

COMMISSIONERS REGULAR MEETING

June 3, 2015

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, June 3, 2015 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

06-03-15

ITEM

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

2 TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS MEETING OF MAY 20, 2015

Commissioner Dutremble motioned to approve the minutes of May 20, 2015. Commissioner Sinden seconded the motion. Vote 5-0.

3 HEAR ANY REPORTS OF THE COMMISSIONERS

None

4 HEAR A REPORT FROM THE COUNTY MANAGER

County Manager Greg Zinser introduced York County's new Facilities Director, Timothy Amoroso. Mr. Amoroso began part time employment with York County on Monday, June 2nd, 2015.

a. Hear County Patrol Association Grievance-

Commissioner Dutremble motioned to enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (E) consultation with legal counsel. Commissioner Sinden seconded the motion. Commissioner Cote excused himself from the session.

Vote 4-0.

Sheriff King, C.D. Baran, Major Mitchell, Deputy Mathieu Nadeau, Deputy Bob Carr, Attorney Chapman and Attorney O'Brien were also present in the executive session.

Commissioner Dutremble motioned to come out of executive session. Commissioner Lovell seconded the motion. Vote 4-0.

Commissioner Lovell moved to table the grievance matter until no later than the first meeting in July in which to receive a report from the County's attorney.

Commissioner Dutremble seconded the motion. Vote 4-0 with Commissioner Cote abstaining.

b. Continuation of Sheriff King's salary request-

Commissioner Lovell motioned to approve the amount in the budget of \$93,357.00 stating that it is a line item within budget for the current fiscal year. He continued that the education that Sheriff King has and his service in the Portland Police Department as a Patrol Officer who was promoted to Sergeant. Commissioner Lovell added that Sheriff King also served in Federal law enforcement for twenty six (26) years and Maine law enforcement for at least five (5) years. He stated that he felt the Sheriff's request was reasonable. Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Dutremble asked Sheriff King the length of time he has worked for York County. The Sheriff responded four and one half years.

Commissioner Dutremble suggested that perhaps setting the Sheriff's salary at \$87,000.00 made more sense (his current salary of \$78,000.00 plus 1.7% for the four and one half years he has been employed in York County). Commissioner Dutremble clarified that the figure in the budget was for the previous Sheriff who had been employed with York County for sixteen years. Commissioner Sinden agreed. The County Manager clarified that Non-Union employees receive 2% yearly plus any COLA that's given to the remainder of the County.

Commissioner Lovell reminded all that the figure of \$93,000.00 is the motion on the floor. Commissioner Sinden asked Commissioner Lovell if he feels this means the current Sheriff has a right to this amount. He clarified that "we" (Commissioners) are not bound to that number simply because that was the money designated for the previous Sheriff.

Sheriff King addressed the Commissioners and stated that to do anything less than give him the \$93,000.00 would be a contradiction to the law. He added that his salary has to be set prior to the election and that by having the \$93,000.00 in the budget line, the Commissioners set his pay at that. County Manager Zinser clarified that it is the position of our attorney that the Commissioners can, but are not bound to increase the salary of the Sheriff. Commissioner Chair Chandler

clarified that the Commissioners did set a policy of a pay range for all elected officials. Sheriff King replied that policy does not trump law. The County Manager agreed but said the State law requires the Commissioners set a pay range. Sheriff King cites the law. Commissioner Cote clarified that the intent of the law is that you cannot cut someone's pay once they are in office and added that the Sheriff is not entitled to it because it's in the budget. He continued that the Commissioners can grant it if they so choose but are not obligated to do so.

Commissioner Sinden moved to amend the motion and set the Sheriff's salary at \$86,000.00. Sheriff King responded that the figure is below the salary of one of his subordinates. He added that the County Manager offered him \$96,000.00 provided he participated in a merit raise approach and that he feels he is now being penalized because he rejected that approach. The County Manager clarified that this was discussed as a possible method of increasing the Sheriff's pay and that the Sheriff originally agreed to it but then changed his mind.

Commissioner Dutremble remarked that the Sheriff should be paid a higher rate of pay than his employees and therefore he removed his second of the original motion.

Commissioner Dutremble motioned that Sheriff King's base pay be \$80,000.00 with five years of service at a 2% raise making his salary \$88,000.00. Commissioner Sinden seconded the motion.

