

COMMISSIONERS REGULAR MEETING

January 20, 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 20, 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

01-20-16

ITEM

1

PUBLIC COMMENT(S) ON ANY ITEM(S)

Susan Wiswell questioned if bomb scares at school are handled here or at the municipal level. The County Manager responded that the municipalities handle these but York County EMA would assist. EMA Director Art Cleaves added that they train with York County communities for bomb threats and active shooters. Sheriff King also stated that they have talked to the York County School Resource Officer in regards to reinforcing procedures.

Commissioner Gary Sinden added that at the school he works at in NH, there was a discussion that schools in Massachusetts had received over 20 bomb threats. He commented that it sounds like someone has put them on robo calls and reminded all that every call has to be responded to and that this is the next big threat.

2 **TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY
COMMISSIONERS MEETING OF JANUARY 6, 2016**

Commissioner Dutremble motioned to accept the minutes of the January 6, 2016 meeting. Commissioner Cote seconded the vote 5-0

3 **HEAR ANY REPORTS OF THE COMMISSIONERS**

None

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

a. Construction update- County Manager Zinser explained that there are two parts to the renovations- 3A and 3B. 3A encompasses the wellness center, two offices and conference rooms. He also mentioned that we have been working with Concentra, the company we send employees injured while on the job to and they will have employees use the Wellness center for their rehabilitation. The two additional conference rooms will be available for anyone in the County that wants to use them. Mr. Zinser continued that the project was built keeping in mind that at some point in time we will expand into the old kitchen and blow out the meeting room wall for a more conference like setting. The original cost of the renovation for 3A was estimated at \$360,000.00. Mr. Zinser reported that the project is costing \$50,000.00 to \$60,000.00 over the original estimate at this point with work substantially completed in January. The cost is at around \$400,000 right now as the contractors ran into significant issues including asbestos abatement and structural issues. There should have been bearing walls in places so it was necessary to add steel beams. Steel work was also necessary in the Wellness Center. The cost was increased by \$25,000.00 just for steel. The County Manager displayed a current invoice as part of his PowerPoint presentation showing the cost of \$430,000.00 to date (invoice attached as record). Mr. Zinser added that every time we've found a problem, we've done our best to find a corresponding decrease. Human Resources will move into the area currently occupied by the County Manager and his assistant, reported Mr. Zinser.

He showed a drawing of 3B (EMA) where a portion of the area is prepped for new bathrooms when we are financial able to put in them in.

County Manager Zinser explained that 3B will be set up to be a training room. If need be, functions of the Emergency Operating Center can be in the new room.

EMA has taken on a very aggressive training program. The Current EOC is somewhat limiting in size stated the County Manager.

County Manager Zinser explained that the \$330,000.00 was the original estimate for the EMA (3-B) portion with one half being reimbursed by FEMA. To date, \$284,000.00 has been expensed.

5 **OLD BUSINESS**

a. Findings on abatement 16-01-06 – Commissioner Sinden motioned to accept the Findings on abatement #16-01-06. Commissioner Cote seconded the motion. Vote 5-0.

6 **NEW BUSINESS**

a. Discussion of Juvenile Fire Prevention Program due to employee retirement and employment relationship with County-County Manager Zinser explained that this is a long running program and that \$28,000.00 is donated yearly by the County towards the program. Pam Tourangeau recently retired her position and the program is currently a 5013C with a board of directors to oversee the

program. The County Manager explained that he and EMA Director, Art Cleaves, discussed how to move forward. We cannot have a 5013C as we are a government. We decided that we would like to keep the money in our budget and take on the employees as our part-time, casual employees. We are not requesting any additional funds. EMA Director Cleaves added that Mike Fraser and Molly Beyer would prefer to be paid wages.

Commissioner Cote added that he attended Pam's retirement party and there was a lot of background about the importance of program. Twelve chiefs testified regarding the importance of keeping the program alive.

Commissioner Lovell moved for purposes of discussion to adopt the Manager's proposal to bring on part-time employees. Commissioner Cote seconded the motion.

