

COMMISSIONERS MEETING

August 5, 2020

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, August 5 , 2020 A. D. at 3:00 P. M.

COMMISSIONERS PRESENT:

Richard R. Dutremble
Michael J. Cote
Richard Clark
Robert Andrews
Allen Sicard

County Manager Gregory Zinser and Deputy County Manager Linda Corliss were present at the meeting.

YOU ARE INVITED TO RISE AND SALUTE THE FLAG OF THE UNITED STATES

08-05-20 ITEM

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

2 TO HEAR TAX ABATEMENT DENIAL APPEAL

Prime Storage Berwick, LLC, Berwick

County Manager Greg Zinser swore in Assessors, Paul McKenney and Ed Tinker as well as Michael Correia, representative for Prime Storage, Berwick, LLC.

Mr. McKenney addressed the Board of Commissioners and stated that the Town asserts that the 2019 assessment is fair. The purchase price (on 1-15-16) was \$4,280,000. The Town of Berwick underwent a re-valuation in 2019 and sent out income questionnaires. The owners sent in four years of income and expense statements. Their net income for 2017, 2018 and 2019 would exceed the town's assessed value.

Commissioner Clark asked what the town's assessed value of the property was in 2016? Mr. McKenney did not know but stated that the property card goes back to 2017 at which time the property was valued at \$1,862,800. He reminded the Commissioner that this was prior to the town's revaluation. Commissioner Clark then asked if Paul McKenney had a general idea of the trend meaning the fact that the property doubled in value being typical for this class of property.

Mr. McKenney stated that there were 13 years between valuations. He added that he does believe the increase is equitable to other properties in this class.

Ed Tinker, assessor for the Town of Berwick stated that the income approach relative to Their actual income is in the \$3.2 million range. Income increased over the years to over \$4 million in 2017 and 2018.

Michael Correia approached the Board. He stated that the 2016 sale price is an allocated purchase price and part of a portfolio purchase. It is not the value of the real estate but of the entire portfolio as a whole. The price was significantly higher than what the purchase price would be for the property. Secondly, the actual increase (in income) does not take capital reserves into account. Also, sometimes we offer free rent at the beginning of the lease term. Units are not always 100% rented. The taxes increased \$37,850. Typically, one does not expect their tax burden to double. We had agreed upon a value of \$3,750,000 at a meeting with the Assessor but Mr. Correia surmised the Select board must not have agreed to that figure. Commissioner Dutremble asked Mr. Correia if that was the value compromised to by Paul McKenney, Assessor for the Town? Mr. Correia and Mr. McKenney agreed it was.

Commissioner Dutremble motioned to approve the value of the property at \$3,750,000. Commissioner Andrews seconded the motion.

DISCUSSION: Commissioner Clark stated that he will not support this motion as it was presented to the town of Berwick and they chose not to accept it.

Commissioner Cote asked Mr. Correia if he was claiming discrimination. Mr. Correia responded that he did not see any other property with such an increase.

Mr. Tinker, assessor for Berwick, stated that they did have more than one sale of storage facilities but he did not have a list to show the actual increases in values, but they were substantial.

He continued that the storage property across the street from the subject property has 180 units and was assessed to equal \$60.18 per square foot whereas the property involved here is assessed at \$58.40 per square feet (503 units). He added that we feel comfortable with the assessment as we analyzed multiple sales.

Vote: 4-1 with Commissioner Clark opposed.

County Manager Zinser explained that the Findings of Facts will be prepared and presented at the next Commissioners' meeting. He added that either party can appeal.

3 TO HEAR (2) NCEU GRIEVANCES (may be heard in executive session pursuant to 1 M.R.S.A. §405 (6)(A))

***HEARD AFTER ITEM 10 (a and b)

The County Manager asked the Union if they would like the grievance heard in public or executive session. Regional Director for NCEU, Bill Doyle responded that they would like the grievances heard by the Commissioners in executive session.

Commissioner Clark moved to go into executive session (to hear grievance # 052220-131237) pursuant to the above noted statute. Commissioner Dutremble seconded the motion. Vote 5-0.

While in executive session, Union members briefly leave as the Board of Commissioners consulted with Counsel.

Union Members returned to the meeting room while still in executive session.

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

Commissioner Clark motioned to deny the grievance (#052220-131237) in accordance with the reasons stated in the County Manager's denial letter to the NCEU.

