

COMMISSIONERS REGULAR MEETING

July 12, 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, July 12, 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

07-12-17

ITEM

1

PUBLIC COMMENT(S) ON ANY ITEM(S)

2

TO APPROVE THE MINUTES OF THE June 7, 2017 MEETING

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

3

TO APPROVE TREASURER'S WARRANTS

a. Warrants dated 6-7-17 in the amount of: (\$478,393.07)
Commissioner Clark motioned to approve the warrant. Commissioner Cote seconded the motion. Vote 5-0.

b. Warrants dated 6-14-17 in the amount of: (\$254,165.97)
Commissioner Clark motioned to approve the warrant. Commissioner Cote seconded the motion. Vote 5-0.

c. Warrants dated 6-21-17 in the amount of: (\$311,368.54)
Commissioner Clark motioned to approve the warrant. Commissioner Cote seconded the motion. Vote 5-0.

d. Warrants dated 6-28-17 in the amount of: (\$567,056.61)
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 to give update on MCCA meeting-
Commissioner Cote informed all that Charles Pray was selected as the new executive director of MCCA today. He added that the risk pool is finishing up an additional coverage to our insurance that will cover cyber issues.

Commissioner Lovell motioned that the subject of the meeting agenda be discussed and appear on next month's agenda. He desires the agenda be created the Friday before the next meeting with no additions except for an emergency. Commissioner Dutremble seconded the motion. Vote 5-0.

5 TO HEAR TAX ABATEMENT DENIAL APPEAL

a. Merrill Farrand of Limerick- The County Manager swore in Assessor Michael O'Donnell and Dr. Farrand (information submitted by both parties attached as record).

Mr. Farrand addressed the Board and stated that Dennis Berube from O'Donnell and Associates had come out to his home to meet with him. Mr. Berube dropped the valuation on the Farrand property from \$711,000.00 to \$500,583,000. Mr. Farrand continued that he attended other Limerick selectboard meetings at which his abatement was discussed but that the Selectboard never made a decision on his property. He went to March 6th meeting at which Mr. O'Donnell stated that his employee, Dennis Berube was wrong in the valuation he came up with on the Farrand property. Dr. Farrand stated that since the 2007 town re-evaluation he feels his property has been discriminated against. He reiterated to the Board that Dennis Berube valued the property at \$500,583.00 and was the only one in our home. Commissioner Cote asked Dr. Farrand when he purchased the home and what the purchase price was. He replied that it was purchased by him in 2009 for \$1.035 million.

Michael O'Donnell- addressed the Board and said that his firm had been working for Limerick since 1978. Prior to Dr. Farrand's purchase the property was assessed at \$766,180.00. It is higher than most of the comparables but it is a superior property. Mr. O'Donnell continued that the Town of Limerick did a re-valuation at a later date and dropped the value to \$726,867.00. He continued that Mr. Farrand had some comments about how he's been run around and he is right to a point. Mrs. Farrand approached Dennis Berube and he pushed her off saying you paid \$1 million. We were at the point of removing Dennis as there were lots of complaints. So, when he visited the property he was hoping to value it low so his problems would go away, stated Mr. O'Donnell. He added that the property is worth a million dollars. The request is before you to set a really low value. Mr. O'Donnell stated that he believes Dr. Farrand wants the Commissioners to give him a favorable assessment as they were not giving him good customer service. There is no alternate number on the table, commented Mr. O'Donnell.
Discussion ensued regarding the grading system used by the Town of Limerick. Commissioner Clark asked if the proposed \$569,000.00 assessment was presented to Dr. Farrand by the Selectmen in Limerick.

Commissioner Lovell asked to clarify what number the Limerick Board was in agreement with. Mr. O'Donnell said, "no we never got there". At the conclusion (of the workshop) Dr Farrand was present at and was asked if he would accept (that number) and he said no.

Commissioner Lovell asked Dr. Farrand- what do you see as unjust discrimination that occurred. Dr. Farrand replied that since 2007 he feels that his property has been significantly overvalued to all other comparable properties. Commissioner Dutremble stated that the Commissioners need more documentation from other residents that he has been over assessed. Mr. O'Donnell replied that there are no sales values relative to the assessed value.

