

COMMISSIONERS MEETING

January 5, 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, January 5, 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 and Deputy County Manager Linda Corliss were present at the meeting.

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

01-05-22

ITEM

- 1 **TO SELECT A COUNTY COMMISSIONER CHAIRPERSON FOR 2022**
Commissioner Andrews nominated Commissioner Sicard. Motion was seconded by Commissioner Ring. Vote 5-0.
- 2 **TO SELECT A COUNTY COMMISSIONER VICE CHAIRPERSON FOR 2022**
Commissioner Ring nominated Commissioner Andrews. Commissioner Sicard seconded the motion.
DISCUSSION: Commissioner Dutremble explained that the Chairperson cannot second a motion.
 1. Commissioner Andrews seconded the motion. Vote 4-1 (Commissioner Clark opposed).
- 3 **PUBLIC COMMENT(S) ON ANY ITEM(S)**
Rick DeRochemont addressed the Board regarding COVID vaccines. He stated that a friend of his got COVID and was unvaccinated. His friend didn't want to get the vaccine because he didn't know what was in it. This person came close to dying. He never questioned anything that was given to him in the ambulance or at the hospital. I don't feel his reasoning was justified. If you are not going to question anything, why question something that is clear as day, stated Mr. deRochemont.

Janet Drew, via ZOOM, commented that she seconded the last speaker's comments and that she is for mandatory vaccines. We have had to have many vaccines throughout the years. In regards to ARPA, she would appreciate it if ARPA information was not buried at the end of the agenda and added there is no imagination there. We are not doing anything differently, stated Ms. Drew.

Commissioner Clark stated that the Sheriff's Office dealt with a difficult and dangerous situation in the last few days. He congratulated the Sheriff and the people under his command for handling the situation without serious injury and loss of life to anyone.

4 TO SELECT A WORKFORCE CENTER DIRECTOR FOR 2022

Commissioner Clark stated that he has been doing this for the last few years. If anyone wants to do it, speak up.

Commissioner Ring nominated Commissioner Clark. The motion was seconded by Commissioner Dutremble. Vote 5-0.

5 TO SELECT A SOUTHERN MAINE REGIONAL PLANNING REPRESENTATIVE FOR 2022

Commissioner Sicard stated that he has been the county's representative for this past year and enjoyed it but will give it up if someone else wants to do.

Commissioner Andrews nominated Commissioner Sicard as the York County representative to the Southern Maine Regional Planning and Development Commission. Commissioner Ring seconded the motion. Vote 5-0.

TO NOMINATE A MAINE COUNTY COMMISSIONERS ASSOCIATION BOARD MEMBER FOR 2022 –

Commissioner Clark nominated Commissioner Dutremble to this Board. Commissioner Andrews seconded the motion. Vote 5-0.

6 TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS MEETINGS-

a. Commissioners' Regular Meeting of December 1, 2021 (tabled at 12-15-21 meeting)- Commissioner Clark motioned to approve the minutes. Commissioner Andrews seconded the motion. Vote 5- 0 with Commissioner Dutremble abstaining.

b. Commissioners' Regular Meeting of December 15, 2021- Commissioner Clark motioned to approve the minutes. Commissioner Dutremble seconded the motion. Vote 3- 2 with Commissioner Ring and Commissioner Andrews abstaining as they were absent from the meeting.

c. Commissioners' Special Meeting of December 21, 2021- Commissioner Clark motioned to approve the minutes. Commissioner Dutremble seconded the motion. Vote 4-1 with Commissioner Ring abstaining.

7 TO ADOPT ROBERT'S RULES OF GOVERNANCE FOR CONDUCTING 2022 COMMISSIONER MEETINGS

Commissioner Andrews motioned to approve Robert's Rules. Commissioner Ring seconded the motion. Vote 5-0.

8 TO SELECT A DAY AND TIME FOR CONDUCTING REGULAR COUNTY COMMISSIONER MEETINGS FOR 2022

Manager recommendations: 1st and 3rd Wednesdays beginning at 4:30 P.M.-following dates: January 5, January 19, February 2, February 16, March 2, March 16, April 6, April 20, May

4, May 18, June 1, (June 15th if needed), July 6, (July 20th if needed), August 3, (August 17th if needed), September 7, September 21, October 5, October 19, November 2, November 16, December 7, December 21.
Clark- Dutremble 2nd. Vote 5-0.

