

COMMISSIONERS MEETING

August 2, 2023

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 2, 2023, A. D. at 5:00 P. M.

COMMISSIONERS PRESENT:

Richard R. Dutremble
Richard Clark
Robert Andrews
Justin Chenette
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

08-02-2023 ITEM

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

Robert Wickson addressed the Board and stated that he lives at 38 Cady Lane in Buxton. Robert McDougal stated that he is the owner of the property of the tax abatement denial appeal Hearing that took place at the Commissioners' meeting on July 12, 2023. Mr. McDougal stated that he and Mr. Wickson misunderstood that they had to be present.

Vice-Chairperson Chenette (running the meeting as Chairperson Dutremble was not yet present) asked that the parties wait to speak until their agenda item is taken up by the Commissioners.

2 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

a. Commissioners' meeting of July 12, 2023

Commissioner Clark motioned to approve the minutes of the July 12, 2023 Commissioners' meeting. Commissioner Ring seconded the motion. Vote 3-1 with Commissioner Andrews abstaining as he was not present.

3 TO APPROVE TREASURER'S WARRANTS

a. Warrants to be approved on July 12, 2023 in the amount of \$525,852.82
Commissioner Clark motioned to approve the warrant. Commissioner Ring seconded the motion. Vote 4-0.

b. Warrants to be approved on July 19, 2023 in the amount of \$801,836.01
Commissioner Clark motioned to approve the warrant. Commissioner Andrews seconded the motion. Vote 4-0.

c. Warrants to be approved on July 26, 2023 in the amount of \$467,657.42
Commissioner Clark motioned to approve the warrant. Commissioner Andrews seconded the motion. Vote 4-0.

4 TO HEAR ANY REPORTS FROM THE COUNTY COMMISSIONERS

None

5 NEW BUSINESS

a. ARPA finance update and reallocation/balancing requests

Review of spreadsheets and memo. ARPA Financial Project Manager David Nalchajian addressed the Board.

Commissioner Chenette asked if the discussion could include the expense related to the crane regarding whether this payment would be from ARPA funds or separate? County Manager Zinser replied that he cannot spend out of ARPA without the Commissioners' approval. He added that he is happy to not run it through ARPA and maybe take it out of contingency. It could be a warrant expenditure at the next meeting.

Commissioner Ring motioned to direct the County Manager to pay the \$16,000 bill out of contingency. Commissioner Andrews seconded the motion.

Motion amended by Commissioner Ring to reflect the amount of the bill to the City of Saco is \$16,687.00. Commissioner Andrews seconded the amended motion. Vote 4-0.

Commissioner Chenette asked if the Commissioners have any questions on the ARPA transfer requests from David Nalchajian.

Commissioner Clark motioned to transfer the following items out of the \$500,000 global engineering and design pool.

a. \$36,455.20 to the G/H Block design and engineering category

b. \$62,907.55 to the G/H block contract category (this covers the change order for the bathrooms)

c. \$4,500 to the supportive housing design and engineering category

d. \$7,042.88 to the video surveillance category (this covers project overage)

e. \$76,138.12 to the design and engineering category for the recovery center

f. \$69,692.50 to the engineering and design for the training center

Commissioner Ring seconded the motion. Vote 4-0.

Commissioner Clark motioned to allocate \$252,683.60 from the premium pay category to the already existing ARPA financial project manager category (this funds the position) for an additional three years.

Commissioner Andrews seconded the motion. Vote 4-0.

Commissioner Clark motioned to rescind \$1,513,600 from the premium pay category to bring the County's allocation in line with the ARPA Federal Grant award. Commissioner Andrews seconded the motion. Vote 4-0.

Commissioner Clark motioned to deallocate \$494,254.21 from the following categories:

- a. \$4,015.00 from mobile vaccine vehicle
- b. \$400,000.00 from the \$400,000 global engineering and design pool
- c. \$90,239.21 from the \$500,000 global engineering and design pool

Commissioner Andrews seconded the motion. (This motion is to deallocate ARPA residual funds). Vote 4-0.

Commissioner Clark motioned that these deallocated funds be equally split and allocated between the Recovery Center and Training Center.

Commissioner Andrews seconded the motion. Vote 4-0.

- b. To review and seek approval of Contract Deputy Agreements for Waterboro and Parsonsfield-

Commissioner Ring asked County Manager Zinser if there are any major differences in the contracts between the towns? County Manager Zinser replied that there are a few differences as some towns have additional requests. He continued that he and Sheriff King are trying to bring the contracts back to all the same and having conversations with Acton and Shapleigh as to what their contracts will look like.