Commissioner Dutremble seconded the motion.
Vote 5-0.

County Manager Zinser asked the NCEU Union representative if they would like to have the next grievance heard by the Commissioners in open or executive session. Regional Director Bill Doyle replied executive session.

Commissioner Clark motioned to enter into executive session pursuant to the above-noted statute (to hear NCEU grievance #052220-104426). Commissioner Sicard seconded the motion. Vote 5-0.

Commissioners conferred with Counsel while the Union members left the room. Union members return.

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

Commissioner Clark moved to deny the grievance (#052220-104426) on the basis of reasoning set forth in the County Manager's denial letter. Commissioner Dutremble seconded the motion. Vote 5-0.

County Manager Zinser informed Regional NCEU Director Bill Doyle that the County will prepare a letter memorializing the grievance decision that is reviewed by the Commissioners and present it to the Union.

FIVE-MINUTE RECESS CALLED BY THE COMMISSIONERS

Back in Session.

4 TO HEAR CPA/FOP GRIEVANCE (may be heard in executive session pursuant to 1 M.R.S.A. §405 (6)(A))

CPA/FOP attendees requested executive session prior to the meeting.

Commissioner Clark motioned to enter into executive session pursuant to the above-noted statute. Commissioner Dutremble seconded the motion. Vote 5-0.

During the session, the FOP and members of the Sheriff's Office Command staff stepped out of the room in order for the Commissioners to confer with Counsel.

FOP members returned to the room.

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

Commissioner Clark motioned to deny grievance #08-05-2020 and requested the County Manager and County Attorney prepare a Findings of Facts letter to be approved by the Commissioners and given to the Union parties.

Commissioner Dutremble seconded the motion. Vote 5-0.

5 TO HEAR M.S.E.A. GRIEVANCE (may be heard in executive session pursuant to 1 M.R.S.A. §405 (6)(A))

County Manager Zinser asked MSEA Union Members if they desire to hold the grievance hearing in open or executive session. MSEA Local 1297 President Rachel Sherman stated executive session.

Commissioner Clark motioned to enter into executive session. Commissioner Dutremble seconded the motion. Vote 5-0.

MSEA Union parties and Sheriff's Office command staff leave the room while the Commissioners consult with Counsel while still in executive session.

After a brief period, they return.

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

Commissioner Clark motioned to deny grievance #08-05-2020 and incorporated the rationale contained in the County Manager's denial letter. Commissioner Dutremble seconded the motion. Vote 5-0.

M.S.E.A. Local 1297 President, Rachel Sherman, addressed the Board and stated that they will be advancing this grievance decision to arbitration.

6 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

*****HEARD AFTER ITEM #2*****

- a. Regular Meeting of July 1, 2020- Commissioner Clark motioned to approve the minutes. Commissioner Sicard seconded the motion. Vote 5-0.
- b. Special Meeting of July 14, 2020-Commissioner Clark motioned to approve the minutes. Commissioner Sicard seconded the motion. Vote 4-0 (with Commissioner Dutremble abstaining as he was not present).

7 TO APPROVE TREASURER'S WARRANTS

- a. Approve treasurer's warrant dated July 1, 2020 in the amount of \$545,895.86
Commissioner Clark motioned to approve the warrant. Commissioner Sicard seconded the motion. Vote 5-0.
- b. Approve treasurer's warrant dated July 8, 2020 in the amount of \$407,828.18
Commissioner Clark motioned to approve the warrant. Commissioner Sicard seconded the motion. Vote 5-0.
- c. Approve treasurer's warrant dated July 15, 2020 in the amount of \$604,076.45
Commissioner Clark motioned to approve the warrant. Commissioner Sicard seconded the motion. Vote 5-0.
- d. Approve treasurer's warrant dated July 22, 2020 in the amount of \$362,012.08
Commissioner Clark motioned to approve the warrant. Commissioner Sicard seconded the motion. Vote 5-0.
- e. Approve treasurer's warrant dated July 29, 2020 in the amount of \$229,593.85
Commissioner Clark motioned to approve the warrant. Commissioner Sicard seconded the motion. Vote 5-0.

8 TO HEAR ANY REPORTS FROM THE COUNTY COMMISSIONERS

Commissioner Dutremble commented that he would like to look into whether or not York County can create a policy barring employees from running for an office in York County unless they resign from employment. Commissioner Dutremble added that it could present a problem in the future if that person were to lose. We could get a grievance saying they were picked on. He recommended the Board

look further into this matter.