9 TO REVIEW AND ADOPT POLICIES FOR 2022 AS FOLLOWS:

- a. **MILEAGE REIMBURSEMENT RATE** (manager recommends '22 IRS rate 58.5 cents)
Commissioner Clark motioned to approve the mileage reimbursement rate as presented above. Commissioner Dutremble seconded the motion. Vote 5-0.
- b. **MEALS ON COUNTY BUSINESS RATE** (manager recommends '20 rates of \$10.00- breakfast, \$15.00 lunch, \$20.00 dinner or \$45.00 per diem)
**Special note:* When the event you are attending includes any of the meals you are required to take part in the meal. If you are staying at a hotel that provides breakfast, you must utilize the breakfast provided by the hotel. In these instances, the amounts stated above will be deducted from the per diem rate.
Commissioner Clark motioned to accept the rates for meals on county business as presented above. Commissioner Andrews seconded the motion. Vote 5-0.
- c. **POLICE/ACCIDENT/INCIDENT REPORTS** (manager recommends '21 rate of \$20.00)
Commissioner Clark motioned to approve the reports rate as presented above. Commissioner Dutremble seconded the motion. Vote 5-0.
- d. **NOTARIZATION/ATTESTATION FEES** (manager recommends '20 rate of \$5.00/\$10.00)
Commissioner Clark motioned to approve the notarization/attestation fees as presented above. Commissioner Dutremble seconded the motion. Vote 5-0.

10 TO APPROVE TREASURERS' WARRANT(S)

- a. Approve treasurer's warrant dated December 15, 2021 in the amount of \$409,140.44
Commissioner Clark motioned to approve the warrant. Commissioner Dutremble seconded the motion. Vote 5-0.
- b. Approve treasurer's warrant dated December 22, 2021 in the amount of \$734,278.00
Commissioner Clark motioned to approve the warrant. Commissioner Dutremble seconded the motion. Vote 5-0.
- c. Approve treasurers' warrant dated December 29, 2021 in the amount of \$416,132.74
Commissioner Clark motioned to approve the warrant. Commissioner Dutremble seconded the motion.
Vote 5-0.

11 HEAR ANY REPORTS OF THE COMMISSIONERS

None

12 HEAR ANY REPORTS OF THE COUNTY MANAGER

None

13 NEW BUSINESS

- a. Seek Commissioner approval for the promotion of David Lambert to the position of Captain effective January 10, 2022.- County Manager Zinser requested this item be removed.
Commissioner Clark motioned to table this item. Commissioner Dutremble seconded the motion. Vote 5-0.

- b. Seek Commissioner approval for the promotion of Donovan Cram to the position of Corporal with an effective date of January 10, 2022.
Commissioner Clark motioned to approve the promotion of Donovan Cram to the position of Corporal with an effective date of January 10, 2022. Commissioner Dutremble seconded the motion. Vote 5-0.
- c. Seek hiring approval for Gabby Powell in the position of Full-Time Patrol Deputy in the Sheriff's Office with a hire date of January 24, 2022.
H.R. Director Linda Corliss informed all that Ms. Powell's starting hourly rate will be \$26.04. She explained that Ms. Powell is already blue pinned and certified.
Commissioner Clark motioned to approve the hiring of Gabby Powell in the position of full-time patrol deputy in the Sheriff's Office with a hire date of January 24, 2022.
Commissioner Ring seconded the motion. Vote 5-0.
- d. Seek hiring approval of Melissa Higgins in the position of Corrections Officer in the Sheriff's Office with a hiring date of January 7, 2022.
Commissioner Clark motioned to approve the hiring of Melissa Higgins in the position of Corrections Officer in the Sheriff's Office with a hiring date of January 7, 2022.
Commissioner Dutremble seconded the motion. Vote 5-0.
- e. Seek hiring approval of Kayley Weeman in the position of Corrections Officer in the Sheriff's Office with a hiring date of January 7, 2022.

Commissioner Clark motioned to approve the hiring of Kayley Weeman in the position of Corrections Officer in the Sheriff's Office with a hiring date of January 7, 2022.

Commissioner Ring seconded the motion. Vote 5-0.

Commissioner Sicard asked H.R. Director Corliss the status of (C.O.) numbers. She replied that we have gained some and then we lose some. She added that there was an ALERT exam today and that three potential candidates took it. Also, stated Director Corliss, more applications have been coming in over the past week.

- f. Sheriff to request administrative termination of the following reserve Corrections Officers in inactive status: Ashanti Williams, Marrisa Morrison, Steve Barber, Abraham Conde, Mathew Cummer, and Richard Allard.