Commissioner Clark motioned to approve the Waterboro Contract Deputy Agreement. Commissioner Ring seconded the motion. Vote 4-0.

Commissioner Clark motioned to approve the Parsonsfield Contract Deputy Agreement. Commissioner Ring seconded the motion. Vote 4-0.

- c. To review and seek approval for Archive Phase III proposal- County Manager Zinser explained that at the first meeting in September Paige Lilly will be here to report on Phase 2. Currently, we are asking for approval for Phase 3.

Commissioner Clark motioned to approve the bid as presented for phase 3 of the archival proposal in the amount of \$11,185.00. Commissioner Andrews seconded the motion. Vote 4-0.

- d. To review and seek approval for In-Cruiser Printer bids memo – County Manager Zinser explained that this process went through the Federal Procurement process. The remaining funds needed will come from the forfeiture account.

Commissioner Ring asked how much fine money does the York County Sheriff's Office get from the State? Chief Deputy Forbes replied, zero.

Commissioner Ring replied, but the State is requiring this equipment as there will be no more paper tickets. Chief Deputy Forbes, agreed and stated that this is the last year to obtain the grant.

Chief Deputy Forbes explained that they can use these printers for other items like Protection Orders.

Commissioner Ring motioned to approve the bid as presented. Commissioner Andrews seconded the motion. Vote 4-0.

- e. To review and seek approval of Public Safety Training Tower bid- County Manager Zinser explained that there is a chance that we might have to use Federal

funds. He explained to the Commissioners that the memo they received asked that they approve the Draeger tower as we are not asking for a dollar amount tonight. Commissioner Clark asked Chief Fire Administrator Hooper why the committee preferred one over the other. Chief Hooper explained that the Draeger model is built better and sturdier, more compartmentalized features, easier to expand and has a pad foundation that allows for better expansion. WHP didn't appear to be modular as the Draeger was. Construction of the steel containers has flooring in them that will be sturdier with less chance of damage to equipment. WHP did not address the law enforcement aspect, but Draeger did. Commissioner Ring motioned to conditionally award the contract for the Training Tower/Burn Room to Draeger subject to discussions with Draeger, Inc. to eliminate unnecessary items from the proposal and subject to negotiations over a fair and reasonable final price for the project after factoring in the elimination of the unnecessary items. Commissioner Andrews seconded the motion. Vote 4-0.

County Manager Zinser thanked Dave Nalchajian for heading up the procurement and making sure the process was followed.

******HEARD AFTER ITEM g******

f. General discussion/decision regarding patrol deputies living outside of York County- County Manager Zinser asked if perhaps this item could be moved and item g be heard first as this item was put on the agenda as suggested by Commissioner Dutremble who was not yet present at the meeting. County Manager Zinser explained the statutory requirement is that deputies reside in York County under provisions for the Sheriff's office. Commissioner Dutremble asked for this to be on the agenda over a month ago for a general conversation and is suggesting the possibility of a blanket approval process even though you can't bypass the State law but with the general understanding of it being okay with the Board to hire deputies who live or move outside of York County. Commissioner Dutremble explained that it is very difficult to get Deputy Sheriffs to come to work any place these days. He referenced a deputy Sheriff who lives in Biddeford who works for Cumberland County. Commissioner Dutremble stated that the time has come to change the policy. We are hunting for people to work for us. Commissioner Chenette asked how we work around State law if there is a statutory requirement? County Manager Zinser explained that we will have a blanket policy. The Commissioners are still going to have to vote to waive that provision. The County Manager continued that rather than saying we hope they will approve it we would like to have this Board adopt that policy. Commissioner Chenette asked but in terms of us waiving the statutory requirement? County Manager Zinser replied that we can't do that, but we can just have a policy stating we are okay with hiring outside of the county. Commissioner Ring stated that for the record, the county of York has always required this. She continued that she thinks the statute is on the books for a reason. These people are provided with a vehicle that is valued from \$45,000 to \$50,000. They have weapons, ammunition, uniforms and computers. Their cruisers are full of sensitive materials. When you are a taxpayer in York County, you want to see them in York County. We assign vehicles and people take them home. In municipalities you don't take vehicles home. To have to pay for someone to travel for an hour to get to work and travel time counts even if they are not in the county,

to me, is a travesty, stated Commissioner Ring. If they are not going to live in York County, then perhaps they need to park their vehicle someplace else and perhaps they pick it up at the office. Most deputies are “boots on the ground” and have been required to live in York County. We have made some move.

