

COMMISSIONERS REGULAR MEETING

February 17, 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, February 17, 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

- | 02-17-16 | ITEM |
|----------|---|
| 1 | PUBLIC COMMENT(S) ON ANY ITEM(S)
None |
| 2 | TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS MEETING OF FEBRUARY 2, 2016
Commissioner Dutremble motioned to accept the minutes. Commissioner Cote seconded the minutes. Commissioner Sinden amended the motion to reflect e-mails he read at the February 2 nd meeting between he and Sheriff King be submitted as record of these minutes. Commissioner Dutremble motioned to accept the minutes as amended. Commissioner Cote seconded this motion. Vote 5-0. |
| 3 | HEAR ANY REPORTS OF THE COMMISSIONERS
None |
| 4 | TO HEAR ANY REPORTS OF THE COUNTY MANAGER
None |

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OLD BUSINESS

None

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NEW BUSINESS

a. Property Tax Abatement (Dow property in Newfield)-

Mr. and Mrs. Dow and Bob Gingras, assessing agent for the Town of Newfield were sworn in by County Manager Greg Zinser. Commissioner Chair Sallie Chandler instructed Mr. and Mrs. Dow to take the floor. Mr. Dow circulated additional information. Mrs. Dow informed all that she had looked at tax bills for the entire town of Newfield and pulled out islands in tax map 63 to compare with their unbuildable island lot. She continued that she took the acreage of these lots and multiplied it and came up what the islands would be worth in comparison to theirs. The amount she came up with was \$33,600 to \$37,200. Mrs. Dow added that their island has no public access and has no power and being unbuildable, is just a tenting site. Mr. Dow explained that they purchased the lot in 2005. They received conflicting tax bills so they called the town and questioned this. They were informed that \$6,600.00 was the land value until they received a bill last year with a \$63,000.00 value. They met with Parker Appraisal on August 11th and Mr. Gingras explained the formula used to reach their tax assessment. Mr. Dow questioned the formula used and also asked to see the original tax cards. He noticed it appeared a zero was added to his value and all cards were in pencil.

Mr. Gingras commented that a mistake had been made on the card.

Commissioner Lovell asked the Dows to explain how they and the seller came to the selling price. Mrs. Dow replied that was the amount they offered. Commissioner Lovell further asked the Dows to describe how the 2003 purchase was an independent action. Mrs. Dow replied that they purchased the property from a nephew. Commissioner Dutremble asked if it was true that the island was not accessible. Mr. Dow responded that it is accessible by boat only.

Commissioner Sinden asked if he was correct in his understanding that the property had been valued at \$5,300.00 for a number of years and then last year it was re-valued to \$63,000.00. They (the Town) arrived at that using a base figure of \$252,000.00 for shoreline property and subtracted various adjustments to get to the \$63,000.00. Mrs. Dow showed a map of comparable, not buildable islands valued at \$10,000.00. Commissioner Sinden asked the Dows what they feel is a fair valuation. Mrs. Dow responded that they feel the property value should be reduced from \$63,000.00 to \$37,200.00 (overassessed by \$25,800.00).

Mr. Gingras addressed the Board. He stated that in 2006 a revaluation of property in Newfield was done and the Dow property was supposed to be assessed at \$66,000.00. The data was input as \$6,600.00 then there was another error in 2012 when the value went from \$6600.00 to \$5300.00. Then another error occurred in valuing the property- from \$66,000.00 to \$53,000.00.

Commissioner Sinden stated setting errors aside, based on comparables today all other islands comparable to the Dows are assessed around \$10,000.00. Commissioner Sinden continued that there must be three big errors on other islands then, too, as they're all valued, it seems, fairly, so how can this one be \$66,000.00 vs. \$10,000.00? Mr. Gingris responded that the Dows do have access as they have a dock. Mr. Gingras stated that a couple of other properties sold for \$18,000.00. He added that there are differences in water depth, also. There are variations but formulas used are the same for all islands. Commissioner Sinden asked is it size alone in the comparables the Dows are using? Mr. Gingris explained that \$1,000.00

for each footage of frontage is charged, then there is a deduction for depth, then unbuildable is 50% off, and no building on the land takes another 50% off.

