union is now contending that the 1.7% raise was not negotiated and wants it to be applied to each individual.

Union Attorney Brunetti stated that there is ambiguity in both the process and how it is played out. When the contract was negotiated, the conceptual framework was based on entry level salaries being frozen for new jail hires and the 1.7% increase for present employees. After that, flags were raised about how this increase and wage was presented to employees. The increase was presented as a bonus. The NCEU wants the tables in the contract to show a 1.7% increase as has been the case.

Commissioner Dutremble stated that since the contract was signed in July of 2015, it stands. The Union's attorney stated that they recognize that but the confusion ensued when it was presented to the employees as they do not feel that was what was negotiated.

County Manager Zinser stated that he was confused as he was the one who negotiated the contract and wondered who was presenting the 1.7% as a one time bonus. Attorney Brunetti stated again that the increases were being presented as a bonus.

County Manager Zinser stated that it was made very clear to the Union in e-mails that it would be applied to the individual's base wage scale. In fact, he continued, we received an e-mail from the Union that the vote would not move forward because of this language. We then received an e-mail that the contract had passed. The Union then requested from us to show how the wage rates would affect each member's wages. We prepared this document and gave it to the Union. Mr. Zinser stated he was confused as it was never presented as a bonus.

Commissioner Sinden motioned to enter into executive session pursuant to consultation with legal counsel pursuant to 1 M.R.S.A. § 405 (6) (E). Commissioner Dutremble seconded the motion. Vote 5-0.

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

Commissioner Sinden motioned to deny the grievance. Commissioner Dutremble seconded the motion. Vote 5-0. Commissioner Sinden added that the record is abundantly clear as to what happened and what was negotiated in memory and in writing. He added that he does not see using the grievance process to reopen contract negotiating.

16 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).

17 ADJOURN

Commissioner Dutremble motioned to adjourn. Commissioner Sinden seconded the motion. Vote 5-0. Meeting adjourned at 6:14 p.m.

S/YORK COUNTY COMMISSIONERS

Minutes taken by Administrative Assistant

SIGNED: Kathryn A. Dumont
Kathryn A. Dumont

SIGNED: Sallie V. Chandler
Sallie V. Chandler-Chair