Discussion: Commissioner Lovell commented that he will not support the motion and that the Sheriff's experience is far more than his five years with York County. Commissioner Sinden remarked that \$88,000.00 puts our Sheriff's salary above every Sheriff but one in Maine.

Commissioner Chair Chandler asked for a vote to move the question. The Vote is 4-1 with Commissioner Lovell opposed.

Commissioners voted on the motion to increase Sheriff King's salary to \$88,000.00 retroactive to January 1, 2015. Vote is 4-1 with Commissioner Lovell opposed.

c. Introduce Sheriff King to request hiring of three deputies and one correction officer-

Sheriff King requested approval to rehire John Downs as a corrections officer at a starting salary with no seniority. Commissioner Dutremble motioned to approve the request. Commissioner Lovell seconded the motion. Vote 5-0.

Sheriff King requested the hiring of three deputies: Scott Corey, Travis Belleard and Kevin Collins. Commissioner Cote asked why the hiring packets did not contain polygraph and psychological testing results. Sheriff King replied that psychological testing was not part of the hiring process for deputies. He explained that polygraphs were not done on these individuals as they had recently had polygraph testing done with other departments and in an effort to save money, he did not feel it necessary for them to be done again. Commissioner Cote responded by voicing the concern that if we are not consistent in our policy, there might be an issue. Sheriff King stated that three polygraphs would cost over \$1,000.00. He added that they were confident with the recent polygraphs done by the other

agencies that these deputies are coming from. Commissioner Lovell asked if we could obtain the results from the other agencies as he agreed this could be seen as profiling. He added that because of the lack of the regularity of the procedure, the entire procedure could be problematic. Sheriff King replied that he is concerned with the lack of funds in his budget available to administer polygraph tests. Commissioner Lovell asked the County Manager if it was possible to reallocate some funds for this process. County Manager Zinser replied yes. Sheriff King will get the face (summary) sheet of the polygraph tests from the other agencies for the three new hires.

Commissioner Lovell motioned to approve the hiring of the three deputies pending receipt of the face (polygraph summary) sheets by the County Manager. Commissioner Dutremble seconded the motion. Prior to voting, Commissioner Cote clarified that the new hires do not move forward until the County Manager is in receipt of the face sheets. Vote 5-0.

d. Expenditure/Carry forward request-

County Manager Zinser referenced the memo sent to the Commissioners (attached as record) in which he explained that the Sheriff's Office budget would be ending the year with approximately \$250,000.00 and after consultation with Sheriff King, requested the Commissioners approve purchasing Tough Book computers and match a grant to purchase body armor. Lastly, some of the requested carry over funds would be used to reimburse other organizations for Maine Criminal Justice attendance of the deputies we are hiring. The requested amount of the carryover is \$123,000.00.

Commissioner Dutremble motioned to approve the \$123,000.00 budget carryover. Commissioner Lovell seconded the motion. Commissioner Cote asked about extra funds to cover the polygraph testing. Sheriff King stated that \$4,000.00 should cover the polygraph testing. Commissioner Cote amended the motion to carry over \$127,000.00 specifying the extra \$4,000.00 be used specifically for polygraph testing. Commissioner Sinden seconded the motion. Vote 5-0.

e. Update on Budget Committee process-

The County Manager informed the Board that the Budget Committee will vote on the fiscal year 2016 budget tonight.

5

NEW BUSINESS

- a. Set date to hear poverty abatement denial appeal request
(recommend July 1st meeting)
- b. Set date to hear tax abatement denial appeal request for Limerick resident
(recommend July 1st meeting)

The Commissioners are in agreement with setting the dates for both Hearings for July 1st at their next regular meeting.

6 OLD BUSINESS

None

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

Sheriff King informed the Commissioners that well known speaker and body language teacher, Janine Driver, had contacted him to offer scholarships allowing two of our officers to attend her class. C.O. Tom Slawson and Deputy Heath Mains were sent. The Sheriff received a call from Ms. Driver praising the two employees on their skills.

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).

9 ADJOURN

Commissioner Dutremble motioned to adjourn. Commissioner Cote seconded the motion. Vote 5-0. Meeting adjourned at 6:12 p.m.