H.R. Director Corliss explained that a few of these individuals have been contacted since the agenda was posted and submitted letters of resignations. Abraham Conde is the only person left on the list that we could not reach.

Commissioner Clark motioned to terminate Abraham Conde due to his inactive status.

Commissioner Dutremble seconded the motion. Vote 5-0.

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OLD BUSINESS

- a. Commissioner access to County Software Programs (tabled from 12-15-21 mtg.)
County Manager Zinser explained that this item was put forth by Commissioner Ring. He continued to explain that she is looking for access to some of the financial programs. Commissioner Ring explained that as Commissioners, our #1 responsibility is to oversee the finances. She continued that she feels that as a Commissioner, we should have access to the MUNIS system on a read only basis. Commissioner Ring stated that she has the knowledge to operate the system. Elected officials certainly should have access to all of our financial records. She added that sometimes it gets misunderstood as to the type of report she wants. Commissioner Ring stated that she caught things this past year sifting through the warrants. She explained that she was an employee and had access to all of the Sheriff's Office records. Now, as an elected official overseeing everyone, she has no access. Commissioner Ring commented that she is not sure what would be confidential to Commissioners. She stated that she would like the Board to direct the Manager to write a policy if he feels there should be some stipulations.

Commissioner Dutremble commented that he also has experience with MUNIS. He added that he checked with different governments and their councilors are not allowed to access their financial programs. A lot of stuff is confidential like social security numbers and child support payments. Commissioner Dutremble continued that we can get reports whenever we want them. Just ask. There is a capability that you can destroy records. He added that he has always gotten what he has asked for without going onto the program usually within a day's time. Commissioner Ring responded that with all due respect, she recognizes the need for confidentiality. She stated that she is asking for read only and that access can be limited. Commissioner Ring stated that she finds it almost an insult that she cannot have access as an elected official.

Commissioner Clarks stated that the Commissioners are assigned oversight of county budget and operations. We do that through a series of employees beginning with the County Manager and a number of employees report to him. He continued that it is no job of any one of the Commissioners to micromanage the process and he thinks that is what is going to happen with this. He continued that he doesn't want someone with an ax to grind digging through reports. If anyone thinks there's a problem, they should get reports and if they don't think these reports aren't straight then the Board will investigate. We have already had this discussion, stated Commissioner Clark. It is a chain of command issue. Confidential information needs to be protected. Commissioner Ring replied that she is also recommending that whatever restrictions they need to place to allow the Board access, they can do that.

Commissioner Sicard added that as Commissioners we oversee everybody. We hire and oversee the County Manager. It is his job to hire department heads. Elected officials, through H.R. hire employees. We look at the big picture unless we think something doesn't look right then we go to the Manager, stated Commissioner Sicard.

Commissioner Dutremble commented that when the Commissioners hired the first Finance Director, he was on the hiring committee. The Finance Director reports to the County Manager not to the Commissioners.

Commissioner Ring motioned that access to the MUNIS system be granted to the Commissioners as allowed by the County Manager. Commissioner Andrews seconded the motion. Vote -2-3 with Commissioners Clark, Dutremble and Sicard opposed.

- b. Discussion of OSHA-ETS (executive session pursuant to 1 M.R.S.A. §405 (6) (A), personnel matters may be necessary)

County Manager Zinser explained that OSHA ETS is in effect. There is a meeting on January 18, 2022 and they intend to adopt the policy. The effective date will be February 17th with the entire rule in effect by March 19th. The County Manager stated that he does recognize it will go before the Supreme Court sometime this week and no response is anticipated until early February. We are under obligation to move forward, he continued. He advised the Commissioners that he needs to know what they wish us to do. Testing costs \$113.00 per test, advised County Manager Zinser. H.R. Director Corliss informed all that there are 266 employees currently with 35 unvaccinated and 25 who have not reported whether they are vaccinated or not, which is an issue. 206 employees are vaccinated. Therefore, 22% of employees are classified as unvaccinated as of today's date, explained H.R. Director Corliss.

County Manager Zinser asked the Commissioners if they want to go down the testing road or vaccine mandates? From an administrative perspective, testing is overly burdensome so he would ask that the Board consider mandating.