Commissioner Lovell asked if Mr. Gingras was stating that the 2005 land transfer at \$10,000.00 wasn't an accurate valuation of that property? Mr. Gingras replied that no, it was not.

Com. Lovell asked Mr. Gingras to further explain the deductions that he has made on the property. Mr. Gingras explained that one side of the island is used for a frontage charge and then a standard depth chart is used. Commissioner Lovell inquired if standard charts throughout the assessing industry were used. Mr. Gingras responded- absolutely.

Commissioner Lovell asked for clarification that three adjustments were made in the value. Mr. Gingras explained the formula: Excess frontage deducted, then ½ of \$252,000.00, ½ base vacant, then unbuildable another 50%.

Commissioner Lovell asked if it was correct that a typical piece of land in Newfield that has 1.2 acres and is unbuildable, the assessment formula would start at \$252,000.00 for the value. Mr. Gingras responded that they start at what it's worth and then make deductions. Commissioner Lovell asked Mr. Gingras how he started at \$252,000.00? Mr. Gingras replied that's what the property is worth. Commissioner Lovell commented that he doesn't understand how you start with that and then you have an unbuildable lot. It does not seem like any consideration is given that it's merely uninhabitable land.

Commissioner Cote motioned to reduce the property tax on the Drew property to \$37,200.00 Commissioner Dutremble seconded the motion. Vote 5-0.

Mr. Gingras asked for an explanation on how he can change the property to use the same formula that is used for all other properties in town. County Manager Zinser replied that the Commissioners can't do that. Mr. Gingras stated that no evidence was presented showing that the lot is unbuildable. He added that he is going to have a hard time without creating an inequity. Commissioner Lovell stated that the town can appeal this decision. Mr. Dow commented that they don't have 100 ft. set backs to put a structure on. *"The island goes from water level up so that's why we cannot put a building on it,"* explained Mr. Dow.

Commissioner Dutremble stated that the Dows did present evidence of other parcels. They had a good comparison from them and Mr. Gingras had no evidence to rebut. Mr. Gingras argued that he did but that he used depth factors. Also, Mr. Gingras stated that the Dow's did not supply an appraisal to show what the property is worth. The Dows analysed properties differently than the town does, added Gingras.

Commissioner Cote motioned (in a clarifying motion) to abate \$25,800.00 in value and \$251.29 in property taxes. Commissioner Dutremble seconded the motion. Vote 5-0.

b. Update on jail budget-

County Manager Zinser circulated a projection showing a \$713,000.00 deficit and asked if there were any questions. Commissioner Sinden asked the Sheriff where are we at in dealing with this deficit?

Sheriff King reminded the Board that the average daily population is based on 230 inmates. To date, our adp is 256. He added that they are reviewing the mental health contract, food service contract, and have requested supplemental funding. The Sheriff stated that it comes down to overtime. They have reduced the number of inmates in B-3 so now there is only one officer there. He added that he is meeting

with a grant writer later this week to find out more about obtaining a grant for a Therapeutic Community. Commissioner Sinden replied that won't happen in this budget cycle. He asked the Sheriff if any of the recommendations that the Board of Corrections sent down after their visit to the jail had been implemented. Sheriff King responded that he would have to look at them to see if they have been as he doesn't believe this occurred during his term. County Manager Zinser clarified that he recalled it was during the month of October the year prior to Sheriff King taking office. The County Manager added that it was a notice from the BOC in which a number of changes to deal with the deficit were suggested. Commissioner Sinden stated that if they were adopted they would've been carried forward to the present. Sheriff King replied that he was unprepared to answer and that nothing has changed since he took over.

Commissioner Sinden asked if the Jail Administrator, Michael Vitiello, was aware as to whether or not any of the recommendations made by the BOC had been implemented. Jail Administrator, Michael Vitiello replied that in the fall of 2014 there was discussion about scheduling but a lot hinged on collective bargaining agreements. He added that they were able to implement some changes in program functions within the facility. Other requests such as moving staffing (control room) have not been able to be implemented. We've been using the control room positions for light duty. Worker's compensation was a cost factor. Commissioner Sinden responded that they have heard from Ms. Corliss that the process has been successful with tremendous savings. He asked if there were other changes that they were able to do result in any savings.

