

COMMISSIONERS MEETING

March 2, 2022

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, March 2, 2022 A. D. at 4:30 P. M.

COMMISSIONERS PRESENT:

Richard R. Dutremble
Richard Clark
Robert Andrews
Allen Sicard
Donna Ring

County Manager Gregory Zinser was present at the meeting.

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

03-02-22 ITEM

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

None

2 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

a. Commissioners meeting of February 16, 2022

Commissioner Clark motioned to approve the minutes of February 16, 2022.

Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Ring asked that a correction be made on line 213 to add NO ACTION TAKEN.

Commissioner Clark withdraw and motion to approve as amended. Dutremble 5-0.

3 TO APPROVE TREASURER'S WARRANTS

a. Warrants to be approved on February 16, 2022, in the amount of \$404,365.32
Clark. Dutremble 2nd. Vote 5-0.

b. Warrants to be approved on February 23, 2022 in the amount of \$612,440.30
Commissioner Clark motioned to approve the warrants. Commissioner Dutremble seconded the motion. Vote 5-0.

4 TO HEAR ANY REPORTS FROM THE COUNTY COMMISSIONERS

Commissioner Ring informed all that Sue Seaman retired Monday and that she would like to recognize her for 30 years of service as a York County Corrections Officer and congratulate her on her retirement.

5 NEW BUSINESS

a. Seek approval of the following employees in EMA:

i. Michael W. Audet as a reserve Fire Instructor 1 with a start date of 3-3-2022
Commissioner Clark motioned to approve the hiring of Michael W. Audet as a reserve Fire Instructor 1 with a start date of 3-3-2022. Commissioner Ring seconded the motion. Vote 5-0.

ii. Harold S. Smith as a reserve Fire Instructor 1 with a start date of 3-3-2022
Commissioner Clark motioned to approve the hiring of Harold S. Smith as a reserve Fire Instructor 1 with a hire date of 3-3-2022. Commissioner Ring seconded the motion. Vote 5-0.

iii. Lindsey Martin-Hunt as a reserve Fire Instructor II with a start date of 3-3-2022

Commissioner Clark motioned to approve the hiring of Lindsey Martin-Hunt as a reserve Fire Instructor II with a start date of 3-3-2022. Commissioner Ring seconded the motion. Vote 5-0.

iv. Jerry Beaulieu as a reserve Fire Instructor II with a start date of 3-3-2022
Commissioner Clark motioned to approve the hiring of Jerry Beaulieu as a reserve Fire Instructor II with a hire date of 3-3-2022. Commissioner Ring seconded the motion. Vote 5-0.

b. Review and seek approval of 2022 Maine County Emergency Management Mutual Aid Agreement- EMA Director Art Cleaves explained the Agreement. Commissioner Clark motioned to approve and sign the document. Commissioner Dutremble seconded the motion. Vote 5-0.

c. Hear property tax abatement denial appeal (PP&KK Adams Trust v. Town of Berwick) ABATEMENT HEARD FIRST-Berwick Town Manager James Bellissimo and Board of Selectboard Chairperson Thomas Wright were sworn in by County Manager Zinser. Mr. Adams was also sworn in by the County Manager via ZOOM.

York County Commission Chairperson Sicard ran the Hearing.

Mr. Adams, the appellant, explained that the original assessment was in error. He continued that he had asked the town if they wanted the property but, they were uninterested. The value of the land, continued Mr. Adams, jumped in two years from \$31,500 to \$74,300. The error was corrected and I was informed that my only option was to go to the Commission.

Commissioner Sicard commented that the valuation issue is what he heard in that the value changed over time. The Trust is based in Las Vegas so they don't have a lot of knowledge about Berwick.

Mr. Adams explained that he grew up in Berwick and have family members in the area and they told me they were getting closer to building a development (in this area).

Commissioner Ring asked Mr. Adams when the first time he notified the Town of Berwick with his question on the taxes was? Mr. Adams replied in 2022. He

continued that they were told they were going to discuss with us to buy the property.

County Manager Zinser recapped that Mr. Adams saw his valuation went up and then the town decreased it the following year and then you asked for an abatement for those prior years. Mr. Adams replied, yes, and that his sister was told she should be able to apply for a credit.

