

COMMISSIONERS REGULAR MEETING

May 6, 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, May 6 , 2020 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 and Deputy County Manager Linda Corliss were present at the meeting.

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

05-06-20 ITEM

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

None

2 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

a. Regular Meeting of April 15, 2020

Commissioner Clark made a change and motioned that the minutes be tabled until the County Manager verified the budget numbers as presented in the draft minutes are correct. Commissioner Sicard seconded the motion. Vote 5-0.

3 TO APPROVE TREASURER'S WARRANTS

a. Approve treasurer's warrant dated April 15, 2020 in the amount of \$516,632.41
Commissioner Clark motioned to approve the warrant. Commissioner Dutremble seconded the motion. Vote 5-0.

b. Approve treasurer's warrant dated April 27, 2020 in the amount of \$251,882.26
Commissioner Clark motioned to approve the warrant. Commissioner Dutremble seconded the motion. Vote 5-0.

c. Approve treasurer's warrant dated April 29, 2020 in the amount of \$427,278.14
Commissioner Clark motioned to approve the warrant. Commissioner Sicard seconded the motion. Vote 5-0.

4 TO HEAR ANY REPORTS FROM THE COUNTY COMMISSIONERS

Commissioner Clark commented that he recently participated in CCWFI last Friday via ZOOM.

5 TO HEAR ANY REPORTS FROM THE COUNTY MANAGER

a. Provide update on COVID-19

County Manager Greg Zinser informed the Commissioners that the Department Leaders have been discussing the method of re-opening per the Governor's directive using a phased reopening approach. Among the discussions have been perhaps temperature taking, requiring wearing of masks, how we will be treating time off. All items are under review, stated the County Manager. He added that we are also reviewing how we bring the public back. County Manager Zinser stated that he has also reached out to the Court administrator. We will share our plans with the Board as we solidify them, the County Manager continued. We are talking about bringing employees back May 18th with an opening to the public of June 1st. We are moving things around in offices to allow for social distancing. There is a draft of particulars that have been given to the Commissioners. Commissioner Clark asked where do we fall in the Governor's plans?

County Manager Greg Zinser replied that (county government) we have not been talked about so we have no firm guidance. We are also subjected to the State court system. There is a State Order that in all Courthouses, people have to wear masks.

Commissioner Clark asked if the courts have given a date for reopening? The County Manager replied that it is his understanding that all large scale events (jury trials) have been rescheduled out into the fall. Probably they will have a limited re-opening on June 1st. Commissioner Clark asked if we are going to insist on masks? County Manager Zinser replied, yes, right now. Commissioner Sicard asked that when we reopen the jail to visitors, will we require temperature scan and masks? The County Manager replied that thermometers are a big logistical issue. The Jail and Sheriff's Office are 24/7 operation. The courthouse has employees with different timeframes for arrival. If someone has a court order and they have a temperature, what do we do? County Manager stated that perhaps (temperature) scanning would occur in the parking lot. Commissioner Clark asked will we have plexiglass where our employees have to see customers? The County Manager replied, yes. Commissioner Dutremble asked how much has been spent? The County Manager responded that he doesn't know yet but that EMA has spent and committed \$212,000. He added that he will look at that report tonight and send it out to you (Commissioners).

6 NEW BUSINESS

a. Hear FOP (CPA) grievance (may be in executive session pursuant to labor negotiations 1 M.R.S.A. § 405 (6) (D))

Commissioner Cote asked FOP representative Jack Parlon if he would like the grievance heard in executive session? Mr. Parlon replied, no, he would like it heard in open session.

Sheriff King and County Attorney Tim O'Brien were both present. Mr. Parlon circulated information to the Commissioners (attached as record). He stated that he feels this grievance is more of a dispute over what the settlement should be. Overtime was given to the same Sergeant on the 12th, 19th and 26th of Feb. in 2020 in violation of the CBA. The Union wants two of the Sergeants that would have been eligible for the overtime given the same amount of overtime that the one Sergeant who worked the eleven and one half hours received. In his letter to the Union, the County Manager does agree that the overtime wasn't distributed per the contract. Mr. Parlon went on to speak about a report of fact finding from a panel and how the Patrol Union has been without a contract since 2017. County Attorney Tim O'Brien stated as a point of order that this grievance is to discuss how overtime was given to for Sergeants. We are

straying to other items that are not on the agenda tonight. Jack Parlon said to the Commissioners that the Union never has an opportunity to meet with them. If you had the opportunity to meet with the bargaining unit you might have some sensitivity, stated Mr. Parlon. Commissioner Cote replied that is a discussion down the road.