Commissioner Ring stated that she, as a taxpayer, is not comfortable having thousands of dollars being parked away. The law on the books is probably due to the equipment and excess mileage on vehicles. She stated that she does not support this. We have administrative positions outside of York County that we have hired and they are not required to respond immediately. I do not want to change the policy at this time, said Commissioner Ring.

Sheriff King stated that it is on a case-by-case basis. The particular individual that we are talking about is in a non-uniformed position. He lives in Cumberland County. He lives closer to the office than someone who lives in Kittery. He does not have a marked unit. There was a specific reason why I allowed it, explained Sheriff King. Since then, we have hired other administrative people in corrections and in the Sheriff’s Office that live outside of the county. I think it would be wise to start allowing people to live outside of the county, stated the Sheriff. He continued that he doesn’t take a hard line with it and feels it is case by case.

Commissioner Chenette asked if anyone has seen other policies or statements written? He asked if a geographic range should be stipulated in our statement?

Sheriff King replied that he thinks some other counties probably have a mileage stipulation.

Commissioner Ring commented that nobody gets paid to drive to work and when they spend 45 minutes going to and from work it isn’t appropriate, especially when they are not in our county.

Sheriff King replied that when somebody signs on, they are available.

Commissioner Ring stated that one individual lived in York County as a patrol deputy and then moved and did not tell anybody. When we hire them, they understand that they have to live in York County. We have on many occasions stipulated that they move, stated Commissioner Ring.

County Manager Zinser replied that the individuals were going to move anyway. He added that in his 12 years as County Manager, we have never turned anyone down.

Sheriff King commented that while he understands the cars and costs but that it is part of their union contract that they get a vehicle.

Commissioner Ring stated that they are issued a car, but it is not in the contract to take the car home.

Commissioner Chenette commented that he thought a draft of a policy would be helpful at our next meeting.

Commissioner Clark commented that if this is going to be done, a radius needs to be developed in which it is possible. He added that he agrees with Commissioner Ring that we are not getting the 8 or 10 hours from the employee and that bothers him. He added that he also has an issue with a response time.

County Manager Zinser reminded all that this was a Board initiative and that the Sheriff wasn’t knocking on the door saying he wants this.

Commissioner Chenette stated it is helpful to have the Sheriff’s input. We need to be clear around a radius. Maybe there is another county that we can get information from.

Commissioner Ring stated that case by case isn’t fair.

County Manager Zinser stated that we will talk to the Sheriff and bring it back to the Board sometime in September or October.

- g. H.R. Director Corliss to seek approval of hiring/transfers of the following:
- i. Justin Kimball in the position of full-time Corrections Officer in the York County Sheriff's Office with an effective date of hire of July 17, 2023. Commissioner Clark motioned to approve the hiring of Justin Kimball in the position of full-time corrections officer with an effective date of hire of July 17, 2023. Commissioner Ring seconded the motion. Vote 4-0.
 - ii. Johny Narvaez in the position of full-time Corrections Officer in the York County Sheriff's Office with an effective date of hire of July 24, 2023. Commissioner Clark motioned to approve the hiring of Johny Narvaez in the position of full-time corrections officer with an effective date of hire of July 24, 2023. Commissioner Ring seconded the motion.
DISCUSSION: Commissioner Ring asked if Mr. Narvaez is related to any other new hires? H.R. Director Corliss replied, no. Vote 4-0.
 - iii. Justin Renaud in the position of full-time Corrections Officer in the York County Sheriff's Office with an effective date of hire of July 31, 2023. Commissioner Clark motioned to approve the hiring of Justin Renaud in the position of full-time corrections officer with an effective date of hire of July 31, 2023. Commissioner Ring seconded the motion. Vote 4-0.
 - iv. Christina Cason in the position of full-time Corrections Officer in the York County Sheriff's Office with an effective date of hire of July 31, 2023. Commissioner Clark motioned to approve the hiring of Christina Cason in the position of full-time corrections officer with an effective date of hire of July 31, 2023. Commissioner Ring seconded the motion. Vote 4-0.
 - v. James Fitzgerald in the position of full-time Corrections Officer in the York County Sheriff's Office with an effective date of hire of August 14, 2023. Commissioner Clark motioned to approve the hiring of James Fitzgerald in the position of full-time corrections officer with an effective date of hire of August 14, 2023. Commissioner Ring seconded the motion. Vote 4-0.