9 TO HEAR ANY REPORTS FROM THE COUNTY MANAGER

No formal reports

10 NEW BUSINESS

- a. Introduce Lt. Col. Michael Vitiello to seek Commissioner approval on bid award for jail construction

****HEARD AFTER ITEM #10(e)**

Lt. Col. Vitiello gave the Commissioners an overview of the project and stated it was for modifications to the B wing. Engineering documents were gathered as well as bids. Three bids were received. Lt. Col. Vitiello recommended the job be awarded to Jewett Construction of Scarborough, ME as the lowest bidder at \$524,123.00.

The Capital reserve account would fund this, if approved. Lt. Col. Vitiello also asked that the Commissioners give authority to the County Manager to sign the contract.

Commissioner Dutremble questioned why Jewett Construction's bid was \$50,000 less than the next bidder. Lt. Col. Vitiello replied that he asked the engineer this and he felt it was more to do to how busy the other two contractors were.

Commissioner Cote asked if it was correct that the pay back on this project was about 2.5 years. The County Manager replied that this project will save 5.2 posts and is a permanent staff reduction. It costs about \$250,000 a year to pay those employees.

Commissioner Sicard asked if the Department of Corrections had seen the plans and signed off on them. Lt. Col. Vitiello replied that yes, he obtained approval from them. Commissioner Clark asked when will the project begin, if approved by the Commissioners? Lt. Col. Vitiello replied that he is hoping to get the contract signed this week and start the preliminary work next week. The project should be complete within two months.

Commissioner Clark asked if the vendors coming in will present any type of COVID 19 issues. Lt. Col. Michael Vitiello responded that they will not enter any other part of the building.

County Manager Zinser reminded the Commissioners that reserve accounts for the Jail have been created over the years. The camera issue at the jail is being put on hold in order to use the funds to remove the wall. However, he advised that they will be back before them to ask for the camera. Mr. Zinser stated that the camera costs about \$400,000. These funds will come from the reserve account that monies were put in years ago. The County Manager informed the Commissioners that the year ended with a healthy fund balance for the jail.

Commissioner Clark motioned to accept the bid from Jewett Construction in the amount of \$524,123.00 and authorize the County Manager to sign the contract. Commissioner Dutremble seconded the motion. Vote 5-0.

Commissioner Cote asked Lt. Col. Vitiello if we were still holding State inmates as we've been requested to do so by the Governor. Lt. Col. Vitiello responded that we were and that he would let Commissioner Cote know how many.

- b. Introduce H.R. Director Linda Corliss to request hiring approval for the following positions: *****HEARD AFTER ITEM #9**
- i. Reserve EMA Fire & EMS instructors (Fire Instructor I, Fire Instructor II, EMS Instructor) H.R. Director, Linda Corliss approached the Board to the creation of the three new positions. She reminded the Commissioners that the job descriptions she provided to them are reserve positions and that payment is contingent on an hourly basis as needed. Ms. Corliss stated that she is only seeking approval of the job descriptions at this time. She added that the goal is get the Southern Maine Fire Academy started in the fall. Commissioner Cote asked if this (item) is part of what Chief Hooper spoke to the Commissioners about? Linda Corliss replied that it was. Commissioner Cote confirmed that there will be fees charged to cover costs.
Commissioner Clark stated that he will not vote for this as neither EMA Director Art Cleaves or Chief Hooper are present at this meeting. He requested projections of costs. H.R. Director Corliss stated that Chief Hooper is working on those items.
Commissioner Clark motioned to approve the job descriptions.
Commissioner Dutremble seconded the motion. Vote 5-0.
 - ii. Derick Ouellette in the position of reserve Hazmat Technician
H.R. Director Linda Corliss requested Commissioner approval on the hiring of Derek Ouellette in the position of reserve Hazmat Technician with a start date of August 6, 2020.
Commissioner Clark motioned to approve the hiring. Commissioner Sicard seconded the motion. Vote 5-0.
 - iii. Andrew Leary in the position of Maintenance Technician I with an effective hire date of 8-17-2020-H.R. Director requested Commissioner approval for the hiring of Andrew Leary in the position of Maintenance Technician I with an effective hire date of August 17, 2020.
H.R. Director Linda Corliss requested Commissioner approval on the hiring of Andrew Leary in the position of Maintenance Technician I with an effective date of hire of August 17, 2020.
Commissioner Clark motioned to approve the hiring. Commissioner Sicard seconded the hiring. Vote 5-0.
 - iv. Daniel Akilimali in the position of IT Technician with a start date of 8-24-2020
H.R. Director Corliss requested Commissioner approval for the hiring of Daniel Akilimali with a hire date of August 24, 2020.
Commissioner Clark motioned to approve the hiring. Commissioner Sicard seconded the motion. Vote 5-0.
 - v. Kathleen Cox in the position of Legal Secretary in the D.A.'s office with a start date of August 24, 2020.
H.R. Director Linda Corliss requested Commissioner approval for the hiring of Kathleen Cox in the position of Legal Secretary in the D.A.'s office with a start date of August 24, 2020.
Commissioner Clark motioned to approve the hiring. Commissioner Sicard seconded the motion. Vote 5-0.
 - vi. Jennifer Gosselin in the position of Office Manager in the D.A.'s office with a start date of August 24, 2020.
H.R. Director Linda Corliss requested Commissioner approval for the hiring of Jennifer Gosselin in the position of Office Manager in the D.A.'s