Commissioner Cote commented that he is confused by a letter dated March 21, 2017 signed by Limerick Board Member, Joanne Andrews. County Manager Zinser swore in Joanne Andrews. Commissioner Cote asked Miss Andrews what she meant by "fair and just" as she put in her letter.

Joanne Andrews replied that the Board found this (abatement request) very difficult. She continued that there were three different points of view among the three of us. She added that what she meant was before (the Farrands purchased the property) the grade was 4.25 and then after they paid over \$1 million for property the grade went up to 5.5. Commissioner Cote commented that is a concern of his. He added that the other concern is the letter showing the commitment valuation from \$711,867 to \$500,583 that is not signed or dated. Where did this come from? Mr. O'Donnell replied that was from Dennis Berube. He (Mr. O'Donnell) presented this to the Board and they decided they weren't comfortable with it.

Commissioner Clark stated that the Limerick selectboard dropped the ball and they should've made a decision as that is their obligation to decide.

Commissioner Dutremble stated that he wants more information on different properties to make a sound decision.

Dr. Farrand presented a copy of his property card that was given to him at the June 26th workshop. The numbers (for the grading system) do not appear to add up as totaled by the Town.

Commissioner Lovell agreed that the information Commissioner Dutremble is asking for is reasonable. Commissioner Clark stated that he doesn't think the Commissioners are in that business and they need to look at if he (Dr. Farrand) got a fair Hearing and whether or not he was discriminated against.

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

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

Commissioner Lovell stated there is concern associated with case law and clarifying unjust discrimination regarding all of the different scores that we've seen.

Commissioner Lovell motioned to ask the Town and their assessor to clarify the scores for the properties associated with Dr. Farrand's spreadsheet and the three different scores seen associated with the Farrand's property submitted to the County Manager in one week (next Wednesday). The Commissioners will evaluate that result and come to a decision at the next meeting on August 2nd. Commissioner Dutremble seconded the motion.

DISCUSSION:

County Manager Greg Zinser made one clarifying point and stated that we heard different timeframes as to when these grades were used. We would also like an explanation on when those scores were used and how they were derived.

Vote 4-1 with Commissioner Clark opposed.

6

NEW BUSINESS

a. Approval of FY 2018 budget-

Commissioner Lovell motioned to approve the fy'2018 budget as transmitted to them by the Budget Committee. Commissioner Clark seconded the motion.

Vote 5-0.

b. Commitment of County taxes-

Commissioner Clark motioned to commit the fy'2018 County taxes. Commissioner Cote seconded the motion. Vote 5-0.

c. Sheriff to seek approval to purchase two vehicles (Acton/Shapleigh and Arundel) - The County Manager explained that Quirk Auto submitted the lowest bid at \$55,784.04 total for two vehicles. Therefore, he is recommending they are awarded the bid. He added that the towns have appropriated these funds.

Commissioner Clark motioned to accept the bid for a total of \$55,784.04 for the purchase of two vehicles. Commissioner Dutremble seconded the motion.

Vote 5-0.

d. Discussion of vehicle acquisition (Sheriff's Office)-County Manager Zinser explained that he wished to discuss acquiring vehicles for patrol in regards to leasing vs. purchasing. He continued that he looked at leasing as a way to increase vehicles in the fleet but that the Sheriff would prefer to purchase vehicles which was an item discussed with the Budget Committee. The County Manager explained that he is asking for the preferred direction of the Commissioners. He explained that he has contacted a Ford dealership and their costs associated with leasing are approximately \$8,000.00 per vehicle for a four year period. We would be leasing seven (7) cars in the first year, seven (7) cars in the second year, and eight (8) in the third year and eight (8) in the fourth year for a rotation of thirty (30) vehicles. Commissioner Lovell stated police vehicles are used in a different way than usual cars and wondered about insuring them. The County Manager replied the leased vehicles would be covered under the risk pool. He added that he was told by Malcolm Ulmer that other Maine counties do lease. Commissioner Dutremble added that the County would enter into a lease purchase and still own the cars. He added that the County can get a lot more vehicles this way. County Manager, Greg Zinser, stated that one of the struggles we have had over the years is to get on a replacement schedule. A lease arrangement allows us to keep a level number in the budget.

