

COMMISSIONERS MEETING

December 8, 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 Thursday, December 8, 2022 A. D. at 4:00 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

12-08-22 ITEM

- 1 PUBLIC COMMENT(S) ON ANY ITEM(S)**
None

- 2 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:**
 - a. Commissioners' regular meeting of November 16, 2022
Commissioner Clark motioned to approve the minutes of November 16, 2022.
Commissioner Dutremble seconded the motion. Vote 4-0 (Commissioner Ring not yet present).
 - b. Commissioners' special meeting of November 28, 2022
Commissioner Clark motioned to approve the minutes of the November 28, 2022 meeting. Commissioner Dutremble seconded the motion. Vote 3-0 (Commissioner Ring not yet present-1-Commissioner Andrews abstained as he was not present at this meeting).

- 3 TO APPROVE TREASURER'S WARRANTS**
 - a. Warrants to be approved on November 16, 2022 in the amount of \$486,424.71

Commissioner Clark motioned to approve this warrant. Commissioner Dutremble seconded the motion. Vote 4-0.

- b. Warrants to be approved on November 23, 2022 in the amount of \$1,278,216.77
Commissioner Clark motioned to approve this warrant and Commissioner Dutremble seconded the motion.

DISCUSSION:

Commissioner Clark asked County Manager Zinser to explain why this warrant was over \$1 million. County Manager Zinser replied that payments were made for the dredge for approximately \$400,000 and one for over \$300,000 for ongoing construction. Vote 4-0 (Commissioner Ring not yet present).

- c. Warrants to be approved on November 30, 2022 in the amount of \$547,990.74
Commissioner Clark motioned to approve the motion. Commissioner Dutremble seconded the motion. Vote 4-0 (Commissioner Ring not yet present).

4 TO HEAR ANY REPORTS FROM THE COUNTY COMMISSIONERS

None

5 TO HEAR NCEU GRIEVANCE *Heard after New Business Item 6a*****

May be heard in executive session pursuant to §405 (6) (A) personnel issue(s)
County Manager Zinser asked Colton Sweeney if he would like his grievance before the Commissioners to be heard in public or in executive session? Colton Sweeney replied that public session was fine.

County Manager Zinser reminded the Commissioners that they have the grievance and his letter denying the grievance given to Colton.

Colton addressed the Board and summarized that in late August/early September his primary care physician put him on modified status of 60 hours per week.

Two or three weeks after he was called into Major Thayer's office and was told that due to his modified status Major Thayer was changing his days off to Wednesday and Thursday from Saturday and Sunday. He changed (the shifts of) 13 (maybe 11) of us who were on modified duty restrictions.

Colton Sweeney continued that the reasons for his grievance are that three years ago, he went through a hiring process to be the intake sergeant. The process was only open to the Sergeants at the time. The position was granted to him by the Jail Administrator at that time. The intake Sergeant's position's hours were Monday through Friday with weekends off. By moving my days off they are allowing corporals and sergeants to fill that position when I am not there on Wednesdays and Thursdays, stated Colton Sweeney.

Colton referred to Appendix C, NCEU's modified duty policy as the second reason. He referred to the section labeled, Purpose and scope and stated that the County cannot change his days off as none of these apply. My modified duty is not due to Worker's Compensation or FMLA. He continued that Full time duty is 56 hours a week and that he still works 60 ours per week.

Colton Sweeney stated that his job duties i.e., court paperwork, transports, are arranged around the Monday to Friday work week. Having me at the jail on the weekend does nothing to help the county and the court system, stated Colton Sweeney.

Commissioner Ring asked Mr. Sweeney was it correct that his job was Monday through Friday and that he had a certain level of responsibilities throughout the week. Colton Sweeney replied yes that the biggest thing is court paperwork as well as getting inmates to court. He added that there are also inmates housed in the jail from Cumberland County that need to get to their court dates.

Commissioner Ring asked Colton Sweeney if he is the senior sergeant? He replied that he was.

He added that the senior Corporal is the only one with weekends off.

Commissioner Ring asked if it was correct that some sergeants might have a part of the weekend off? Colton replied, yes.

Commissioner Ring commented to Colton that his doctor allowed him to work 40 hours plus 20 overtime and the County in turn changed your days off?

Colton Sweeney responded correct and that he was told when he comes off his restriction he can go back to his original schedule.

