

COMMISSIONERS REGULAR MEETING

June 7, 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, June 7, 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

06-07-17

ITEM

1

PUBLIC COMMENT(S) ON ANY ITEM(S)

Susan Wiswell, Kittery resident spoke about an incident in Oxford County where there was a lightening strike. She asked if York County's system was protected. County Manager Zinser explained that we contract with Sanford Communications but, here, we have backup systems, so our equipment does stay online.

2

TO APPROVE THE MINUTES OF THE MAY 17, 2017 MEETING

Commissioner Cote motioned to approve the minutes of May 17, 2017. Commissioner Dutremble seconded the motion. Vote 5-0.

3

TO APPROVE TREASURER'S WARRANTS

a. Warrants dated 5-17-17 in the amount of: (\$521,924.63)

Commissioner Clark motioned to approve this warrant. Commissioner Cote seconded the motion. Vote 5-0.

b. Warrants dated 5-24-17 in the amount of: (\$246,907.43)

Commissioner Clark motioned to approve this warrant. Commissioner Dutremble seconded the motion. Vote 5-0.

c. Warrants dated 5-31-17 in the amount of: (\$85,362.56)
Commissioner Clark motioned to approve this motion. Commissioner Cote seconded the motion. Vote 5-0.

4 TO HEAR ANY REPORTS OF THE COUNTY COMMISSIONERS
None

5 TO HEAR TAX ABATEMENT DENIAL APPEAL
a. Larry and Michelle Goodwin of Lebanon ME

Michelle Goodwin addressed the Board and explained that she owns 12.5 acres of land in Lebanon on which she cleared a piece for her daughter to put a double wide home on the lot. She clarified that her daughter never moved into it. She noticed her taxes were not correct and went to the town and they told her she was being charged for two lots but receiving only one bill. According to Mrs. Goodwin, she was told they (the town) would fix it. She noticed she was charged this way for five years. Mrs. Goodwin received a letter from the town that she can only be paid (credit given) for three prior years but she believes they (the town) owe her for the five years. Commissioner Lovell asked her if she feels there was any intentional fraud. Michelle Goodwin replied that she didn't know but she (person at town hall) knew immediately what happened so therefore she doesn't know why it wasn't fixed. She stated that she could not say it was a fraudulent act. It should be on record, though, she commented. Commissioner Lovell replied that it could've been a clerical error, too.

Mr. Harlow, representative for the Town of Lebanon, approached the Board and stated that they can only abate for the current year plus the last two years by law and that he believed the town did abate. He added that the Town did not know the mobile home was used for storage. The question was should it be assessed. It wasn't condemned but it has now been condemned and it can then be assessed as storage. It would have to be removed to not be assessed at all. Commissioner Lovell asked for clarification and asked if it is actually not two lots but two structures? So, is the issue that one was assessed at too high of a value and that was the adjustment? Commissioner Dutremble asked if the Goodwin's are asking for two credits. Michelle Goodwin stated that she is talking only about the land value.

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

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

Commissioner Lovell motioned to deny the appeal based on Title 36 Section 841. Commissioner Cote seconded the motion. Vote 5-0.

Commissioner Clark informed all the Findings of Fact will be presented and voted on by the Commissioners at our next meeting.

6 TO HEAR GRIEVANCES (may be heard in executive session)

a. NCEU (3 grievances)-
03-02A (Task Assignment) N.C.E.U. Labor Representative, Bill Doyle circulated his presentation to the Commissioners (attached as record to the minutes). He began by explaining that there are prolonged task assignments and that task assignments are not in the contract. He continued that Jail management has a long history of task

assigning that causes overtime, morale issues and preferential treatment. A task assignment changes officers' days off and violates seniority. Task assignment employees are considered essential if they were on the floor. Mr. Doyle explained that a task assignment is a job available for a certain amount of time and everyone puts in if they are interested and management picks who they want for the job. This differs from classifications. Classifications are mentioned in the contract under the pay scales. The Union wants task assignments to cease until all positions are filled. Commissioner Lovell asked if Mr. Doyle believes the budget is a controlling document. Bill Doyle replied that he did not and that management is taking someone from the floor into a clerical position and backfilling with overtime. Mr. Doyle objected to Sheriff King speaking about the grievance, as, according to Mr. Doyle, the grievance is now at the Commissioner level. The Sheriff has already ruled on the grievance. Sheriff King replied that this is a long-time practice. We need to have this (task assignments) as we are inspected by the Department of Corrections and we don't have the staff that can do the task. We have been very successful with our inspections and if we don't pass the inspection, we will be shut down. The County could be held liable, stated the Sheriff. He added that he wished they had enough staff to rotate and have time to train different employees to complete these tasks.

