

## COMMISSIONERS MEETING

May 18, 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, May 18, 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

#### 05-18-22      ITEM

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

Susan Wiswell asked if the two funds have enough money in them to cover the audit transfers listed on the agenda? The County Manager replied, yes. Susan Wiswell questioned in the Audit RFP, the peer review for quality control completed by Rodriquez and Company of RHR Smith (contained in pages 3-5) and asked what, if any would be the impact on the county? County Manager Zinser replied that the County's initial take on that is nothing. It won't affect our audit in any way.

Rachel Sherman referred to an item on the agenda tonight regarding Commissioner Ring and stated that she was reading a collaborative message from the members of the MSEA, FOP Union and NCEU. She added that these Union members represent the majority of hard-working men and women of York County. Ms. Sherman continued to relay a message that included giving thanks to Commissioner Ring for her many years of dedicated service and seeking transparency. She thanked Commissioner Ring (on behalf of all York County Union members) for showing the courage to ask the difficult questions.

Janet Drew addressed the Board via ZOOM and asked if there will be more opportunities for local groups to have more sessions when the second round of ARPA money arrives? Ms. Drew added that she knows that Kittery Housing got some money but that she just appalled at how desperate the housing situation is.

Commissioner Sicard replied that the Commissioners are already working on the second round of funding as it has been included in the total amount.

**2 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:**

- a. Commissioners meeting of May 4, 2022  
Commissioner Clark motioned to approve the minutes as presented.  
Commissioner Dutremble seconded the motion. Vote 4-1 with Commissioner Dutremble abstaining as he was not present at this meeting.

**3 TO APPROVE TREASURER'S WARRANTS**

- a. Warrants to be approved on May 4, 2022, in the amount of \$581,204.99  
Commissioner Clark motioned to approve this warrant. Commissioner Dutremble seconded the motion. Vote 5-0.
- b. Warrants to be approved on May 11, 2022 in the amount of \$496,270.43
- c. Commissioner Clark motioned to approve this warrant. Commissioner Dutremble seconded the motion.  
Vote 5-0.

**4 TO HEAR ANY REPORTS FROM THE COUNTY COMMISSIONERS**

None

**5 NEW BUSINESS**

- a. H.R. Director Linda Corliss to request approval for the following new hires:
  - i. Leslie Gastonguay in the position of Restitution Clerk in the District Attorney's Office with a start date of 5-23-22  
Commissioner Clark motioned to approve the hiring of Leslie Gastonguay in the position of Restitution Clerk in the District Attorney's Office with a start date of 5-23-2022. Commissioner Dutremble seconded the motion. Vote 5-0.
  - ii. Jeffrey Regan in the position of Deputy in the Sheriff's Office with a start date of 6-6-22-  
Commissioner Clark motioned to approve the hiring. Commissioner Dutremble seconded the motion.  
Discussion: Commissioner Ring asked what Mr. Regan's starting rate of pay will be. H.R. Director Linda Corliss replied, \$27 per hour.  
Vote 5-0.

Commissioner Chair Sicard informed all that Sheriff King has requested two promotions (that are not on the agenda). Sheriff King addressed the Board and requested that Carlos Gonzales be promoted to Sergeant as of 5-23-2022. Commissioner Clark motioned to approve the promotion of Carlos Gonzales to the position of Sergeant as of May 23, 2022. Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Ring asked if a process was followed and if there is any supporting documentation on this promotional process?  
Sheriff King responded that a process was followed that is in compliance with the NCEU Collective Bargaining Agreement.

Commissioner Ring stated that she is concerned that it is last minute and asked what the big rush with approving this is without waiting for supporting documentation. Vote 5-0.

Sheriff King asked the Board to approve the promotion of Lori Marks to Lieutenant in classifications with an effective date of May 23, 2022.

Commissioner Clark motioned to approve the promotion. Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Ring stated that she had the same concern as the last request and would like some supporting documentation.

Vote 5-0.

- b. Review and see approval of audit RFP to RHR Smith for three years-  
County Manager Zinser explained that requests for proposals for auditing proposals were sent out and the only response is RHR Smith.  
Commissioner Sicard asked if there are any substantial changes? County Manager Zinser responded there were not. The cost is \$15,000 yearly and \$3,000 if a single audit is required, so it will be no more than \$18,000 a year.  
Commissioner Clark motioned to accept RHR Smith & Company as the auditing firm for the county for the next three years. Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Clark mentioned as the York County Commission's liaison for Coastal Counties workforce we went out for proposals for auditors and just like this we only got one. So, he stated it is not unusual to get very little response.

Vote 5-0.

