

COMMISSIONERS REGULAR MEETING

February 2, 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 2, 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

02-02-16

ITEM

1

PUBLIC COMMENT(S) ON ANY ITEM(S)

2

TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS MEETING OF JANUARY 20, 2016

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

3

HEAR ANY REPORTS OF THE COMMISSIONERS

Commissioner Sinden mentioned the prior meeting in which he volunteered to assist Sheriff King with investigating the concept of a therapeutic community within the jail. He continued that he had read the material and he believes that it's an intriguing concept and would certainly be of value.

Commissioner Sinden motioned that a sub-committee be formed to include Commissioner Chair Sallie Chandler, himself and County Manager Zinser as it's going to involve contracts and funding from unknown sources. Commissioner Sinden added there is much to be investigated. Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Lovell asked Commissioner Sinden if he had broached this matter with the Sheriff and if he would be part of the sub-committee. He added that he is looking for clarification. Commissioner Sinden replied that the concept is to simply form a sub committee which would bring items back to this Board. Any decisions would happen here. Commissioner Lovell asked if the subcommittee would work with the Sheriff. Commissioner Sinden replied yes. Commissioner Lovell asked again if the Sheriff would be part of the sub-committee. Commissioner Sinden explained that the Board needs to appoint a sub- committee to work with any group outside of this Board as no Commissioner can act on their own. He continued by stating that it takes an action of the Board to make items official and that's all he is suggesting by this motion. The Committee could then meet with the Sheriff. “ *We could all get together to see what we can find in the terms of funding*”, explained Commissioner Sinden.

Vote 4-0 with Commissioner Lovell abstaining. Commissioner Lovell stated his reasoning being that it is clear to him that there's not a synergy with the Sheriff's Department. Commissioner Dutremble stated a point of order that Commissioner Lovell can only abstain if it's a money point. **Commissioner Lovell stated he wished to vote negative then as he doesn't understand. VOTE 4-1 with Commissioner Lovell opposed to the formation of a sub-committee.**

Commissioner Sinden commented that he was confused as he got positive feedback from the Sheriff. Sheriff King commented that he asked for a Commissioner to help him and that Commissioner Sinden said he was retiring and offered to help. He added that the Commissioner was now offering a sub- committee and that he thought Commissioner Lovell's points were well taken. Sheriff King asked the Board if he was part of the sub committee or not.

County Manager Greg Zinser added some clarity by stating that we have to work with the Sheriff on this as he maintains operational control of the jail. We would just like to take part in this Mr. Zinser thinks Commissioner Sinden means. This way more people can attend meetings. Commissioner Sinden agreed and added that he believes this is the best method to get the Chair, myself and the Manager involved early as the County Manager is the agent of the Commissioners to review all contracts. Commissioner Sinden added that he is excited about the concept but if there's a problem with that, we should pull back. He commented that he never expected this sort of negativity from a good idea but now we will let the Sheriff drive the bus and invite us in when he feels it's appropriate. Commissioner Lovell asked County Manager Zinser if he envisioned the Sheriff a part of the committee. The County Manager replied that he did not and that the Board is assigning members of the Commissioners' Board to this sub-committee to work with the Sheriff. Commissioner Sinden stated that he came in here excited and that he was less excited now as he does not know what's going on. “ *Inner group politics has taken over the idea*”, stated Commissioner Sinden. Sheriff King addressed the Board and asked for clarification whether or not Commissioner Sinden was his point of contact. Commissioner Chair Chandler confirmed that there is a sub-committee and that Commissioner Sinden will be the point of contact.

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TO HEAR ANY REPORTS OF THE COUNTY MANAGER

None

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OLD BUSINESS

- a. Continuation of NCEU grievance-Attorney Tim O'Brien was present. The County Manager explained Sergeant Sweeney e-mailed documentation regarding scheduling which was sent to the Commissioners. Sergeant Sweeney was asked to explain and approached the Board and distributed more documentation. He explained that prior to the State of Emergency there were fourteen (14) instances where there were two C.O.'s off on vacation and earned time off was granted. Commissioner Cote stated that it did seem to him after reviewing the documentation that prior to the declaration of the State of Emergency, earned personal time was granted much more freely than after it was dropped. He added that his understanding of the Union's position is their feeling is they agreed to work with management during the SOE and now they don't feel they are getting the same treatment. Sgt. Sweeney showed 13 to 14 instances of earned personal time being allowed with two C.O.s off. County Manager Zinser asked Sgt. Sweeney to boil down to one sentence what relief he is seeking. Sgt. Colton Sweeney replied one earned personal day granted and one administrative day so four people per shift are allowed to take time off. He added that he is looking for these days off to not have to be approved by management. Commissioner Sinden stated that he was not totally clear on what Sgt. Sweeney was suggesting and asked for confirmation that this is all related to past practice. Colton replied that it was and that there's no language in the contract. Commissioner Sinden replied is this grievance in a sense adding this language to the contract? If there's no language, isn't this management rights to assign shifts, etc., Commissioner Sinden questioned. Sgt. Sweeney replied not if for the past two to three years, they've been allowing us to do so. Colton added that vacation time was and still is approved by Sergeants. Commissioner Lovell stated that an excellent point was made in that we don't know how many times it was not approved. Sgt. Sweeney suggested that if someone is going to want a day off, they are going to call out sick. Why not approve an earned personal day five days in advance? He continued that the Sergeants received a memo that they were not allowed to give someone an earned personal day off if two other C.O.'s have time off already approved.