Commissioner Sicard asked if we were set up with testing equipment? County Manager Zinser replied that it is used quite a bit. That machine does not have the capacity to do surveillance testing. Under FEMA this is set up for workplace outbreaks. Our own staff does not have the capacity to do it. He continued that it can be processed there but we

don't have the capacity to take on the surveillance of our own employees. Right now, we are doing all of our own little outbreaks and some fire departments and police departments. Commissioner Sicard asked what if the Board votes for a mandate, and then the Supreme Court rules it unconstitutional? The County Manager replied that we should know before whether or not the Supreme Court is going to rule. The County Manager went on to say that the ETS is now in effect and we are being told on the 18th it will be given their blessing and in full effect on March 18th.

H.R. Director Linda Corliss explained that the reason the dates are out there is that there is a lot of work to be done prior. We have to meet with Unions, contractors, etc. We need a few weeks to be prepared, explained H.R. Director Corliss.

County Manager Zinser stated that he and Director Corliss would come back with a policy at the first meeting in February.

Commissioner Clark clarified that the decision of the Supreme Court is not whether or not mandates are constitutional, it is whether the order from OSHA is constitutional. If this Board or any Board or organization chooses to mandate vaccinations for their employees that is a separate issue. The State has ordered health care workers (to be vaccinated against COVID) and that has not been overturned.

What do we tell our people that are doing the work to do, asked Commissioner Clark. He explained that he sat through the recent webinar and that there is a lot of record keeping, and a lot of work to be done. There are very serious fines and penalties if mistakes are made. Commissioner Clark added that from the numbers given the cost will be \$6,000 a week to test and \$300,000 a year. He continued, not to mention time out of work while these folks are taking these tests. He stated that he is in favor of mandating. He reminded all that there are a lot more dead people than six weeks ago when we discussed this. We need to give our folks some direction, stated Commissioner Clark.

Commissioner Clark motioned that the Commissioners instruct the County Manager and Deputy County Manager/H.R. Director to go down the route that vaccines will be mandated in order to work for the county. Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Sicard questioned the start date (of the mandate).

Commissioner Clark suggested at the next meeting the Commissioners formalize a plan with a start date. He added that to ask the people of York County to spend \$300,000 for virtually nothing is absurd and that he doesn't think it provides protection for our employees. It doesn't protect employees from each other, stated Commissioner Clark.

Commissioner Ring stated that ARPA money should be used for testing. She added that she doesn't believe that the Government should be making someone put something in their body that they don't want. She added that she would rather test.

Commissioner Andrews stated that he agrees with testing. There is too much in the way of rights that are being denied, stated Commissioner Andrews.

Commissioner Dutremble stated that his grandkids all got vaccinated and so did he. People are forgetting, it is not somebody's rights. Vaccines are mandatory for schools. This is no difference. This saves peoples' lives, commented Commissioner Dutremble. Commissioner Andrews commented that he understands what Commissioner Dutremble is saying but does not agree with the way we have gone about this. The State is not allowing for any religious exemptions. Commissioner Andrews stated that he believes if there is a good basis for someone to get a religious exemption, they should be able to do so. To say that it's been past practice in schools, there have always been reasonable accommodations. He continued that he understands the fear of this disease. For his occupation he was asked to be vaccinated, stated Commissioner Andrews and he chose to do so for the greater good of the people he serves.

Commissioner Sicard asked if it was possible to have a plan for next meeting. County Manager Zinser replied, yes. Vote 3-2 (Commissioner Andrews and Commissioner Ring opposed).

- c. ARPA updates- The County Manager explained that there was a timeframe but more (requests) have come in from the York County Shelter Programs and the Biddeford Center of Technology. The transportation proposal from Southern Maine Planning & Development Commission and York County Community Action is in response to your request to them for more information.

Commissioner Sicard asked if the Board would like to get back to a 3:00 workshop and invite the transportation and shelter people back as well as get an update on the county programs.

Commissioner Clark stated that he is happy to talk with the transportation people as they went through the process. He added that he doesn't oppose the request of the Shelter but they didn't submit (their request) in the timeframe requested. We held public hearings and asked for public comments. The County Manager added that he asked the Shelter for information but he didn't get it.

Commissioner Ring stated that they were at a public hearing and did submit information. County Manager Zinser replied that the Shelter put in a generic request in July and then said they'd be back with a proposal. He continued that he contacted them and a long e-mail chain ensued and he received nothing until this.

Commissioner Dutremble asked if they requested any dollar amount in July? The County Manager replied, no.

Commissioner Sicard suggested they hold a workshop with the transportation people and county projects and have the Manager get back to Shelter to say they missed the deadline. Commissioner Ring stated that they did attend a meeting and submitted a request. They were never asked to come in. They did put a letter of interest, said Commissioner Ring.