Commissioner Clark asked Mr. Parlon if this overtime had been distributed in your manner how would it have been done?

Jack Parlon replied that based on the CBA it has to be distributed equally. The one Sergeant worked overtime 3 days, 4 hours each day. If the contract had been followed, the Sergeant next on the call list would have received 4 hours one day and then the next day 4 hours to next person on the list. Commissioner Clark clarified that the damage is that two people missed out on overtime they should have had.

Jack Parlon replied that the violation is how many hours were distributed in violation of the CBA. The answer is 11.5 hours that one person got and the other 2 should have had. Commissioner Clark responded that the first person should have received 4 hours, then the second and third each four hours. He added that the supervising authority should be able to decide how training should be done with one but if the contract doesn't allow it, then, the other two should have each received 4 hours. Why are you asking that they each get 11.5 hours? Jack Parlon replied that if one person gets it, (11.5 hours of overtime) the other two are entitled to the same amount. Commissioner Clark stated the first person worked 11.5 hours so they should be paid for. Jack Parlon replied that it is a fairness issue on how it was distributed. It was done unfairly. Commissioner Clark asked, because we made a mistake with the first one, we have to pay the other two (make a mistake with the other two)? Commissioner Clark added that he believes the appropriate remedy is that they have the right to get the time they didn't get.

Jack Parlon replied, if that's the way you want to do the math. The violation is how the time was distributed. Commissioner Dutremble agreed that the wrong people were given the overtime and that they should be given the time that they would have been due.

County Manager Greg Zinser approached the Board. He stated that Jack is correct that there was a technical violation. The Sheriff agreed and offered to give 4 hours of pay to the next two Sergeants on the call list. Part of my process was that I reviewed the grievance and I did agree there was a violation. The County Manager stated that he agreed to pay the individuals 4 hours of pay each as well as give them first option to take the first available overtime shift in the amount of 7 hours. This was also rejected. The Union then shot back that they would agree to 8 hours for Sergeants Chavette and Nadeau. As I reviewed the call list, I found that one of the requested individuals shouldn't have been up (for the overtime). So, now we are not in agreement as to who should have been paid. The Union President sent me a letter outlining my misunderstanding. His letter raised a boatload more questions than solutions and I found it very contradictory. I did deny the grievance. If the Commissioners want to pay the 4 hours, I do not contest that, stated the County Manager. But, I do feel there needs to be a conversation as to who the two are that get the overtime.

Chair Commissioner Cote asked what would the Board like to do?

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

The County Manager disconnected the phone in line informing participants to call back at 5:25 p.m.

County Manager Zinser opened the line at 5:25 p.m. Commissioner Clark motioned to come out of executive session. Commissioner Sicard seconded the motion. Vote 5-0.

Commissioner Clark motioned to grant the grievance as Article 14 was violated. Four

hours of overtime are to be given to the next two Sergeants in rotation on the call list and they are Sgt. C and Sgt. H. Commissioner Sicard seconded the motion. Vote 5-0.

- b. Introduce H.R. Director, Linda Corliss to request moving EMA Hazmat employees currently compensated via stipends into the payroll system via EMA-Hazmat Reserve status with an effective date of (reserve) hire of May 7, 2020. (Justin Cooper, Carlos Laserna, Joe Randall, Chris Aberle, Luke Bibber, Greg Kapinos, Fred Smith, Adam Hartwig, Diane Hartwig, Chris Allen, Elizabeth Delcourt and Chris Mooney.)

H.R. Director Linda Corliss approached the Board and reminded the Commissioners that they have the hiring packets for the above names (12). She continued that these are individuals that already work for hazmat but have been being paid by stipends. As discussed at a prior meeting, we want to get them into the KRONOS system to ensure better credibility. One individual, Christopher Allen, was brought on a couple of meetings ago as a temporary employee and is now moving to the hazmat team. H.R. Director Corliss added that the same funds that were used to pay stipends will now be used to pay hours.

Commissioner Clark motioned to hire Joseph Randall in the position of technical training officer on the Hazmat Team with an effective hiring date of May 7, 2020.