Michael Vitiello responded that some of the recommendations could be characterized as possibly improving efficiency but not actually qualify as cost reduction measures.

Commissioner Sinden recommended looking into that with the hope that there might be some savings as there is very little time to get ahead of this thing before now and July 1st.

Commissioner Dutremble asked if there was a way to get some of the 70% of inmates waiting for court time bailed.

Sheriff King replied that they are looking at home monitoring programs. We do allow phone calls as much as possible to get people to make bail. Commissioner Dutremble asked if it was feasible for the County to have a self-funding bail mechanism to aid in saving jail space.

The Sheriff stated that he will research that.

The County Manager stated that the bigger issue might be that the conditions that go along with it might not allow bail.

Sheriff King stated that the current inmates are very long term and he wonders if there is something we can do as a County to maybe write to the Attorney General to speed up the process or aid in cost. He asked the DEA administration resident agent in charge to take offenders federally. His response was that they are very busy.

Commissioner Sinden asked if anyone else has any ideas. What are we going to do? Where are we going to get the money?

Sheriff King replied that he guessed staff but how can we lay off staff if we have this number of inmates?

Commissioner Sinden stated that in the private sector the Board requires adjustments to salaries, bonuses, etc., layoffs. Here the share holders are the taxpayers. What you are suggesting is we lay it on the taxpayers. What other options do we have to cover a \$700,000.00 shortage? Commissioner Sinden asked the Sheriff if there is anything we can do salary wise.

Sheriff King replied that we have contractual obligations.
Commissioner Sinden asked what about management?
Sheriff King responded that there is only he and Lt. Col. Vitiello.
Commissioner Cote inquired what our staffing levels are.
Sheriff King replied that there are five vacancies and that they are down to 71 Corrections Officers.
Commissioner Cote stated that he thinks we may have to consider not filling positions until we know where we are headed. We have to come up with some kind of an answer. This Board needs to give it some thought.
Sheriff King reminded the Board that he has mentioned the Rod Miller report before. We need to think about paying overtime vs. hiring.
Commissioner Cote stated that our budget person needs to run some numbers to see where we would come out. I know it's not easy and there's been more arrests. We need a direction to move in.
Sheriff King added that the Unified Court Docket often requires ten teams to move inmates around. In the past, we never had more than four.
Commissioner Dutremble informed all that he and Commissioner Sallie Chandler were on the Board in 2006 and 2007 when the County had a \$1.2 million deficit. By the end of year, the county was \$1.3 million in the positive. Employees cooperated and delayed some benefits as they asked them if they would be willing to do this. Sometimes tough decisions need to be made, stated Commissioner Dutremble.
There was a discussion about the number of out of state people getting arrested in York County.
County Manager Zinser reminded all that LD 195 was killed but they agreed to put forward a new bill seeking supplemental funding (force a full floor debate). He added that we will need to work with our delegation. He continued that he feels a multi-pronged approach is needed to look at some of these recommendations as well as possible use of other funds that are available to us. Mr. Zinser added that none of us want to talk about staff reductions but at the end of the day how do we minimize this.

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PUBLIC COMMENT(S) ON ANY ITEM(S)

Rachel Sherman addressed the Board and stated that she was concerned hearing about this jail shortfall. She reminded all that in 2009, MSEA took the hit because of a shortfall at the jail. *"We keep seeing all of this building that was not funded but savings that were spent. My concern is that you will figure something out as that did not work the last time. Why do you keep building if you know you have a shortfall?"* stated Ms. Sherman.

Commissioner Dutremble replied that the jail and county are two different entities. We reserve monies for the County in the event it is needed. We contribute \$8.3 million to the jail per the law. We cannot contribute anything else. Rachel Sherman asked where the layoffs going to be.

County Manager Zinser reminded Ms. Sherman that MSEA needs to remember that there is a provision in your contract that prevents that. It would be jail or patrol at this point.

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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. Labor negotiations pursuant to 1 M.R.S.A. § 405 (6) (D)

Commissioner Dutremble motioned to enter into executive session. 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.

No action taken.

9

ADJOURN

Commissioner Dutremble motioned to adjourn. Commissioner Cote seconded the motion. Vote 5-0. Meeting adjourned at 5:57 p.m.