

COMMISSIONERS REGULAR MEETING

February 6, 2019

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 6, 2019, A. D. at 4:30 P. M.

COMMISSIONERS PRESENT:

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

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

02-06-19 ITEM

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

None

2 TO APPROVE THE MINUTES OF JANUARY 2, 2019

Commissioner Clark motioned to approve the minutes of January 2, 2019.
Commissioner Sicard seconded the motion. Vote 4-1 (Commissioner Andrews abstained).

3 TO APPROVE TREASURER'S WARRANTS

- a. Approve treasurer's warrant dated January 16, 2019 in the amount of \$753,610.65
Commissioner Clark motioned to approve the minutes. Commissioner Cote seconded the motion. Vote 5-0.
- b. Approve treasurer's warrant dated January 23, 2019 in the amount of \$457,194.36
Commissioner Clark motioned to approve the warrant. Commissioner Cote seconded the motion. Vote 5-0.
- c. Approve treasurer's warrant dated January 30, 2019 in the amount of \$293,546.28
Commissioner Clark motioned to approve the warrant. Commissioner Cote seconded the motion. Vote 5-0.

4 TO HEAR ANY REPORTS FROM THE COUNTY COMMISSIONERS

Commissioner Clark reported that two weeks ago he attended his first meeting with Coastal Counties Workforce. It was mentioned at the meeting that funds given by counties towards litigation were not all used. Our share leftover is \$625. The Workforce asked if we would donate these monies to their scholarship fund.

Commissioner Clark motioned to donate the funds remaining from the litigation that York County donated to of \$625.00 to the CCWF scholarship fund.

Commissioner Cote seconded the motion. Vote 5-0.

5 TO HEAR ANY REPORTS FROM THE COUNTY MANAGER

None

6 NEW BUSINESS

a. Introduce Ron Smith from RHR Smith & Co. to present audit- County Manager Greg Zinser informed the Board that the audit was given to us in a timely fashion. Mr. Smith circulated a synopsis of the audit to the Commissioners. He reviewed the document with the Commissioners. He stated that York County's financial conditions improved from '16 to '18. Mr. Smith commended the County on this and stated that there are less than three counties in Maine where their financial condition has stayed the same or increased. He added that the Jail revenue is up \$1.1 million from last year. Mr. Smith explained that money is kept separate from the county funds as years ago there was a tax cap. He continued that 85% of York County's money comes from taxation. Ron Smith touched on the Management Letter and explained that the County has a compensation agreement to be settled with the York County Shelter Programs for the Layman Way Recovery Center. He added that he has been assured that there is lots of energy to clean that up. Mr. Smith explained that there was only one other matter; an issue with credit cards where an individual employee used a County credit card for personal use. He advised that the County pay attention to this and re-visit its credit card policy as if an employee was to sever services, there could be an issue recouping the money. Commissioner Dutremble asked whether or not the individual paid taxes on the purchase. Mr. Smith replied that he did not believe so. County Manager Zinser informed all that the County does have a credit card policy and one can't always control the actions of individuals. He added that a discussion has started up as to alternatives to credit cards and/or how we use them.

Commissioner Dutremble stated that in 2007 the County had a negative balance and it took the County twelve years to get where it is now. Commissioner Dutremble stated that he attributed this to all the people in this county and he applauds the staff!

Commissioner Clark moved to accept the audit. He thanked Ron and the employees in getting this done in a timely manner. Commissioner Cote seconded the motion. Vote 5-0.

b. Poverty abatement (executive session per 1 M.R.S.A. § 405 (6) (F), review of confidential records) Commissioner Clark motioned to enter into executive session. Commissioner Cote seconded the motion. Vote 5-0. Chip Harlow,

Selectman from Town of Lebanon, present in executive session. Subject filing appeal was not present. The case number is 19-02-06.

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

Commissioner Clark motioned that since the applicant in case #19-02-06 failed to appear, the appeal is denied. Commissioner Cote seconded the motion. Vote 5-0.

c. M.S.E.A. grievance hearing (Executive session may be necessary) County Manager Zinser asked MSEA President, Rachel Sherman if she wished to hold the Hearing in public or executive session. Rachel Sherman replied executive session.