Bill Doyle replied that these are administrative functions and that the jail staff includes two captains, a jail administrator and a major, so, therefore, there are plenty of other opportunities. Not to mention folks on light duty that could perform this work, stated Mr. Doyle.

B1/B2- (grievance #102516-114011)- Bill Doyle distributed his presentation (attached as record) to the Commissioners and explained it referred to officer safety and change of working conditions as management collapsed two posts into one for financial purposes. Commissioner Dutremble questioned the graph distributed that showed a 700% increase and stated that fourteen (14) incidents out of thousands of inmates that have been in the jail is misleading. He commented that he tries to be fair, but, you have to be also. Commissioner Lovell questioned the Union's request to be "made whole in all ways". Bill Doyle explained that it meant lost overtime, the County's responsibility, the B1/B2 situation resolved and go back to status quo.

Commissioner Clark stated his displeasure at being given information showing information that inmate population is seven (7) times worse without giving us the numbers is a misleading assertion. Commissioner Chair Chandler asked if Sheriff King has anything to add (Bill Doyle again objected to Sheriff King being allowed to speak). The Sheriff stated that he wanted to dispel that we did this primarily for financial reasons. He added that he hasn't seen any of the raw data used to get to the numbers used by the Union and that he would certainly like to take a look at this. Sheriff King stated that there is no 8th amendment violation and that either linear or direct supervision- can be done at the jail. He added that he wouldn't be doing it if he thought his staff was at risk. Sheriff King continued that they are saving 168 hours of overtime so there is a financial benefit. He added, though, that the jail is down 10 to 12 corrections officers so if he added on 168 hours of overtime, people would be ordered in a lot. Sheriff King stated that he doesn't really know what the Union wants. He agreed that it is not an ideal situation and if they had the people to hire, they would. Sheriff King said that he is trying to stay away from a State of Emergency at the jail.

Commissioner Lovell asked if this issue is something the Jail Working Group could look at? The County Manager replied, possibly, but, it's not on our agenda of the jail.

Sheriff King stated that at \$20,000.00 a month x 8 (corrections officers), Bill Doyle has stated that he wants that lost overtime compensation. The Sheriff stated that he is also doing this for the staff as people are overworked. Bill Doyle replied that NCEU is not interested in any financial impact for this grievance; they just want to solve the issue of the collapsed pod. He stated that your folks are here to tell you they don't feel it is safe. Ask them, they will talk. This is why they are here.

Grievance #03-02 (Union requested this be heard in executive session)

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

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

Commissioner Clark motioned to deny NCEU grievance number 03-02A.

Commissioner Cote seconded the motion. Vote 5-0.

Commissioner Lovell motioned to deny grievance number 102516-114011 (B1/B2).

Commissioner Clark seconded the motion. Vote 5-0.

Commissioner Clark motioned to deny grievance number 03-02. Commissioner Dutremble seconded the motion. Vote 5-0.

b. MSEA (grievance)-Rachel Sherman addressed the Board and distributed Exhibit A (included as record of these minutes) – the public posting and posting that occurred on Facebook for the Jail Records Clerk. She then distributed Exhibit B (also attached as record), Article 41 of the MSEA Local 1297 Contract that deals with Seniority and job posting. Ms. Sherman explained that during the last bargaining process, part of the discussions were to figure out a way to expedite job postings. She explained that this is where the “check off” process came in to play. Rachel stated that this was done so you can do both (post internally county-wide and externally) simultaneously. In this case, continued Rachel Sherman, just an external posting was done. She stated that the past practice has been that we have always had internal postings attached to our pay stubs, posted on bulletin boards, and or e-mails to employees. Ms. Sherman then distributed Exhibit C- York County's Recruiting and Hiring Procedures from the Human Resource Policy (attached as record to minutes) and stated the procedure used to hire the jail records clerk violated this.