DISCUSSION:

Commissioner Cote asked to clarify that the terms of the position are 12 hours or less a week. H.R. Director Corliss responded that was correct and that they would not necessarily have hours every week. Ms. Corliss clarified that no full time positions are being created. Commissioner Dutremble asked if the positions have to be advertised. The County Manager replied that the policy manual states that they can be hired at his discretion. These two people have the institutional knowledge. Commissioner Lovell stated that his concern is similar to Commissioner Cote's in regards to bringing on a part time person and then the hours increase. He added that he'd like to have a cap of 20 hours per week. Our H.R. Director stated this is more than adequate. Commissioner Sinden recommended that we don't cap the hours and instead cap the yearly amount of \$28,000.00 and use the title of on-call employees. H.R. Director, Linda Corliss clarified that a casual employee is an on-call employee. Commissioner Sinden amended his motion from approval of part time to approval of two casual employees capped at the amount of money allocated annually by this Board. Vote 5-0.

Commissioner Lovell asked as a point of clarification is they currently employees.

The County Manager replied that they were not. Director Cleaves added that hiring packets were complete except for the background information checks. It was decided to wait until next week to vote on the hirings. Commissioner Sinden withdrew his motion.

- b. EMA recognition- removing until next meeting.
- c. Review of request for waiver on interest charged on late payment of taxes by Town of Newfield- The County Manager informed the Board that other cities and towns have not paid their tax bills in time in the past but simply forgot. They requested forgiveness of the late interest charge but were denied. County Manager Zinser read the letter from the Town of Newfield as to their reason (letter attached as record). Commissioner Sinden questioned shouldn't the select board have had this on their docket? Commissioner Lovell asked if we are out of pocket any money? The County Manager replied that we are not as they have paid their tax bill. Commissioner Lovell asked if they have a history of not paying their taxes or have they have always paid on time. Mr. Zinser replied that they've paid on time. Commissioner Lovell commented that they state in their letter that they've taken steps to put procedures in place to rectify

the problem in the future. Therefore, he motioned we should accept their apology and not demand their interest due. Commissioner Cote seconded the motion.

DISCUSSION:

Commissioner Sinden stated that this action is changing what is in the policy and what will be the parameters for the next town as to what is acceptable and not acceptable. Commissioner Lovell countered that this was a catastrophic event and he accepts them at their word that they have put forth a program that will catch that in the future. Commissioner Sinden asked how that compares to those in the past that we've said no, your taxes are due. Individuals get penalized when they forget to pay their taxes. He stated that he doesn't understand how we will define when we will waive the requirements in the future. Commissioner Sinden asked if the Town of Newfield contacted the County to let us know the taxes were going to be late. Finance Director, Vicki Ridlon explained that they found out they were overdue as she contacted them and told them there would be interest. Commissioner Sinden stated that the Select board and Town Manager were not aware of situation and they should have been. Since we have not waived the interest in the past how do we go back to the other towns, he stated.

Commissioner Cote remarked that he was basing his decision on what's happening right now and that he feels these should be looked at case by case. He added that many small towns do not have a manager and that their treasurer would be elected and may not know when bills are overdue. He felt this is a good case for giving someone a break.

Vote 4-1 with Commissioner Sinden opposed.

- d. Mid-year general fund and jail budget review- County Manager Zinser stated that the County budget is looking fine. The jail budget, as estimated previously and stated to the Commissioners, has a deficit of roughly \$700,000.00. The County Manager added that we might receive, through a bill, some supplemental funding. If passed, we would get roughly \$318,000.00. This would decrease the deficit. He asks the Commissioners what direction they want to go with this issue.

Commissioner Lovell commented that we expected overtime to be where it is. He continued that he is surprised that the medicine line is over budget and is afraid of what might happen to that line. If we have to order a particular drug the line might rise. He added that the rest of the budget seems reasonable for what we have to do under the spending cap.

Commissioner Dutremble asked the Sheriff that since we are \$400,000.00 in the hole at the end of the year, where the money will be coming from. He added that it will not be coming from the general fund and we better start planning and making decisions right now such as putting freezes on everything but wages. We need to start looking sooner than later, stated Commissioner Dutremble. Sheriff King stated that there are one hundred people out on pre-release. He added that there are some things he can do under Title 30-A but that there are more and more multiple offenders with many of them being out of State people. He continued that he doesn't see a big end in site when it comes to overtime. Sheriff King shows a PowerPoint presentation which shows a report presented by Rod Miller in 2008 stating that the jail should have 95 positions. The Sheriff

informed all that there are currently seventy six (76) Corrections Officers. The average daily population of the jail is now 230.