Commissioner Clark commented that \$8,000 a year to lease amounts to \$32,000 over a four year period. At \$28,000 for one vehicle, we would be paying an additional \$4,000 over the life of the plan. He continued that he doesn't see the advantage for the County. He would rather establish a fund (for vehicles) and save the \$4,000. Commissioner Clark added that's \$120,000.00 (30 vehicles) and that's real money.

County Manager Greg Zinser replied that he is using the dealership's numbers but that some banks are offering 2% so the cost of \$8,000 would be lower. He continued that while he does understand Commissioner Clark's concerns, the flip side is the vehicles do go up in cost on a yearly basis.

Commissioner Clark replied that he disagreed as the two vehicles approved were under \$28,000.00. The County Manager explained that these vehicles need to be outfitted. Commissioner Clark stated that he wants numbers that make sense. He requested that the Commissioners be supplied with real numbers.

County Manager Zinser stated that he thinks leasing is something to look at but that the Sheriff doesn't want to lease. So, the County Manager wants direction from the Commissioners on what they want him to do. Commissioner Clark asked the County Manager when he can have reasonable information. The County Manager replied at the next meeting. Commissioner Lovell added that he also wants to know which counties are leasing. Commissioner Dutremble added that he would like to see what kind of discount might be available if we purchased more vehicles at one time. Commissioner Lovell stated that he felt Attorney Libby's opinion on a pro-forma contract would be valuable, too. County Manager Zinser explained that any contract would be reviewed by our Attorney.

Sheriff King approached the Board and explained that leasing (of vehicles) came up after he went before the Budget Committee. He reminded everybody that he gave up positions for that money. Only after that happened, the leasing option was explored. He continued that leasing is not conducive to our work. Sheriff King went on to say that sometimes we can get five or six years out of our vehicles. We put mileage on our vehicles. They are used four days a week and one driver. *"Why do we want to incur leasing charges when we have the money (in our budget) this year?"* asked Sheriff King. He continued, *"I negotiated in good faith and I was awarded \$201,000 for vehicles. I gave up positions. I don't believe in leasing. There is no other police department that is leasing"*, continued the Sheriff. He stated that he contacted Malcolm Ulmer also and was told by him that a couple of counties lease trucks. The Sheriff finished by stating that he believes leasing is not a wise use of taxpayer money.

Commissioner Clark stated that he still wants to see the numbers and that waiting two to three weeks is not a big deal.

e. Sheriff to speak on contract deputy program-

Commissioner Lovell motioned to table this matter until the August or September meeting. No Commissioner seconded the motion; therefore, the motion failed. Sheriff King stated that every year we talk about this. He stated that the program needs to be standardized as it's difficult for him to go out and meet with the towns when he can't tell the towns how much their costs are going to be as it depends who they get (for a deputy). Commissioner Dutremble stated that the Board has been encouraged or told by many town councils that they don't want us to spend any extra money (don't subsidize). Sheriff King responded that he doesn't understand why we have to recoup as this falsely creates his budget. He continued that if the Commissioners gave him a little more flexibility, he could do a lot more for them. He added that he has a situation right now where a lower paid deputy is going to be removed from the contract and he doesn't have anyone to replace him.

Commissioner Lovell asked Mr. Zinser if he would be able to give the Commissioners an average rate of pay for the non-contract deputies and then for all deputies, excluding supervision as well as any significant difference between the mean and what we might end up having to replace someone with so that we can try

to foster the Contract Deputy program without any serious monetary impact on any other municipality. The County Manager replied that he could.

Commissioner Cote stated that we have been doing this program for awhile. Are there any numbers that we have that we can go back and look at? We should be able to go back and look at contracts and see where we come out at the end of the year. County Manager Zinser stated that we can do that. Commissioner Cote stated that in the past when this was reviewed, there was an average of \$10,000 or \$20,000 that was not paid for by the actual town. This had to come out of general tax payer fund. The Law says you have to charge the actual cost to the municipality, stated Commissioner Cote. Sheriff King replied that he doesn't see that (in the law). The statute was reviewed. Commissioner Clark stated that he would like our attorney, Gene Libby to review this and tell us if we can or cannot charge a standardized fee that might not cover the entire cost of a contract deputy as he would like to see the contract deputy program standardized. Commissioner Cote agreed. County Manager Zinser will get clarification from Attorney Libby to bring back to the August meeting.

f. Introduce Sheriff King to seek hiring approval of Cody Alan Frazier. His buyout from his previous employer is \$24,000.00.