Commissioner Clark motioned to enter into executive session per §405 (6) (D) consultation with legal counsel. Commissioner Cote seconded the motion. Vote 5-0.

County Attorney Gene Libby, M.S.E.A. members Stacy Thistlewood, Donna Ring, Rachel Sherman and Mindy Badger were also in executive session.

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

Commissioner Clark motioned to deny the grievance. Commissioner Cote seconded the motion. Vote 5-0.

d. Introduce Lt. Col. Vitiello to request promotion of Carl Ronco to Captain-Commissioner Cote asked Lt. Col. Vitiello if the hirings and promotions requesting approval tonight had gone through our H.R. department. Lt. Col. Michael Vitiello replied that they were handled internally as spelled out in the NCEU contract but that the Captains contract does not have a provision. We only engage H.R. if we deal with something outside of NCEU contract, stated Lt. Col. Vitiello. Commissioner Cote replied that if you're going to do something a certain way, it should be done the same all the time. He added that he would feel more comfortable if H.R. was involved. Michael Vitiello replied that while he appreciates what Commissioner Cote has stated the process is spelled out in the NCEU contract. He continued that the Captain promotion process was handled by the H.R. dept. in that the position was posted by Linda but she did not participate in the remainder of the hiring process. But, it is whatever the Commissioners want. The NCEU contract for the Sergeant has a prescribed practice. The Captains process in the Teamster's contract does not. It is the preference of management that H.R. be involved. Whether or not you wish to apply that here is probably worthy of a more indepth discussion that we can talk about with Linda, stated Lt. Col. Vitiello.

County Manager Zinser suggested that if the Commissioners are questioning this process, he would suggest that no action be taken today and that we reconvene. Lt. Col. Vitiello replied that he would ask the Board that since this is the first time the Board has asked for H.R. involvement, he does not think this would be the appropriate for the board to block these promotions. He continued that he is prepared to promote these people and we should move forward. Lt. Col. Vitiello added that if the Board wants to offer further guidance, it should be moving forward. To say tonight that we have a new rule retroactively is a disservice to an employee. County Manager Greg Zinser commented that, in fairness to the Commissioner, there has been some discussion in the past about the hiring practice. He added that if the Commissioners are uncertain as to what they want to do tonight, there can be a fuller conversation with Linda in attendance. He continued that he is not necessarily advising tossing this out but putting it off for

a further discussion. If it's going to be a negative vote, I would do so. Commissioner Clark replied that he appreciates Commissioner Cote's position and he also appreciates Lt. Col's decision but, at the same time, supports moving this item forward at this time. Commissioner Cote responded he is okay with that at this point, but that he thinks we need to, in the future, have a policy that everyone is following through H.R. Commissioner Sicard agreed.

Commissioner Sicard motioned to approve the promotion of Carl Ronco to the position of Captain effective February 11, 2019. Commissioner Andrews seconded the motion. Vote 4-1 with Commissioner Cote opposed.

b. Introduce Lt. Col. Vitiello to request promotion of Jason Drouin to Sergeant-Commissioner Sicard motioned to approve the promotion of Jason Drouin to the rank of Sergeant effective February 11, 2019. Commissioner Cote seconded the motion. Vote 5-0.

c. Discussion with Lt. Col. Vitiello regarding jail investigator position- County Manager Zinser turned the discussion over to Lt. Col. Vitiello who informed the Board that this item was discussed many months ago with the prior Board. He continued he presented information in executive session (to prior board many months ago) in regards to adding a resource in the jail concerning some criminal activity within the jail. The direction of the Board at that time was for him to go back and meet with the County Manager and Attorney Tim O'Brien. At this meeting, they reviewed prior positions to ascertain who might have had experience doing this type of work in the past. It was agreed by Attorney O'Brien that this position was rooted in Teamster's Union work. We then worked with the Manager to have this put in our budget. Therefore, we are looking to move forward with advertising. Commissioner Cote asked if the Lt. Col. would advertise this through H.R. Lt. Col. Vitiello replied, yes.