H.R. Director Corliss informed all that with these hires there are now 52 full-time C.O.s. Those just approved will attend the October 2023 Maine Criminal Justice Academy.

- vi. Christopher McCall in the position of full-time Emergency Preparedness Coordinator in the York County Emergency Management Agency with an effective date of hire of August 21, 2023. Commissioner Clark motioned to approve the hiring of Christopher McCall in the position of full-time Emergency Preparedness Coordinator with an effective date of hire of August 21, 2023. Commissioner Ring seconded the motion. Vote 4-0.
- vii. Scott Gagne in the position of part-time/full-time Training and Response Coordinator in the York County Emergency Management Agency with an effective date of hire of August 7, 2023. H.R. Director Corliss explained that Mr. Gagne will work part time beginning on 8-7-2023. Due to issues with his retirement plan, he cannot begin full time until 12-11-2023. Commissioner Clark motioned to approve the hiring of Scott Gagne with an effective date of hire of part time (8-7-2023) to full time (12-11-2023). Commissioner Ring seconded the motion. Vote 4-0.

- viii. Cameron D. Mayhew in the position of full-time Patrol Deputy in the York County Sheriff's Office with an effective date of hire of August 14, 2023
Commissioner Clark motioned to approve. The hiring of Cameron Mayhew in the position of patrol deputy with an effective date of hire of August 14, 2023. Commissioner Ring seconded the motion. Vote 4-0.
- ix. Neil Tolman in the position of Reserve Disaster Assistance Responder III in the York County Emergency Management Agency with an effective date of hire of August 7, 2023
Commissioner Clark motioned to approve the hiring of Neil Tolman in the position of reserve disaster assistance responder III with an effective date of hire of August 7, 2023. Commissioner Ring seconded the motion. Vote 4-0.
- x. Timothy Gaillard in the position of Reserve Disaster Assistance Responder III in the York County Emergency Management Agency with an effective date of August 7, 2023
Commissioner Clark motioned to approve the hiring of Timothy Gaillard in the position of reserve disaster assistance responder III with an effective date of hire of August 7, 2023. Commissioner Ring seconded the motion. Vote 5-0. (Commissioner Dutremble now present).

**** Item F regarding deputies living outside of York County heard after item g.****

6 OLD BUSINESS

a. Discussion of McDougal v. Town of Buxton Tax Abatement Denial- County Manager Zinser summarized that the Board conducted a Hearing on June 7, 2023. Notices of this meeting were sent out and neither parties appeared and the Board denied the abatement.

County Manager Zinser informed the Commissioners that they have two things before them -the letter affirming the denial, but also the individuals are here to speak to the Board and have submitted a formal reconsideration and ask that the Board reopen the Appeal Hearing. If you desire, one of the Commissioners who were here would have to make a motion for a re-hearing request.

Vice-Chairperson Chenette invited the parties to the podium.

Commissioner Chenette told Mr. McDougal and Mr. Wyman that the Board wants to understand why they didn't attend Hearing.

Mr. Wyman explained that the letter stated, "if you wish to attend or you can use ZOOM." He added if we had known there would be questions, we would have attended but we submitted paperwork and the Town wasn't here either.

Commissioner Chenette asked did you reach out for clarification?

Mr. Wyman replied that they just went by the letter and figured it would be a red flag to anyone that saw the information they submitted.

Commissioner Chenette asked the Board if they had any questions related to the scheduling piece? If not, the Commissioners need to make a determination for a re-hearing.

Commissioner Ring stated that she understood that sometimes there is a misunderstanding of communications. She stated that she would not object to a re-hearing.

Commissioner Ring made a motion that the Commissioners grant a re-hearing on

the McDougal tax abatement. Commissioner Chenette seconded the motion.
DISCUSSION- Commissioner Chenette agreed that things do happen. We have an opportunity to make sure all parties are heard.
Vote 4-1 with Commissioner Dutremble abstaining.

County Manager Zinser informed Mr. McDougal that a letter to he and the Town of Buxton will be sent with the date of the re-Hearing.

Commissioner Dutremble requested that the meeting time issue be put on the next agenda at which time the Commissioners can discuss it and decided to keep the meetings at 5:00 or back to 4:30.

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. 1 M.R.S.A. § 405 (6) (E) CONSULTATION WITH LEGAL COUNSEL

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

Commissioner Ring 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)

None

9 ADJOURN

Commissioner Clark motioned to adjourn. Commissioner Ring seconded the motion. Vote 5-0. Meeting adjourned at 6:33 p.m.