- d. Outstanding audit transfers-  
The County Manager explained that as per the memo attached in the Commissioners' packet from the Finance Director, the following transfer of funds from the payroll liability reserve fund are requested (memo attached as record of minutes) All transfers on the memo are read by the County Manager.  
Commissioner Ring stated that some (of these deficit audit balances) could be reimbursed. County Manager Zinser responded, eventually, but these are carried from prior fiscal years and have aggregated over the years. Let's clean them up, he suggested.

DISCUSSION: Commissioner Clark asked the County Manager what the balance of the payroll liability fund was? The County Manager replied, about \$600,000.

Commissioner Clark motioned to transfer \$95,127.37 from the payroll liability reserve fund to the accounts requested in the memo (dated 5-11-2022) from the Finance Director. Commissioner Dutremble seconded the motion.

DISCUSSION- Commissioner Dutremble commented that there is a state mandate that states the Commissioners have to reassign funds for any department if they go over their budget. County Manager Zinser replied that is what the request is and that this is the first year this has happened.

Vote 5-0.

- e. Review and seek approval of updated Federal Purchasing Policy-  
County Manager Zinser explained the updated policy.  
Commissioner Clark had some corrections on the draft document as submitted to the Commissioners.

DISCUSSION: Commissioner Sicard asked if this updated document also encompassed any State policy procedures? County Manager Zinser replied that this (document) puts us in full compliance for the Federal side. He added that these policies have been followed already.

Commissioner Clark moved to approve the updated Federal Purchasing Policy as amended. Commissioner Dutremble seconded the motion. Vote 5-0.

f. Response to Facebook post-

Commissioner Chair Sicard explained that this agenda item dealt with a post about a month ago from a Commissioner. Sheriff King read the face book post into record (also attached as record of these minutes). Department Leader/Register of Probate Carol Lovejoy read a letter to Commissioner Ring from all of the department leaders (signed by all (20) of the department leaders). Seventeen department leaders were in attendance and stood while the letter was read. EMA Director Art Cleaves also read a letter regarding the Face book post (included as record of these minutes). Sheriff King addressed the Board with comments from the Face Book post. These comments included a statement that the budget was reviewed at two different meetings by the Commissioners with questions asked of the department leaders by the Commissioners.

Commissioner Dutremble recalled that during a (Patriot's Day) disaster a few years ago, outside help from different states was here and they were amazed how the people from York County helped out. These officials from out of state said this would not happen in their state. I applaud that everyone works together here in this county, stated Commissioner Dutremble.

Commissioner Andrews stated that we have to remember what our position is as elected officials. He continued that he knows Donna (Commissioner Ring) and other people involved. Commissioner Andrews added that he knows that she cares deeply about the county, but he also knows that our management team cares. He said that he has seen Art and the Sheriff and their dedication. Regardless, we have to have a judicious way of putting out that information and Face Book is really not the place to do it.

Commissioner Ring stated that she doesn't take back a lot of what she said. She added that she did not look up the word, peon. She continued that she felt that the budget process was not discussed. As far as rates of pay (for non-union), management does take care of them as they get 2% cola every year. We were told that everyone received a 7 to 20% raise but the budget shows a lot of employees where people aren't getting that who do work 24/7. I am not here to divide management and employees but there is some division.

Employees are afraid to speak up. They are afraid they'll be investigated or terminated. I am speaking up for the employees, stated Commissioner Ring. Why don't we give those employees a lump sum; not part of a pay raise?

Commissioner Ring continued that there were a lot of employees who could not work from home. This was not intended to divide management and employees. Commissioner Ring added that her post was more to support the employees and let them know that she is there for them. She stated that she would like to see them get ARPA money and COLA raises. EMA gets paid for their hard work. Employees are ordered in and forced and they get time and a half and some don't get anything at all, commented Commissioner Ring. Employees were left out of the planning process. Commissioner Ring

referred to the Dacri report and stated that the County hired an H.R. manager and got rid of everything else.

She said that she knows how hard everyone in county government works as she worked 60 hours a week and got paid for 40. Commissioner Ring informed all that she is here to ask questions and she is going to be here to ask questions and to bring them and management together. She stated that she apologizes if some people took offense to this and that she was surprised it took a month for it to come up. She continued that she never got a phone call and it took her by surprise. Commissioner Ring stated that nobody wants to talk to her about it. But, instead everybody wants to talk behind her back and discuss it amongst themselves. She added that she will stay strong.

Commissioner Sicard said to Commissioner Ring that she has seen by the amount of support that she has offended a lot of people who work hard here for the County including calling out the Sheriff by name during a political season. That stuff has to end, stated Commissioner Sicard. He suggested that they touch base with legal and look to update our social media policy. Many governmental agencies have rules and regulations for what is appropriate, he stated. Commissioner Sicard remarked to Commissioner Ring that she went back on and put their (department heads') letter on (Face book) and that is her prerogative. Commissioner Sicard asked for a motion to ask Tim (Attorney O'Brien) to look into social media policy updates for the Commissioners to review.