Commissioner Clark motioned the hiring of Cody Alan Frazier with a starting date of July 24th. Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Cote clarified that aside from his salary we have to come up with \$24,000.00. The Sheriff replied, yes. Commissioner Cote asked how this would be paid. Sheriff King stated that he could take the money out of overtime to make it work. The Sheriff commented that he does believe we have the money for it. County Manager Greg Zinser stated we could also appropriate funds from last year's budget. Sheriff King added that he has two vacancies.

The County Manager added that another way is to not fill the other position until November or authorize to take it out of overtime. Commissioner Clark questioned wasn't the Sheriff responsible to manage his own salary line? The County Manager replied yes, from that perspective. Commissioner Dutremble clarified that expenses cannot be moved from line to line unless the Commissioners approve it.

Commissioner Dutremble commented that he feels perhaps years ago the Sheriff's Office had a line item for this purpose and that we might want to consider this at some point to have a buy out line item in the Sheriff's Office budget.

Vote 4-1 (Commissioner Cote opposed).

g. Introduce Sheriff King to request hiring approval of four Corrections Officers- Sheriff King requested the hiring of the following in order of seniority effective July 31, 2017: Derek Moore, Miranda Dudley, Ian Baard and Jonathan Champlin.

Commissioner Clark motioned to approve the hirings. Commissioner Lovell seconded the motion. Vote- 5-0.

h. Introduce H.R. Director, Linda Corliss, to seek approval on the hiring of Rosalie Butler as part-time Probate Clerk-

Register of Probate, Carol Lovejoy, addressed the Board to request the hiring of Rosalie Butler to fill a position vacated by an employee transfer. Commissioner Lovell motioned to approve the hiring effective July 24, 2017. Commissioner Clark seconded the motion. Vote 5-0.

- i. Set date for property tax denial appeal
(recommend August 2, 2017)

The Commissioners are in agreement that this date is fine.

- j. Discussion of Jail medical contract – The County Manager explained that our current vendor, Correct Care Solutions advised us of an increase over \$120,000.00 a year. He continued that the County is under no obligation to engage in a contract with them. They didn't give us much notice and we are exercising our right to not renew the contract so we now have to go out to bid. County Manager Zinser formally requested that the Commissioners waive the bidding process and allow us to proceed according to the terms of our purchasing policy. We would be looking for a waiver and approval to move forward. Commissioner Clark asked if there are people (vendors) lined up to contact? The County Manager replied that Lt. Col. Vitiello has been getting some but there are not a lot of vendors out there. We need a vendor at the jail by October. Commissioner Clark asked if the County Manager can assure him that he will have someone in place by October 1st and what happens if not? Can we have the current carrier continue month to month? County Manager Greg Zinser replied yes.

Commissioner Clark motioned to waive the regular bidding procedure and authorize the County Manager to negotiate and come back to us with proposals.

Commissioner Dutremble seconded the motion. Vote 5-0.

7

OLD BUSINESS

- a. Approve Findings of Facts for Goodwin tax denial appeal

Commissioner Lovell motioned to approve the Findings of Facts for Larry and Michelle Goodwin of Lebanon. Commissioner Dutremble seconded the motion. Vote 5-0.

8

TO HEAR ANY REPORTS FROM THE COUNTY MANAGER

- a. Courthouse update (responses from towns regarding Budget Committee's Resolution)

County Manager Zinser reported that the Budget Committee sent out a letter and resolution to all York County cities and towns and have heard back from nine towns that have forwarded a Resolution to the Chief Justice. We have heard from some other towns that they are going to do the same.

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. (D) AND CONSULTATION WITH LEGAL COUNSEL PURSUANT TO 1 M.R.S.A. § 405 (6) (E).

None

ADJOURN

Commissioner Lovell motioned to adjourn. Commissioner Dutremble seconded the motion. Vote 5-0. Meeting adjourned at 7:06 p.m.