Commissioner Dutremble stated that we have a law saying that we can only spend \$8.3 million. He asked the Sheriff if he understood what he is saying. The Sheriff responded that he does. Commissioner Sinden asked if all prisoners are York County residents. Sheriff King replied that they have an intern whose special project will be to look at each offender and find out where they are from. He added that York County is taking the brunt of the heroin problem. We are not boarding any inmates from other counties stated the Sheriff. Commissioner Sinden asked if there was any recourse to DOJ or any Federal agency when we have so many out of Staters? Sheriff King replied that as of late, the DEA hasn't been talking about charging people for crossing state lines. He added that there is a program with the Department of Justice where if the prisoner is foreign born they will reimburse us. Sheriff King informed all that he and the County Manager have been discussing Federal boarding of inmates. He continued that the jail has two consent decrees that need to be lifted first. Commissioner Sinden inquired if there was any way to get around the current state rules on restricting boarding? Sheriff King replied there was not. County Manager Zinser clarified that the law allows us to charge rents but the issue with us is we are not in an ideal geographical location with the other counties, in his view. Commissioner Sinden stated that he is resentful of other states. He continued that they obtain their work product and we are scooping them up in Maine and doing them a favor. Some sort of relationship should be established with them, in Commissioner Sinden's opinion. Sheriff King stated that we are the market-end user and that his office is arresting more than one person and that these are very violent offenses. Commissioner Cote asked if there had been any requests to board prisoners from other counties. Sheriff King answered that most of the counties are making agreements with other counties such as Cumberland, Oxford and Waldo. Commissioner Cote stated that he wished the Sheriff would consider working with other jails with MOA's to try and get some of these costs down. The Sheriff responded that they do have a transportation hub with Penobscot and that they train with Cumberland. Commissioner Cote stated that we need to let our legislators know this is a dangerous situation. We need to work together to save taxpayer money and get this system working. Commissioner Lovell asked what portion of our inmate population has been sentenced or is awaiting trial? Sheriff King replied that roughly 60% are awaiting trial or in trial. Commissioner Lovell asked if there is some way that the D.A.'s office can process these 60% quicker and get them moved to the State of Maine Prison. He feels that not prosecuting quickly is part of the problem. Can we ask the Attorney General's office for more attorneys so we can clear our jails out, asked Commissioner Lovell. The County Manager replied that the biggest problem that we see in his view is that the Unified Court Docket was supposed to help. There is a lot of blame to place on the judiciary system, stated Mr. Zinser. The County Manager added that the State is putting their Supreme Court Judges on as Trial Judges to attempt to clear up backlog.

Commissioner Sinden asked as a follow-up to Commissioner Dutremble's comment, what are we going to do? He continued that this was asked several months ago and that everyone was asked to study the problem and come up with ideas. *"I haven't heard any answers or plans or ideas other than what Commissioner Lovell just suggested which moves the problem from the jail to*

the courts. The answer is going to be in the legislation. We are back to relying on the York County legislation which we did before and we were disappointed. We need to hold firm and let them know we are serious. The State needs to step up and meet its responsibility. The drug epidemic of drugs moving through York County is a State problem. I agree with Commissioner Cote that I would not be in favor of increasing taxes. Spread the pain across the State”.

Commissioner Cote informed all that he had received an e-mail from Ryan Anderson who is in charge of jail inspections in State of Maine and that he discussed that due to the opiate epidemic, they may have to change some jail standards. Commissioner Cote asked if there were Federal funds for treating people rather than incarcerating them. He suggested maybe a task force or a committee needs to be formed.

- e. FY '17 budget direction/guidance- the County Manager asked the Commissioners what their directive to him is in regards to setting the 2017 fiscal year County budget. He reminded the Commissioners that we will loose some revenue this year with the re-entry center slated to go away but we are looking for other uses for that piece of property. We recently received notice that the MEPERS reimbursements that we've been using \$32,000.00 a year of to offset our contributions will be going away in a couple of years. In order to mitigate that, we will reduce that line item little by little. We have locked in our fuel for the next year at \$1.09. He added that he is working with Revision Energy to see what the possibility is for solar power at the Government Building and the Courthouse. The Jail is too big of a facility for solar power.

Commissioner Dutremble stated that every city and town is going to loose revenues due to the Homestead Act. He added that his directive is to keep the budget where it is right now or as close as possible.

Commissioner Sinden asked how large the health care increase is. County Manager Zinser responded that the increase is between \$310,000.00 to \$320,000.00 increase for this year but it is unknown for 2017.