Commissioner Cote asked what the title and rank of this position would be. Lt. Col. Vitiello replied it is a Captain's position and that's where that work was before. Commissioner Dutremble asked if it was correct that if it is advertised as a Captain's position, seniority kicks in. The Lt. Col. replied that is correct and that there are three (captains positions) in the budget. As of Monday the 11th we will have two, continued Lt. Col. Vitiello. This investigator position will be the third. Commissioner Cote asked County Manager Greg Zinser if the position is in the budget. The County Manager replied that his position is a little bit different than the Colonel's. He recalled that the addition of the captain's position would be a new position. When it went from my budget to the Commissioners' budget, the third captain's position was eliminated many years ago. I am not disagreeing that the funding is not necessarily there but the creation (formal) was never made by the Commissioners, according to the County Manager.

Commissioner Dutremble stated that the line item says three captains. Does the money substantiate this? The County Manager responded that if you go into the backup detail, he does not believe there is a third captain called out.

Commissioner Cote asked if this individual be assigned a car? Lt. Col. Vitiello replied that yes, they will. Commissioner Cote responded that he has a problem with that. Lt. Col. Vitiello stated that the contract says they (Teamsters) get a car. The County Manager added this will be a cost of \$20,000 to \$30,000.

Commissioner Cote stated that the person will drive it back and forth to work and that he doesn't want anything to do with it.

Commissioner Dutremble commented that the Board agreed that they wouldn't change what the budget committee approved (for a budget). Therefore, he feels

the Board should stick with what the budget says even though the money is there. He recommended that the Board avoid making a decision tonight and look at the budget and see what's in it. Lt. Col. Vitiello distributed a document that he printed off from the (County) website that listed a detail sheet showing three captains. He stated that he does not recall any discussion regarding deleting a position. Commissioner Dutremble stated that he recalled that Sheriff Ouellette eliminated that position. County Manager Zinser added that he feels the Commissioners should formally approve the creation of this position and that using this (budget sheet details) as a technicality is not the way to go. Commissioner Sicard questioned who is doing the investigations now. The Lt. Col. replied that some are not getting done and are piling up and some are being assigned to other personnel as well as sometimes Patrol. Lt. Col. Vitiello added that it is his recollection that the Board did not disagree that the work is there. Commissioner Sicard stated that it is time to fill this position. Commissioner Clark asked if this position is defined anywhere and if there is a job description? Lt. Col. Vitiello replied that yes, H.R. and the Manager have it. Commissioner Andrews asked that since the question being posed is about the vehicle, does this position have to be a Captain's position? Lt. Col. Vitiello commented that he, along with the prior Board, looked at options and that it is his personal opinion that the record shows the Teamster's Union has and is doing that work. He added that he thinks they would have every right to fight this if we don't put it in their Union contract. Commissioner Cote asked didn't Dave Dumond and Leo Rogers do this work at one time? Lt. Col. replied that Col. Dumond did in his prior position as Director of Support Services. Captain Rogers was assisting him. Commissioner Cote responded that the work wasn't always a captain's job. Lt. Col. Vitiello agreed that argument can be made.

Commissioner Clark motioned to table this matter until there can be a proposal submitted with a job description and total cost of the position to include the vehicle. Commissioner Sicard seconded the motion. Vote 4-1 with Commissioner Cote opposed.

f. County Manager, Greg Zinser to request on behalf of D.A.

Kathy Slattery, change of title of executive administrative assistant to office manager - **ITEM HEARD FIRST in New Business**- Commissioner Clark asked D.A. Slattery if the person is in this position now? Is it a title change or a new hire? Kathy Slattery explained that this position was approved in the last budget but that they were unable to fill it as it was part time. The current Office Manager is spending all of her time training and supervising. Commissioner Cote asked will there be two office managers? D.A. Kathy Slattery replied, yes and that this person will be focused more on the county. Current Office Manager, Jennifer Kern will oversee all the other aspects, making sure the office is functioning as an entire entity.