Commissioner Clark suggested the workshop begin at 3:30 (on January 19th).

County Manager Zinser responded that the transportation people have supplied what is requested. Commissioner Sicard asked the Board if they are for or against having the Shelter being allowed to come? Commissioner Clark responded that it was the vote of this Board that we would take proposals through a given day. It is unfair to any number of other agencies that may have good proposals that you are all too late but others are not. Commissioner Clark continued that we need to sit down with Dave (Nalchajian, Sr., ARPA Financial Project Manager) and see what is left and then if there is money left, have a second round of proposals that is open to everybody. We need to follow the process we established, commented Commissioner Clark. Commissioner Ring replied that she didn't realize that they were required to submit all their numbers. There was a letter from the Shelter in our notebooks. So be it if it took them longer. They are in our initial book. Commissioner Andrews agreed with setting the workshop and limiting it to transportation people. Much of the shelter program wouldn't pass the muster for ARPA money he stated.

It was decided by the commissioners to hold a 3:30 workshop and invite transportation people back and get a quick update on county projects.

County Manager Zinser asked should denial letters be sent to everybody else?

Commissioner Sicard clarified to the technology people and the shelter? He stated that he is in favor of sending letters and thanking them and if money is left over there will be another process.

Greg- we have updated reports for you. We will have Dave review the reports with you at the 3:30 meeting (January 19th) and ask any questions.

Commissioner Dutremble stated that he wished to comment on the dredge proposal. He continued that they want \$1.8 million and communities involved didn't put any of their money in. Commissioner Sicard replied that is incorrect as the City of Saco is putting money in to house it and staff it.

Commissioner Dutremble clarified that he is talking about the physical purchase. Other towns and cities should be putting money into it. Commissioner Sicard stated when they come back, we can discuss that. Commissioner Dutremble stated that if we are going to change our minds, we should tell them. Commissioner Sicard responded that we asked them to get other communities behind them.

Commissioner Clark added that the individuals who presented this proposal in June were told by the Commissioners to go to the towns that would benefit from this and see if they would give some money. So far there has been zero contributions. Commissioner Sicard asked Commissioner Clark if he had a report from the towns they spoke to as he understands that they are reaching out now. Commissioner Clark stated that every municipality got ARPA money. Commissioner Sicard recommended giving them some time as we are coming out of the holidays. Commissioner Dutremble commented that we shouldn't give them anything unless they put some money into it. Commissioner Sicard reiterated that they are putting millions of dollars towards it to house it and staff it. Commissioner Dutremble replied that other communities will use it. Commissioner Sicard stated that it could be a profit making entity and we could be partners.

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PUBLIC COMMENT(S) ON ANY ITEM(S)

Janet Drew commented that the Commissioners are getting (requests from) organizations that are working hard in a time that everyone is stressed. *"When they have reached out to you, they should have another opportunity. You are giving the dredge people an opportunity. You haven't spent all the money yet. Identify a pot of money and say this will be community organizations. Give them the benefit of the time that you are giving the Saco dredge."*

Commissioner Clark responded that he understands Janet Drew's concerns, but that she is understating what this board has done to reach out to organizations. Commissioner Clark continued that the Commissioners are supporting a teen center in Biddeford, Fair Tide in Kittery, as well as discussing the construction of a facility to deal with the opioid crisis and behavioral health issues. There is also a committee formed to discuss building for training for EMTs fire personnel and police. Commissioner Clark stated that he thinks the Commissioners have done a fair amount in addressing some human needs. The money has to be spent in an appropriate manner. We are trying to spend this money in a responsible manner to address some of the issues that were identified, stated Commissioner Clark.

Susan Wiswell asked for the OSHA ETS deadlines given out earlier in the meeting. County Manager Zinser stated that on the DOL's website there is a press release that states the date of the OSHA DOL meeting on January 18, 2022 and on this day their intention is to approve and implement the OSHA -ETS for the State of Maine. Thirty days from the vote is the implementation date of February 17th. They will suspend enforcement until March 19th. County Manager Zinser explained that we have to impact bargain with our unions and it takes time for persons to get two vaccines.

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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. Executive Session pursuant to 1.M.R.S.A. §405 (6) (A), personnel matters
Commissioner Clark motioned to enter into executive session pursuant to 1.M.R.S.A. §405 (6) (A), personnel matters. 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.

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ADJOURN

Commissioner Clark moved to adjourn. Commissioner Dutremble seconded the motion.
Meeting adjourned at 6:02 p.m.