Commissioner Cote commented that a city like Sanford doesn't have a good revenue source. They cannot tolerate any more pressure from other governments raising their taxes. He added that this is the message he constantly gets but that he realizes we have to run a government. Commissioner Cote continued that unless we can find some way to get the State to fund what they need to fund, we will have to make some tough decisions.

Commissioner Lovell stated that we need to recognize changes in expenses but there should not be any increases where we can avoid increases. He does not want to exceed LD 1 under any circumstances. Commissioner Sinden commented that he's been hearing that LD1 might go away. He directed that we stay as close to the bottom line as we can.

- f. Sheriff to discuss jail initiative- First, the Sheriff thanked Finance Director, Vicki Ridlon for taking Macey until the program was ready. He added that they received their new storage containers through the military surplus program as discussed at the last meeting.

Jail initiative- The Sheriff discussed his vision to start a therapeutic community in the jail to treat inmates with addiction, especially opiates. He explained that he had started a discussion with The York County Shelter regarding the creation of an in custody drug/alcohol treatment program. The Sheriff informed all that 1 in 4 people that come into the jail need intensive therapy. This initiative would initially be for females. (Handout included as record of minutes) He suggested

that perhaps the pre- release center could be used for transitional housing. The Shelter has written a grant and the Sheriff stated that he told them to include his office in this grant. He added that his office could offer a specialized program and have other Counties pay to come to this program. In this program, people would be getting help while they're incarcerated. Sheriff King stated that there is a successful program in Strafford County but that this program is a little different and focuses on after care.

Commissioner Cote stated that we need to work on this as a team and find a grant source. We could provide the building and others could staff it and we could still get revenue, he suggested.

Commissioner Sinden commented that this all looks good and while he agrees that this is an excellent concept, we are at the point with our deficit we have to be sure that we make no commitments until we see real money. He continued that we can't set up the program and initiate it and hope money will appear. He stated that we have to move forward cautiously and cannot commit to anything until we know the facts.

Commissioner Dutremble questioned would the program possibly be paid for if some of the inmates have their own insurance? Sheriff King stated that he does believe they can recoup some but maybe not in a custodial setting. He added that he does need some help and a point person with this program. The County Manager commented that he believes one loses their health insurance when they are incarcerated.

Commissioner Sinden stated that he would be happy to go to meetings and listen.

- g. Commissioner approval on Jail Medical contract- The County Manager informed all that the Agreement expired in October with an increase faced for this year. We renegotiated the terms with no increase but in July of this year, the contract goes up. We are looking for Commissioner approval to sign a contract for another two year period.

Commissioner Dutremble motioned to approve the signing of the contract for a two year period. Commissioner Sinden seconded the motion.

DISCUSSION:

Commissioner Lovell asked if the amount of increase is \$47,000.00 on this contract alone and if so, the purpose of this increase. The County Manager said this was correct and that our budget issues were explained to the company. Commissioner Lovell asked if there were other bidders. County Manager Zinser responded that yes, we went out to bid. Lt. Col. Vitiello explained that Correct Care Services is the staffing and management contract for them to staff and manage the jail clinic. He went on to explain that a lot of their expenses are personnel costs. The medical field, especially nursing, in So. Maine is a competitive market. Lt. Col. Vitiello further explained that the jail went through a national bid process for the initial term for a three year contract and two -2yr extensions. This is the first extension. He stated that we can negotiate a second 2 year contract or we can serve notice and say we are going back out to RFP.

Commissioner Lovell stated that we are looking at rising jail expenses and that we need to start looking at some point how we are going to stop rising jail expenses. He added that a revenue stream would help to handle some of the problems rather than nickel and diming on the expense side.

Commissioner Cote asked if he was correct in that the bottom line is this expense is because we've extended the contract and that our only alternative is to go out and look for other bids. Lt. Col. Vitiello stated yes and that he and the Manager had discussions and we opted to extend the contract and not go out to RFP. County Manager Zinser explained that this is a very complicated process. Vote 4-1 (Commissioner Lovell opposed)

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

None

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

No action taken

9 ADJOURN

Commissioner Sinden motioned to adjourn. Commissioner Lovell seconded the vote 5-0. Meeting adjourned at 7:01.

S/YORK COUNTY COMMISSIONERS

Minutes taken by Administrative Assistant

**SIGNED: _____
Kathryn A. Dumont**

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