Rachel Sherman concluded that the remedy that MSEA is seeking is to not repost the jail records clerk position but that they would ask the County to ensure internal postings occur with every vacancy.

Commissioner Lovell asked the County Manager if there was any difficulty in doing what Rachel is asking as it seems reasonable. He further stated that “either/ or” could be read either way. Commissioner Lovell commented that clearer language should be negotiated.

County Manager Greg Zinser replied that he feels we need to stick to the terms of the contract. Commissioner Lovell responded that if HR is able to do that, between Linda and April, it does not sound difficult.

Commissioner Clark asked if there were bulletin boards in every building. Rachel responded that although their Contract states that these are available, they do not

have them in each building. Commissioner Clark stated that he feels they should be posted in all buildings and asked if we post them on our website. H.R. Director, Linda Corliss, replied that we post on Indeed.com and our website and that this time she posted it on Facebook. Commissioner Clark stated that if we agree it is posted by paper or if it is posted on our website, no one should have a complaint. He further stated that the policy should be we meet what we said we do. Linda Corliss replied that we do always post publicly on the County website. Commissioner Clark asked if every employee has an opportunity to look at the County's post on the website. Rachel Sherman responded that she does not know that all of her members have computers. She asked that it be posted by all time clocks.

Commissioner Cote motioned to enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (A) personnel issues. Commissioner Dutremble seconded the motion. Vote 4-1 with Commissioner Clark opposed.

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

Commissioner Lovell motioned to deny the grievance but recognizing the importance of posting, stated that "*we will act on that but, deny the grievance as the contract reads, and/or*". Commissioner Dutremble seconded the motion. Vote 5-0.

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NEW BUSINESS

a. (none)

b. Introduce Sheriff King to seek hiring approval for a Reserve Corrections Officer-Danielle Provost- H.R. Director, Linda Corliss informed the Commissioners of Danielle Provost's qualifications and asked that her hiring be effective immediately.

Commissioner Lovell motioned to approve the hiring of Danielle Provost as a reserve Corrections Officer effective immediately. Commissioner Dutremble seconded the motion. Vote 5-0.

c. Review of bids for two SUV's for Sheriff's Office- County Manager Zinser requested the removal of this item. He explained that he has had discussions with the Sheriff and his command staff and they are now looking at vehicle leasing. The County Manager continued that now that the Budget Committee has made the move to increase the vehicle line to \$200,000.00, it puts us in the position to look at alternate ways to acquire vehicles for the Sheriff's Office. From preliminary research, it looks like we could perhaps acquire 10 vehicles for \$100,000.00 for 3 years. There is no mileage cap. Mr. Zinser stated that the Sheriff and his command staff will talk to dealerships and Finance Director, Vicki Ridlon, will talk to banks about other options for acquiring vehicles. Commissioner Dutremble clarified that if the County goes with the lease purchase process, after three years we own vehicle. County Manager Zinser replied that there are a couple of different options and yes, that is what we are looking at right now. He added that we are also talking about a rotation program and will talk to a couple of banks to see how it works. Once we have more information, we will bring it back to you (Commissioners).

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OLD BUSINESS

None

TO HEAR ANY REPORTS FROM THE COUNTY MANAGER

a. Budget Update- County Manager Zinser informed all present that the Budget Committee approved the budget last week. The Public Hearing for the budget will be on June 21st at 6:30 p.m.