Commissioner Chair Sallie Chandler asked if the Sheriff and Lt. Col. would like to rebut Sgt. Sweeney's testimony. Sheriff King addressed the Board and explained that there is a big difference between planned leave and sick leave. He continued that jail staffing is under and that there is no shift relief factor. The Sheriff stated that they can allow three slots of time off but it's reckless for his jail department to incur overtime. Sheriff King continued that this is not the forum to negotiate a contract. He added that they do have some instances in which earned personal time off was approved and when it was not as there are lots of different factors involved in making this decision. Sheriff King added that there needs to be a violation of the contract to have a grievance sustained. Language exists in the contract that there is a guideline allowing two corrections officers and one supervisor off on vacation on each shift; therefore, there is no violation of the contract. *"Management rights allows us to say yes sometimes and no sometimes"*, stated Sheriff King.

Commissioner Chandler asked Attorney O'Brien to clarify what the contract says. Attorney O'Brien replied that the contract only specifies as a guideline that a maximum of two corrections officers can take a vacation day. It doesn't specify when earned personal time can be taken. But, there have been instances when earned personal time has been allowed in 2015 after the termination of the State of Emergency. Earned Personal time is a judgment as opposed to automatic approval.

Commissioner Sinden motioned to enter into executive session with our attorney per 1 M.R.S.A. §405 (6) (E) consultation with legal counsel. 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 Cote motioned to table this item until the first meeting in March (3-2) and asked Sgt. Sweeney, the Sheriff and J.A. to provide the letter of understanding mentioned in reference to the State of Emergency. Commissioner Sinden motioned to second the motion.

DISCUSSION: Sgt. Sweeney clarified that it was either a memo or an e-mail to the Sergeants. Commissioner Cote stated the Board is concerned about the mention of a memo put out when the Sheriff declared a State of Emergency and that the practice of allowing earned time off was going to change. Sheriff King interjected that he does not think that circumstance was addressed in the SOE. Colton Sweeney clarified that the memo or e-mail and SOE were two different documents. Sheriff King explained that he believes the Union is relying on past practice and that they (Union) felt it was an inappropriate use of the SOE. He added they have a memo but it was one page declaring the State of Emergency. Commissioner Sinden clarified that the Commissioners are referring to and requesting to see is any memo related to this practice in the past whether it's related to the SOE or a stand alone related to this practice. Obtaining this documentation, if it exists is a requirement of this motion, stated Commissioner Sinden. **Vote 5-0.**

- b. Approval of hiring of two part time, casual employees in Emergency Management Agency- County Manager Zinser explained that H.R. Director, Linda Corliss is present to clear up any confusion regarding the two employees EMA would like to hire. He reminded all that the Board tabled the request at their last meeting. Linda Corliss addressed the Board and explained that Mike Fraser and Molly Beyer are long time employees. She added that the background checks were now completed. These employees are under category 3(casual, temporary) in York County's HR Policy Manual. They are scheduled for 20 hours or less per week. Ms. Corliss continued that as per the direction of the recruitment and hiring portion in the H. R. Manual, the County Manager sent a memo to her authorizing her to bring on Ms. Beyer and Mr. Fraser after a review of their hiring packets to include background checks.

Commissioner Sinden moved to approve the hiring of Molly Beyer and Michael Fraser as casual, temporary employees. Commissioner Lovell seconded the motion. Vote 5-0.

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NEW BUSINESS

- a. EMA recognition – The County Manager stated that EMA has done a great job including rebuilding relationships in our communities. Other examples include pulling together twenty two York County cities and towns for an ice storm exercise, increase in the amount of funds brought in, training, and the daily

situation reports. Mr. Zinser commented that these tasks take hard work of all EMA employees. Deputy Director Dave Francoeur, Assistant Deputy Blain Cote, Laurie Ewing and Beverly Sinclair received certificates of appreciation from the County Manager and EMA Director Art Cleaves. Megan Arsenault was away at training but was later presented with a certificate.

- b. EMA –arrival of the drone-County Manager Zinser reported that the drone arrived earlier in the week and that we were hoping to launch it this afternoon but were unable due to do so because of a technical problem.
- c. Seek approval of new policy- Human Resources Director, Linda Corliss explained that this new policy (attached as record) will not affect any current part time employee.