County Attorney Tim O'Brien addressed the Board and stated that Sgt. Sweeney summarized the facts. He explained that the contractual issues in appendix C set forth modified duty for NCEU. In that, the parties negotiated a provision to allow it to apply to non-related issues in section 2 A. d. This is what occurred in this case. The county (jail) has the right to, given the nature of the restrictions placed on him to go ahead and place him in a modified duty until the limitation of this modified duty. The jail has indicated that once he is released from this he will be returned to his pre-existing schedule. Sergeant Sweeney stated 13 others also had schedule changes.

Commissioner Ring asked was there a medical reason why? Attorney O'Brien advised Sgt. Sweeney that he did not have to disclose this in public session.

Sergeant Colton Sweeney responded, yes, I can physically and mentally work my schedule but my doctor wants me on a 60 hour workweek.

Commissioner Ring asked if his schedule was Monday through Friday?

Sergeant Sweeney replied, not right now. Commissioner Ring replied that Sergeant Sweeney was there (at the jail) for a number of years on that schedule.

Sergeant Sweeney agreed but stated that the county is saying that language in Appendix C allows them to do this.

Commissioner Dutremble asked Sergeant Sweeney how many hours did he use to work Monday through Friday?

Sergeant Sweeney responded that this year prior to his doctor's modification of 60 hours, he was averaging 60-64 hours per week. He added that 2 to 3 years before that he worked more hours.

Commissioner Dutremble asked why was his shift changed besides Appendix C.

Jail Administrator Major Nathan Thayer addressed the Board and explained as they know, there has been a staffing crisis for quite some time. This summer it was very bad. He continued that they do have a good reserve pool. So many staff are on restrictions with the majority being that they can only work Monday through Friday 8:00-4:00. We were able to eliminate 24 hours a week of overtime by moving restrictions around. We feel this is a fair manner for everybody. Major

Thayer continued that we explained the shift changes to everyone on a 1-1 basis. He added that this was not his punishment, it was so we could survive.

County Manager Zinser stated that the contract allows us to modify the schedule to meet the needs of the county (jail). All of those under modified duty had their schedules re-worked. This was put into play this past summer. The Union isn't advancing this grievance.

Commissioner Dutremble questioned whether or not seniority was in play (in this situation?

Jail Administrator Major Thayer responded that in this article seniority does not play a role.

Commissioner Clark asked if you were not on modified duty when you came to this solution would he still have been moved?

Major Thayer replied, no.

County Manager Zinser stated that everyone on modified duty was treated the same.

Commissioner Ring asked what about full time employees not on modified duty?

Jail Administrator Major Thayer replied that we can't just move them.

We were short no matter what. It was how can we make this work? We can move employees on probation around.

Major Thayer continued that with everyone on modified duty, only able to work 8:00-4:00, there was no one to order in; less of a pool.

Commissioner Ring asked the jail administrator if he included senior people in the discussions to see how it would work best for them all?

Jail Administrator Major Thayer replied that we would take this into consideration. He added that he sat down with a member of the Union and the leadership team.

Commissioner Ring asked if the jail was still in a staffing crisis?

Jail Administrator Major Thayer replied that last week was the first week that we were not in a State of Emergency in 10 months.

Commissioner Clark asked if they all (modified duty employees) go back to their previous schedule once modified duty is done?

Jail Administrator Major Thayer replied, absolutely. A lot was taken into consideration. We have six supervisors and all but two are on modified duty.

Commissioner Sicard added that there are no other grievances regarding this and the Union is not here moving his grievance.

Sheriff King addressed the Board and stated that Colton is a valued member of our organization and he does an outstanding job. That job is not codified that it is his. We can't depend on one person to do that job. We get the job done when he is on vacation.

Colton Sweeney addressed the Board and stated that the intake sergeant position is his job. He added that he went through a hiring process that included an oral board. It was granted and assigned to me.

Commissioner Ring asked Sergeant Sweeney if it was correct that his intake position as a Sergeant is a Monday through Friday job because of transports and movement of inmates?

Sergeant Sweeney responded, exactly as there is no court on Saturdays and Sundays.

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.

Commission Chairperson Sicard asked the Commissioners if they had any questions coming out of executive session.

Commissioner Ring asked Sergeant Colton Sweeney if the limited work week is something that will be rectified in a short period of time or ongoing? She stated that she understands that Mr. Sweeney has medical limitations, and she recognizes that and supports assisting for a short period of time.

Sergeant Sweeney explained that he had another physical last week and that his doctor wanted him to maintain his limited duty and go lower (for hours able to work) but that he said he was comfortable with 60 hours.

Commissioner Ring asked Sergeant Sweeney how long he had been on this restriction?