Commissioner Dutremble seconded the motion. Vote 5-0.

Commissioner Clark motioned to hire Christopher Aberle on the Hazmat Team in the position of technician with a start date of May 7, 2020. Commissioner Sicard seconded the motion. Vote 5-0.

Commissioner Clark motioned to hire Justin Cooper to the Hazmat Team in the position of technician with a start date of May 7, 2020. Commissioner Sicard seconded the motion. Vote 5-0.

Commissioner Clark motioned to hire Greg Kapinos to the Hazmat Team in the position of technician with a start date of May 7, 2020. Commissioner Sicard seconded the motion. Vote 5-0.

Commissioner Clark motioned to hire Adam Hartwig to the Hazmat Team in the position of Operations Specialist with a start date of May 7, 2020. Commissioner Sicard seconded the motion. Vote 5-0.

Commissioner Clark motioned to approve the hiring of Diane Hartwig to the Hazmat Team in the position of Operations Specialist with a start date of May 7, 2020.

Commissioner Sicard seconded the motion. Vote 5-0.

Commissioner Clark motioned to approve the hiring of Fred Smith to the Hazmat Team in the position of operations with a start date of May 7, 2020. Commissioner Sicard seconded. Vote 5-0.

Commissioner Clark motioned to approve the hiring of Christopher Mooney to the Hazmat Team in the position of operations with a start date of May 7, 2020.

Commissioner Sicard seconded the motion. Vote 5-0.

Commissioner Clark motioned to approve the hiring of Elizabeth Delcourt to the Hazmat Team in the position of operations with a start date of May 7, 2020.

Commissioner Sicard seconded the motion. Vote 5-0.

Commissioner Clark motioned to approve the hiring of Luke Bibber to the Hazmat team in the position of operations with a start date of May 7, 2020. Commissioner Sicard seconded the motion. Vote 5-0.

Commissioner Clark motioned to approve the hiring of Carlo Laserna to the Hazmat Team in the position of generalist with a start date of May 7, 2020. Commissioner Sicard seconded the motion. Vote 5-0.

Commissioner Clark motioned to approve the transfer of Christopher Allen from

the position of temporary employee to Hazmat Reserve with a start date of May 7 2020. Commissioner Sicard seconded the motion. Vote 5-0.

Sheriff King approached the Board to discuss brief items. The State DOC has asked that we keep their inmates should they get picked up. Typically, we would bring them to Warren or Windham. The Sheriff informed the Commissioners that he did not agree to do this. We are keeping people in the intake area until they have their initial appearance. We test them, stated the Sheriff. He added that he felt that we would be an incubator for the State and keep them here. We are one of four counties that said no.

On another issue, the Sheriff reported that the FBI issue he spoke to the Commissioners about awhile back has been resolved.

Commissioner Sicard asked Sheriff King to give an update on the Hollis situation.

Sheriff King relayed to the Commissioners that the State Police were asked to accompany us to Hollis. They weren't willing to state they were going to pull out so Hollis thought they were all set. Sheriff King informed all that he told the State Police that he wouldn't sign the new MOU (with the Sheriff's Office). After further conversations, the State Police concluded that they would keep it the way it is.

Commissioner Sicard asked if the Hollis selectmen have that information yet?

He added that since it is for one year only, this will come up again so we need to button this up. Sheriff King replied that he will do so.

Commissioner Clark asked Sheriff King in regards to the State prisoners, how frequently does that happen? Sheriff King replied that he was not comfortable really giving an answer but that he can get that information.

7 OLD BUSINESS

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), 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).

Commissioner Clark motioned to enter into executive session. 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.

H.R. Director Linda Corliss requested that the probationary employee discussed in executive session be terminated effective May 6, 2020.

Commissioner Clark moved to terminate the probationary employee effective May 6, 2020. Commissioner Dutremble seconded the motion. Vote 5-0.

****HEARD PRIOR TO EXEC. SESSION****

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

Susan Wiswell thanked Commissioner Clark for standing up for the taxpayers on the grievance by not granting pay when one did not work.

Sheriff King informed the Commissioners that it is Corrections Officers appreciation week. He invited them to a barbeque for the evening shift in the sally port section of the jail.

10 ADJOURN

Commissioner Clark motioned to adjourn. Commissioner Sicard seconded the motion. Vote 5-0. Meeting adjourned at 6:03 p.m.