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

- d. Schedule property tax abatement –Town of Newfield
(recommend date of February 17th)

Commissioner Lovell moved to schedule the tax abatement denial appeal hearing on February 17th as recommended. Commissioner Dutremble seconded the motion. Vote 5-0.

- e. Approval of transfer of employee to Jail Administrative Secretary- H.R. Director, Linda Corliss explained that the retirement of a long time employee created an opening in the jail division of the Sheriff's Office. The job posting process as outlined in the MSEA contract was followed. Current employee, Kelly Burnham interviewed for and was granted the job. This job is the same grade as her prior job. Therefore, she is transferring from one job to another.

Commissioner Sinden motioned to approve the transfer. Commissioner Dutremble seconded the motion. Vote 5-0.

Commissioner Sinden motioned to reconsider his earlier motion this evening. Motion seconded by Commissioner Dutremble.

Discussion: Commissioner Sinden stated that he was somewhat at a loss for the response to his motion as he thought this was a positive step and a chance for collaboration on a positive program. After the last meeting he had a discussion with the Sheriff and read extensive documentation that was prepared and became positively inclined. He read e-mail correspondence between he and the Sheriff (attached as record of the minutes). Commissioner Sinden continued that he was quite surprised to hear the response tonight from Commissioner Lovell. H added that there is something negative going on in the background that he is not aware of. Therefore, he wished to have the Commissioners reconsider his motion and vote it down as he does not feel they are ready to go forward. Commissioner Sinden stated that the Sheriff can line up his funding and present his idea to the Board as a whole keeping in mind that we have an \$800,000.00 deficit at the jail that we cannot add to. **Vote 5-0 to reconsider motion.**

Commissioner Sinden motioned to remove the vote taken earlier in the meeting. Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Lovell commented that Mr. Zinser pointed out that the motion lacked clarity. He stated that he wanted to know if the Sheriff will be part of the committee. He feels the committee should consist of the

Sheriff, County Manager, and Commissioners Chandler and Sinden. Commissioner Sinden responded there was no intention at any time to include or exclude anyone just to bring the greatest support from this Board to the project particularly when we had to ask for funding. Solidarity is the greatest point we can make, stated Commissioner Sinden. Commissioner Sinden added that there is still suspicion and credibility. Commissioner Lovell replied that Commissioner Sinden made that clear when he was requested his motion. Commissioner Sinden commented that the Sheriff is not a member of this Board. No decisions would be made by this sub-committee. We would meet with the Sheriff and whomever the Sheriff wanted us to meet with us. Now, the Sheriff can bring the program back to us so there is less suspicion. **Vote 4-1 with Commissioner Lovell opposed to rescind the earlier vote to form a sub committee.**

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PUBLIC COMMENT(S) ON ANY ITEM(S)

Rachel Sherman inquired about why part timers are now able to have insurance. She asked if there was a report given to the County from the Department of Labor. She then questioned why the County audit had not yet been presented to the public seven months after completion of the fiscal year.

County Manager Zinser stated that offering insurance to part time employees was a decision we made and that no report suggested that we do so. He added that others share Rachel's concern about the audit. He informed all that the County will be going out to bid for another audit firm as we have still not received the past year's audit.

Sheriff King requested to be heard on the Therapeutic Community issue- He stated that he has been very collaborative in reaching out to the Commissioners and stated that if Commissioner Sinden does not want to be part of the project he would ask another Commissioner to step up. The Sheriff commented that the Manager wrote to him a couple of months ago that some Commissioners were interested in this issue. Commissioner Sinden commented that he cannot work in an atmosphere of suspicion that was shown here tonight. He continued that he thought he had a great program to present to Speaker Eves when he visits the jail. All I heard tonight was suspicion. Commissioner Sinden said to Commissioner Lovell that he had received a copy of the e-mail and knew we were not cutting the Sheriff out. *"If something is brought to the Board and contains the appropriate level of funding, then I'll make my vote"*, stated Commissioner Sinden.

Commissioner Cote stated that he thought somehow Commissioner Sinden's intentions got twisted around. He added that he believes it would've been the thing to do (sub-committee formation) with the County Manager, Chair and Commissioner Sinden involved. He explained that the Sheriff works singularly we (Commissioners) work as a Board. Commissioner Cote continued that he felt what was done tonight was in good faith and that some people didn't want to see that happen. He added that he was surprised that the Sheriff didn't accept the willingness of the Board. Sheriff King replied that was categorically untrue. He added that he simply asked if he could be part of the sub-committee and that he was offended. Commissioner Cote replied, *"You can be and so am I". You don't trust us and we don't trust you."* Sheriff King left the meeting.

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).

a. Enter into executive session pursuant to 1 M.R.S.A. §405 (6) (D) labor negotiations- No executive session occurred.

9 ADJOURN

Commissioner Cote motioned to adjourn. Commissioner Dutremble seconded the motion. Vote 5-0. Meeting adjourned at 6:15 p.m.