He replied since early September and added that he had never been on a restriction before other than this time for over 20 years.

Commissioner Ring asked Sergeant Sweeney if he sees any end to the restriction in the near future?

Sergeant Sweeney replied, hopefully in the next couple of months, but that it is up to his doctor.

Sergeant Sweeney read an e-mail dated Friday, January 31, 2020 from former Jail Administrator Lt. Col. Michael Vitiello to all Sergeants that this e-mail served as formal notification that he will fill the intake supervisors position. Again, this is my position, stated Sergeant Sweeney.

Commissioner Ring commented that there are other positions within the county where Sergeants or detectives apply for these positions and do a Monday through Friday job and they apply for those positions. They're not dealing with the same type of changes.

Commissioner Dutremble moved that the Commissioners deny the grievance with the facts presented to us including the clause in their (NCEU) contract that stipulates this can be done. Commissioner Clark seconded the motion.

DISCUSSION: Commissioner Clark explained what tipped his decision was that it (moving of schedules) was applied to an entire class of employees and not an individual. Commissioner Sicard stated that this is a temporary modification and duty assignments. If Sergeant Sweeney brought a (doctor's) note tomorrow removing restrictions, he would get his schedule back.

Commissioner Ring stated that the job is still there and that she sees no reason why his particular job responsibilities should be changed. Vote 4-1 with Commissioner Ring opposed.

6 NEW BUSINESS (ITEM 6a heard prior to Item 5)

- a. To review and approve Findings of Facts for McManamy property tax abatement denial appeal hearing- County Manager Zinser explained to the

Commissioners that these are the Findings of Facts from the property tax abatement denial appeal that they denied after hearing at their last meeting. Commissioner Clark moved to approve the Findings of Fact and send on to the applicant. Commissioner Dutremble seconded the motion. Vote 4-0.

- b. H.R. Director Corliss to seek hiring/transfer approval for:
 - i. Joceyln Pouliot in the position of Maintenance Tech I in the Facilities Department with a hire date of December 19, 2022-
H.R. Director Corliss explained that Ms. Pouliot is a rehire as she left for personal reasons and that we are excited to have her back.
Commissioner Clark motioned to approve the reh-hiring of Joceyln Pouliot in the position of Maintenance Tech I in the Facilities department with a hire date of December 19, 2022. Commissioner Dutremble seconded the motion. Vote 4-0 (Commissioner Ring not yet present).
 - ii. Christine Baker in the position of legal secretary in the District Attorney's Office with a hire date of December 12, 2022
H.R. Director Linda Corliss explained that Christine Baker is another rehire looking to return.
Commissioner Clark motioned to approve the rehiring of Christine Baker in the position of legal secretary in the District Attorney's office with a hire date of December 12, 2022. Commissioner Dutremble seconded the motion. Vote 4-0. (Commissioner Ring not yet present).
 - iii. Transfer of Emily Enger to the position of Clerk III in the Sheriff's Office with a transfer date of January 9, 2023- currently full time D.A. secretary to S.O.
Commissioner Clark motioned to approve the transfer of Emily Enger to the position of Clerk III in the Sheriff's Office with a transfer date of January 9, 2023. Commissioner Dutremble seconded the motion. Vote 4-0.
 - iv. Jonathan Hernandez in the position of Reserve Corrections Officer with a hire date of December 5, 2022- This agenda item was withdrawn- H.R. Director Corliss explained that he will be put through at the next meeting as a request to hire as a full time Corrections Officer.
- c. Scheduling of tax abatement denial appeal (suggested date of January 18, 2023)
County Manager Zinser explained that this is another tax abatement from Buxton.
Commissioner Clark motioned to hold the tax abatement denial appeal hearing at the January 18, 2023, Commissioners' meeting. Commissioner Dutremble seconded the motion. Vote 5-0.
- d. Discussion of adding domestic partner benefits to county health plan-**removed from agenda**
Commissioner Clark moved to table this item. Commissioner Dutremble seconded the motion. Vote 5-0.
- e. Discussion of purchase of office furniture for new District Attorney office space
County Manager Zinser reminded all that he is working with Biddeford Housing Authority for the District Attorney's building. He added that air studies and everything is checking out well. He introduced Rick deRochemont, County Facilities Manager to speak on the furniture request.
Facilities Manager Rick deRochemont explained that they couldn't create an RFP to go out for one bid as everyone sells a different needed product. We used our local representatives and offered them to all do a walk through. The

lowest bidders were two local vendors; one we've used multiple times and one new one. Warrens Office Supplies bid for furniture is \$58,787.36 and Glass Work is \$89,000 from Glass Solutions. Manager deRochemont informed all that they expect delivery of the furniture in late March (12 week lead time) and another week or two for installation. He added that the price does include installation.