b. Courthouse bill update (discussion of letter to Chief Justice Saufley)-County Manager Zinser informed all that discussion of this matter occurred at the Budget Committee meeting. Costs include rental space if we decide to move the D.A. to the Biddeford courthouse and other costs such as added staff to D.A. and the Sheriff's Office (corrections officers) and mileage costs. The County Manager continued that he, Budget Committee Chairman, John Sylvester and District Attorney, Kathy Slattery went to Augusta and spoke in favor of the Bill sponsored by Senator Woodsome. There is discussion about sending a letter to the Chief Justice and continue to voice our opposition. A lot of the conversation has focused on the rent for the D.A.'s office. I've maintained the position that we will not be spending any money on renting space. County Manager Zinser stated that he is looking for direction from the Commissioners regarding the draft letter to the Chief Justice he sent them. He added that the Budget Committee is also drafting their own letter. Along with that letter they are going to send a letter to all York County cities and towns. The State has offered us 10,000 sq ft at \$10. This Board has taken the position that we are not going to do it. There are going to have to be some discussions between myself and the court system, stated the County Manager. Commissioner Clark stated that we should continue negotiations with the State and see what they offer but that to talk about this in public would be foolish. He continued that this will result in a 2.5% increase to County budget and to throw on a half million dollars of no benefit to citizens of York County is pretty sad. Commissioner Clark added that we need something to back up our space needs. We need to contact a professional who will tell us what space requirements we need (for our D.A.). He added that he does not want to force an important department into inadequate space. A five year lease at whatever cost is not going to do it for me, stated Commissioner Clark.

Commissioner Lovell commented that he thinks the County Manager's letter might be too harsh if we are talking about negotiations. He added that we want the Chief Justice to negotiate with us and find some middle ground. Commissioner Lovell stated that we can't ignore that there will be need for Correction Officer and Civil Process space.

Commissioner Cote stated that this discussion has gone on for some time. The Site Selection Committee ignored the costs associated and Commissioner Cote stated that he is passed trying to negotiate with these people. He continued that this Board should stand for the taxpayer and we are not going to pay one dime. If they really want to do something, they should bear the burden. Civil process space doesn't belong in a courthouse. This Board should vote one way or the other. I am opposed on spending any money to put the District Attorney into Biddeford, stated Commissioner Cote.

Commissioner Dutremble stated that he wanted to point out that no matter how we vote, no one but the Commissioners have the right to make deals with the State. The Commissioners are the only ones that can approve contracts.

Commissioner Chairperson, Sallie Chandler said, "*Over my dead body is York County going to pay to put the D.A. into Biddeford. The State has been in our courthouse for years*".

Commissioner Clark replied that this is all very good but if they refuse, we will have the cost of people driving back and forth.

Commissioner Cote responded, "That's there problem not ours. These people are bullies and you have to deal with them accordingly". Commissioner Clark replied that the cost is still going to come down on the County. Commissioner Dutremble reminded all that next year is an election year. County Manager Zinser stated that he will move forward right now with the past formal vote that was taken and that he's been following. Budget Committee Chair, John Sylvester stated that the Budget Committee has also talked about this to some degree. He stated that the Budget Committee is drafting a letter and he feels it is best if the County, Budget Committee and York County's 29 cities and towns work together on this matter. He stated that he supports the idea of the formation of a Working Group led by the Chief Justice to come up with some resolutions to this issue. Mr. Sylvester added that the District Attorney's office also has thousands of files that storage space is also needed for in Biddeford. He also supports further discussion on obtaining a 99 year lease.

Commissioner Lovell stated that we need to know costs as the cost of keeping the D.A.'s office in Alfred as it may be far more expensive than paying rent in Biddeford. The costs to stay in Alfred are not going to be pretty. The County Manager stated that cost is estimated at \$402,000.00 in new taxation.

District Attorney Kathy Slattery addressed the Board and impressed on everybody how important this is for all. *"If I am not there I cannot perform my services as I should. Cases and victims would be ineffective. It is extremely important that this situation gets worked out. I cannot impress how horribly things will work if we are not there"*, stated the District Attorney.

10 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. 1 M.R.S.A. § 405 (6) (E) review legal communication

Commissioner Lovell motioned to go into executive session pursuant to 1 M.R.S.A. § 405 (6) (E) review legal communication. Commissioner Lovell seconded the motion. Vote 5-0.

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

Commissioner Lovell authorized the County Manager to enter into negotiations. Commissioner Clark seconded the motion. Vote 5-0.

11 ADJOURN

Commissioner Clark motioned to adjourn. Commissioner Dutremble seconded the motion. Vote 5-0. Meeting adjourned at 8:19 p.m.