office with a start date of August 24, 2020.

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

*****HEARD AFTER Items 3,4, and 5**

- c. Commissioner review, discussion and possible approval of Layman Way Recovery Center contract-County Manager Zinser explained to the Commissioners the cost reflected on the Contract (Agreement) is roughly \$50,000 more than last year. He informed all that there will be twenty- one (21) persons in treatment at the Center as of August 6, 2020. Commissioner Dutremble asked if the budget will be increased next year. County Manager Zinser stated that it might increase to \$1 million.

Commissioner Clark motioned to approve the renewal of the Layman Way Recovery Center Contract. Commissioner Dutremble seconded the motion. Vote 5-0.

- d. Cash account audit adjustment-County Manager Zinser stated that this variance is in the County's favor and that we were unable to track it down.

Commissioner Clark motioned to adjust the variance so that the bank account can be reconciled. Commissioner Sicard seconded the motion. Vote 5-0.

- e. Commissioner review, discussion and possible approval of Limington Deputy contract-
Commissioner Clark motioned to approve the Limington Contract Deputy Agreement and authorize the County Manager to sign. Commissioner Dutremble seconded the motion. Vote 5-0.

11 OLD BUSINESS

- a. COVID-19 update-County Manager Zinser reported that there are no issues from our employees. He added that the State court will be resuming its' functions soon. Mr. Zinser referred to the handouts prepared for the Commissioners that show Expenditures for supplies given to York County cities and towns of over \$315,000.00. He added that there are also expenses related to personnel. To date, Reimbursement requests have been approved in the amount of \$297,000.00. County Manager Zinser remarked that Commissioner Cote has been very helpful with this matter and that he wanted to make sure the Commissioners are okay with this item. Mr. Zinser continued that he has had discussions with EMA Director Cleaves who advised we should be planning for a second wave. With schools re-opening, we are expecting a run on personal protection equipment. We estimate a cost of around \$100,000 to get our stocks re-supplied so that we can keep our first responders and others on the front lines safe.

The County Manager added that we are developing some good relationships and EMA Director Cleaves had a conversation with Dr. Shah today.

County Manager Zinser stated the full expenditure to the County is probably close to \$400,000.00. Lots of departments have added safety measures such as a wall in our Probate Department.

Commissioner Sicard commented that he recommended and concurred with the County Manager's thoughts to spend \$100,000 to secure more PPE.

Commissioner Clark motioned to accept the report and reaffirm the purchases of PPEs. Commissioner Sicard seconded the motion. Vote 5-0.

12 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), REVIEW OF CONFIDENTIAL RECORDS PURSUANT TO 1 M.R.S.A. § 405 (6) (F)

- a. Executive session pursuant to 1 M.R.S.A. §405 (6) (A), personnel issues
The Commissioners read the memo regarding this matter and did not go into executive session.
Commissioner Sicard motioned to approve to extend the leave of absence for the designated employee as stated in the confidential memo.
Commissioner Dutremble seconded the motion. Vote 5-0.

13 PUBLIC COMMENT(S) ON ANY ITEM(S)
None

14 ADJOURN
Commissioner Clark motioned to adjourn. Commissioner Andrews seconded the motion. Vote 5-0.
Meeting adjourned at 6:20 p.m.