Commissioner Clark asked when the proposed opening day of the new court is? Facilities Manager Rick deRochemont replied in April.

Commissioner Ring commented that the building that we are using has a history of water /sewerage backing up. Is that corrected?

Facilities Manager Rick deRochemont responded yes, the city came in and did a complete upgrade of their drainage.

Commissioner Ring asked has this plan been run by any of the people who will be working there?

Facilities Director Rick deRochemont replied that he has been working with Jen Kern and District Attorney Kathy Slattery.

Commissioner Sicard asked if \$58,787 is close to what you had budgeted?

County Manager Zinser replied that it can be taken out of reserve accounts. He added that the special projects account has \$400,000 in it.

Commissioner Clark motioned to accept Warren's Office Supplies bid of \$58,787.36 and pay out of special projects reserve. Commissioner Dutremble seconded the motion. Vote 5-0.

Commissioner Clark motioned to accept Glass Solutions bid of \$89,000.

Commissioner Dutremble seconded the motion. Vote 5-0.

7 OLD BUSINESS

- a. Review and discussion of premium pay (executive session may be necessary pursuant to 1 MRSA 405 (6)(d))-

H.R. Director Linda Corliss addressed the Board and gave an update on her work on this item. She explained that it was taking some time to define remote work, vacations, FMLA, and worker's compensation as there are no specific pay codes when people were working remotely. Director Corliss added that she will continue to work on this. She explained that it covers a 20-month period. We talked about \$2,000 for full-time employees and \$1,000 for part-time employees. The total would amount to \$184,000. Is the Board committed to allocate that money, asked H.R. Director Corliss.

She added that NCEU has already maxed out allowable monies allowed on ARPA.

Commissioner Ring stated that the Commissioners should allocate \$200,000 from ARPA funds to continued study and to provide bonuses to employees who worked through COVID.

Commissioner Dutremble asked how much have we appropriated so far? He added the possibility of grievances being filed by those who don't get the bonus. Commissioner Dutremble stated that he would like our lawyer to check our liability.

County Manager Zinser replied that he does not know how much is available. We will use it all for other projects and this was not part of the previous conversations.

The first step if you decide to do so is to allocate \$200,000. H.R. Director Corliss agreed that she believed there will be questions such as, "Why did you get that much and I got this much?"

Commissioner Dutremble commented that other projects are close to running over and for the overage we will need to use reserves. This was discussed a long time ago and we decided not to do it. Now it has come up again.

Commissioner Ring responded that we allocated (ARPA funds) within the NCEU contracts and we did not do the same with others. Therefore, it is only fair and equitable for others.

Commissioner Dutremble responded that he has a problem allocating when we might not have the money.

Commissioner Ring motioned that \$200,000 be applied for bonuses for employees who worked through COVID using ARPA money. Commissioner Clark seconded the motion.

DISCUSSION: Commissioner Sicard agreed with Commissioner Dutremble that there will be grievances and lawsuits and people will be mad if they don't get it (bonus).

Commissioner Ring disagreed and stated that she puts a little more trust in the employees of the County of York to recognize we are trying to do a good thing and that it has nothing to do with the contracts. She added that she would be surprised if there was any type of litigation based on that. This is a gift being presented to them.

Commissioner Sicard commented that the ones that don't receive it will be the ones we have a problem with.

Vote 2-3 motion (Coms. Dutremble, Sicard and Andrews opposed).

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)

None

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

Sheriff King addressed the Board and informed them that he had conversations with State Police recently. The State Police are now combining troops A and B and are proposing to switch towns. They will take on Parsonsfield when our deputy isn't there, Cornish, Limerick and Limington. We will be responsible for Lebanon, Alfred and Lyman. Sheriff King continued that this will take effect the end of January.

Commissioner Sicard asked how does that affect us with the towns we now have? Sheriff King replied that we will continue to be in Parsonsfield during the day (we have a contract with them).

Commissioner Ring asked if the existing contract is due to expire? County Manager Zinser responded that the contract is good until June 2023.

Commissioner Dutremble reminded all that the State Police will not stop patrolling these areas as they were established to patrol rural towns. The County Manager added that this change really makes it a more continuous patrol zone for the Sheriff's Office.

10 ADJOURN

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