Berwick Town Manager Bellissimo explained that he was talking with Mr. Adams' sister, Nancy as he was the town planner at the time. We were looking for recreational open space. This lot went from a potentially buildable lot to not. The property is located over a bridge that has been closed. Fire Chief and CEO were asked if they would grant a building permit and they determined they did not. Therefore, explained Berwick Town Manager James Bellissimo the lot was switched back from a buildable lot to a possibly buildable lot. County Manager Zinser interject so that accounts for the up and down.

Commissioner Sicard asked if any rebates were given? Manager Bellissimo explained that by statute, only one year is allowed.

Commissioner Clark asked what year was the bridge closed? Manager Bellissimo replied 3 or 4 years ago. Chairperson Wright explained that the DOT determined it was unsafe.

Town Manager Billissimo stated that he thought the town made an error. They didn't know the status of the bridge at that time.

County Manager Zinser asked when the assessor went out to do the revaluation, what happened after that further conversation that this lot might not be buildable due to bridge? Chairperson Wright replied that refunds were made as allowable but we have deadlines we have to keep. This was brought to us this past fall. By statute we could not go back 2nd and 3rd year. We could for the last year and that is what we did. Chairperson Wright added that this is potentially valuable property with five acres on the river. He continued that they hope to be able to repair the bridge if DOT gives us the money.

Commissioner Ring- questioned why since the Town of Berwick made an error, they could not correct that. Selectman Wright replied that it is up to the homeowner to make sure the information on their tax bill is correct. Commissioner Ring replied that this is an error in assessment. Mr. Adams didn't know that this was an error. The town has stated that it was an error. County Manager Zinser explained that at the local level, the homeowner has the obligation to file the appeal with the town within 185 days of commitment. He further explained that the Board can refund 3 years but to go beyond one year, there has to be an illegal assessment or an irregularity in assessment. An evaluation error does not qualify within that 3 year period.

Commissioner Clark stated that while he is sympathetic to Mr. Adam's position, the Commissioners are bound by statute. The error is in the valuation and not the assessment and we cannot go back further than the 185 days. The legislature has chosen that number explained the County Manager. The town needs to know how much in taxes they can expect. I feel the Berwick Board of Selectmen came to the right conclusion, he stated.

Commissioner Clark motioned to reject the application for property tax relief for the Adams Trust v Town of Berwick tax abatement denial appeal. He further motioned to direct the County's Attorney to prepare Findings of Fact.

Commissioner Dutremble seconded the motion.

DISCUSSION: Town Manager James Billissimo explained that the town fixed the rebate before April 1st so the tax bill went out correctly.

Commissioner Clark withdrew his motion.

Commissioner Clark motioned to obtain a Findings of Fact from our attorney to be presented for vote at the next meeting. Commissioner Dutremble seconded the motion. Vote 5-0.

Mr. Adams asked what in this process would be allowable to grant a three-year rebate? County Manager Zinser stated if it's an illegal assessment. He encouraged Mr. Adams to see legal advice if he was concerned about that.

d. Nomination Maine Recovery Council-

County Manager Greg Zinser reminded the Commissioners about an MOA in the outpatient agreement that they had authorized him to sign off on for the opioid settlements. He continued that only one had been approved so far (J&J.) He continued that part of the MOU established the Maine Recovery Council. This Council requires memberships from the plaintiffs (collectively, 4 seats). The County Manager strongly suggested that the Board nominate someone to be on the council.

Commissioner Dutremble motioned to nominate the County Manager.

Commissioner Clark seconded the motion. Vote 5-0.

County Manager recognized Sheriff King for recently acquiring his Certified Jail Manager Certificate (Sheriff not present).

6 OLD BUSINESS

*******Item 7 Heard after Item 8-Public Comment*******

7 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. Enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (C) acquisition of real property or economic development

Commissioner Clark motioned to enter into executive session pursuant to 1 M.R.S.A. §405 6C (acquisition of real property or economic development).

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 stated that action was taken and that the Commissioners suggested that the County Manager continue to negotiate.

Commissioner Clark motioned to enter into executive session pursuant to 1 M.R.S.A. § 405 6 (A) personnel issues. 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.
No action taken.

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

No public comments

9 ADJOURN

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