Commissioner Clark motioned to approve the requested title change.

Commissioner Cote seconded the motion. Vote 5-0.

h. County Manager to seek Commissioner direction on fy'20 budget preparation- County Manager Zinser stated that he is concerned about deeds revenue as it is currently running under budget in our revenues. The prediction is that the housing market will stabilize. This will have a direct effect on us. Some of the foreseeable items on the table according to the County Manager are the bidding out of the County's electricity and propane. He continued that he is anticipating the county's debt service going down allowing for the continuation of the commitment to the Layman Way Recovery Center. Possibly there will be

the request for the addition of two to two and a half positions in the budget. He continued that the Board has been conservative in the past allowing for a 1 to 1.5% increase in the budget itself. In the past, the County Manager stated to the Commissioners, you have given me percentage increases for the tax rate and the budget overall.

Commissioner Clark commented that he is concerned with additional positions. Positions almost never go away once they're in the budget. He added that this also is the last year that we can support the Layman Way facility and mitigate it out of reserves. County Manager Zinser replied that we can raise the fund from \$500,000 to \$750,000 so we can keep it going for another full year with the anticipation that in the 2021 budget it will be fully through taxation. Our debt service is expiring in 2021 for a lot of the bonds. As that expires that frees up \$200,000 to \$300,000 in debt service.

Commissioner Clark replied that eventually it will hit the taxpayers more than it does now.

Commissioner Cote commented that he'd like to look at it a bit differently. If we were to maintain the line where it is today, considering increases that have to be included, he would like to see what that (the budget) would look like.

County Manager Zinser clarified that Commissioner Cote would like to see a budget with contractual increases, no new initiatives and no new personnel. Commissioner Cote replied yes, as a starting point. Then it is easier for us to make our decisions.

The County Manager confirmed that he will give to the Commissioners the budget for current operational needs and commitments and anything that is new would be separately itemized.

7 OLD BUSINESS

a. County Manager and Facilities Director to give update on jail water heating repairs and seek Commissioner approval to move forward- The County Manager reminded all that for the past couple of years we have had a water and heating issue for quite some time at the jail. He continued that the Commissioners approved waiving the bidding process to get the tanks installed. It became clear there were larger issues at the jail relating to the water and heating. We engaged the services of an independent engineer to help us. We are now looking at a new system and installing it in a multi- phased process. The County Manager continued that he is requesting the Commissioners approve the complete replacement of B and C pods and abandon what is there. The cost is \$100,000 and the money is in the reserves. The theory, continued County Manager Zinser is in the next budget year we would then have a 3rd intellihot unit put in and take the big boilers off line. We predict a huge fuel savings.

Commissioner Clark motioned to move forward with the project in the amount of \$97,422 with AAA. Commissioner Cote seconded the motion.

DISCUSSION:

Commissioner Clark asked if the price is based on the project being done at the same time and the third one next year. Facilities Director, Rick deRochemont explained a crane is needed as these units are on the 2nd floor. Next unit will be on the first floor. Commissioner Sicard asked if the cost is all inclusive? Commissioner Clark asked if anything could be done with the new tanks. Rick deRochemont replied that the discussion hasn't come up yet but that it is possible we might be able to sell them.

Commissioner Clark asked when the work would begin if approved. Rick deRochemont replied as soon as AAA can get it scheduled. Commissioner Dutremble asked where the funds would be coming from. County Manager replied assigned funds.

Vote 5-0.

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).

None

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

Susan Wiswell questioned if the \$97, 422 was for one or two tanks?

Rick deRochemont replied total for the two tanks and including removal of the current tanks and installation of the new ones.

Rachel Sherman requested a copy of the presentation that Auditor, Ron Smith had.

10 ADJOURN

Commissioner Clark motioned to adjourn. Commissioner Cote seconded the motion. Vote 5-0. Meeting adjourned at 7:03 p.m.