Commissioner Dutremble told all that his father told him that you're not always going to agree with people, but you have to show respect. Your post did not show respect, he said to Commissioner Ring.

Commissioner Clark stated that he believes in free speech. In terms of what goes on county websites and county letterhead, that is different but he does not think that is appropriate for us to control others social medias posts.

Commissioner Sicard stated that he agreed but, when a professional page is used (County Commissioner) that is different. Commissioner Andrews stated that he agrees with Commissioner Clark. We don't want to restrict freedom of speech. Our guarantee for freedom of speech is to allow unfavorable speech. One will have to bear the consequences, though, he stated.

Commissioner Ring responded that whether as a commissioner or one's individual page, it is our thoughts. Its not a decision by the Board.

Commissioner Clark thanked everyone who took the time after their work time to speak and represent themselves and requested that it be in the minutes as to the number of department heads who signed the letter (20) as well as the number of department heads that attended the meeting (17).

County Manager Zinser addressed the department leaders and told them that they are a great bunch of department heads and that he enjoys working with them. We will continue to work together as a unified team. He continued that he appreciates the work that they do and that they all have his support. Commissioner Sicard added and the support of the Board. He further stated that it took courage for you (department heads) to write your letter.

- g. Set dates and times for Commissioner walk throughs of courthouse and jail-

It was decided to meet at 3:00 on June 1<sup>st</sup>. The building being visited will be decided upon prior to the meeting. Commissioner Clark suggested that we consider an off Wednesday (meeting day) and then we could do two buildings to include Layman Way. He added that this is statutory.

County Manager Zinser replied that they will do the first tour of county building and then decide on the next one(s) after.

**6 OLD BUSINESS**

- a. Update on Budget Committee Public Hearing (June 1 at 6:30 p.m.)-  
County Manager Greg Zinser informed all that the budget committee approved the budget a couple of Saturdays ago. The meeting lasted about 3 hours and the public hearing will be at 6:30 p.m. on June 1<sup>st</sup> here in this room.

**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)**

None

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

**ZOOM-** Janet Drew spoke via ZOOM and thanked those present for protecting free speech. A lot of times there can be fear to speak up, she stated. Ms. Drew added that she has not heard about a Board of Visitors meeting at the jail and that it is a statutory requirement.

Rachel Sherman approached the podium and introduced herself as an employee and MSEA president and as such has spoken to members who are grateful that Commissioner Ring takes the initiative to ask questions. They noted that she is given only half answers. Ms. Sherman continued that this is outrageous and disgusting. "The divisiveness of the County Manager has been happening for years and the Board continues to support him without question. Ms. Sherman continued "A County Commissioner approached me several years ago and this Commissioner told me that the county manager added language to a contract and two others admitted this to me. I will not go into all the incidents lacking integrity. Each was condoned by the Board. Our union heads are often given different information. Concerns should be expressed publicly, and answers should be given. I used to work in the Commissioners' Office and the former County Manager would cherry pick information he gave to the Commissioners."

Rachel Sherman continued, "I ask you who is to blame. Commissioner Ring has consistently asked questions. Employees have long felt that we are just peons. We were not offended. Several employees contacted me today and they are very upset by this. We know our elected department heads try. Divisiveness is totally on the County Manager's shoulders. He created pay scale B. We tried to point this out and were told that was management's problem. Payscale A is for employee's hired before 2016. At the time we negotiated it that way because he told us he wanted everyone on payscale B.

It comes down to can you say you are all getting the same information?"

Commissioner Clark asked Rachel Sherman if she negotiates the contracts? Rachel Sherman replied, that yes, she is a part of a team.

Commissioner Clark asked her did members get to vote on the contract? Rachel Sherman, replied, yes.

Commissioner Clark responded to Ms. Sherman that if you don't wish to approve it, you vote it down.

Commissioner Dutremble commented that every county manager or administrator we have had has been told by the union they are not doing their job. Rachel Sherman responded that the first County Manager that she worked under always made sure he got paid whatever everyone else did.

Commissioner Dutremble commented that two years ago we were willing to give you a good contract and you said just give us 2%. Rachel Sherman replied, that did not happen. Commissioner Dutremble responded that the point he is making is the County Manager is doing his job. Rachel Sherman replied, and doing unlawful things is doing his job.

Commissioner Chair Sicard stated that there will be zero tolerance for any personal attacks, and/or micro- managing, for anyone on this board that does so.

Sheriff King- informed all that there is a Board of Visitors meeting on June 9<sup>th</sup> at 9:00 a.m. As stated previously, the law does require us to have regular meetings. But these meetings are not public meetings. However, if there is an interest of someone that has come to the county and if that individual would like to come to the meeting, she is more than welcome.

## **9 ADJOURN**

Commissioner Clark motioned to adjourn. Commissioner Dutremble seconded the motion. Vote 5-0.