

## COMMISSIONERS MEETING

March 16, 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 16, 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

#### 03-16-22      ITEM

- 1      PUBLIC COMMENT(S) ON ANY ITEM(S)**  
Janet Drew stated via ZOOM that she looks forward to updates including ARPA.
- 2      TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:**
  - a. Commissioners meeting of March 2, 2022  
Commissioner Clark motioned to approve the minutes of March 2, 2022.  
Commissioner Dutremble seconded the motion. Vote 5-0.
- 3      TO APPROVE TREASURER'S WARRANTS**
  - a. Warrants to be approved on March 2, 2022, in the amount of \$813,295.28  
Commissioner Clark motioned to approve the warrant as listed above.  
Commissioner Dutremble seconded the motion. Vote 5-0.
  - b. Warrants to be approved on March 9, 2022 in the amount of \$598,227.09  
Commissioner Clark motioned to approve the warrant as listed above.  
Commissioner Dutremble seconded the motion. Vote 5-0.
- 4      TO HEAR ANY REPORTS FROM THE COUNTY COMMISSIONERS**  
None

## 5 NEW BUSINESS

### a. To hear FOP grievance

County Manager Zinser asked if the FOP would like the grievance hearing heard in public or private session. They choose public. Attorney Ben Grant, counsel for the FOP addressed the Board. He explained that the grievance is related to Article 13 regarding promotions.

Three promotions were done at once by the Sheriff. We wouldn't be here if the Sheriff had done these in three different sessions, explained Attorney Grant. We contend he went outside of the boundaries by doing this. Applicants receive a score from the five parts of the process. The Sheriff is then presented with the list and the Sheriff is able to pick one from the list. Instead of taking the top three names from the list to fill the positions, Sheriff King went back to the well two more times to reconstitute the list thereby bypassing someone who ended up third on the original list and did not end up getting a promotion.

We believe that he is required by the contract to the one time select ranking of the contract, explained Attorney Grant.

Attorney O'Brien for the county approached the Board and explained that the issue here is the interpretation of the contract. Attorney O'Brien referred to the Sheriff's memo of explanation of the grievance. The County Manager also had a response with the same explanation that there were three separate promotional processes. Three singular processes have been followed as per the contract, stated Attorney O'Brien. He explained to the Commissioners that the decision before the Commissioners is to decide if they agree with FOP Attorney Grant's position or the County's position.

Commissioner Ring asked when the positions came available in reference to when the testing for the Sergeant's testing was done? Attorney O'Brien replied that two positions were available and then while the process was underway, another deputy retired. The Sheriff's command staff then discussed it would make sense to have the resume review, the interviews and the written test for the first two positions take place at the same time and then when the third opening became available, they decided to incorporate that into the process, also. Attorney O'Brien does not have the precise timing.

Commissioner Ring asked if it was made clear to the FOP that this was how the process was taking place? Attorney Tim O'Brien replied that he did not have that information.

Commissioner Clark requested that the applicable article be attached to the grievance in the future.

Commissioner Ring asked if negotiations were ongoing as this was occurring?

Were there any changes in the contract regarding promotions, she asked?

County Manager Zinser replied that there was a change in that the Sheriff's interview being a disqualifying event was removed. Commissioner Ring asked for confirmation that there was a change in the article of the contract regarding promotions changed during the time this grievance was originally filed. County Manager Zinser replied there was that one provision.

Attorney Grant interjected that the FOP did have some e-mails on how the process would work but not extensive communication.

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

Commissioner Clark motioned to come out of executive session. Commissioner Dutremble seconded the motion. Vote 5-0.

Commissioner Ring motioned to support the grievance and demote the third person who was promoted and promote the original third candidate.

The motion did not receive a second so therefore, failed.

Commissioner Clark motioned to reject the grievance. Commissioner Dutremble seconded the motion. Vote 4-1 with Commissioner Ring opposed.

b. Seek approval for the hiring of the following employees:

- i. Michael MacDonald as a full-time Computer Systems Analyst in the IT Department with a start date of March 21, 2022

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

DISCUSSION: Commissioner Ring asked if he has experience? County Manager Zinser responded that he has direct knowledge of the programs we use and actually put in these programs in Cumberland County.

Vote 5-0.

- ii. Hunter Lemieux as a full-time Corrections Officer in the Sheriff's Office with a start date of 3-21-2022

Commissioner Clark moved to approve the hiring. Commissioner Dutremble seconded the motion. Vote 5-0.

- iii. Zachary McLaughlin as a full-time Corrections Officer in the Sheriff's Office with a start date of 3-21-2022

Commissioner Clark motioned to approve the hiring. Commissioner Ring seconded the motion. Vote 5-0.

- iv. Ralph Canning III as a full-time Corrections Officer in the Sheriff's Office with a start date of 3-21-22

Commissioner Clark moved to approve the hiring. Commissioner Ring seconded the motion. Vote 5-0.

- v. Andrew Bucklin as a reserve Corrections Officer in the Sheriff's Office with a start date of 3/25/2022

Commissioner Clark moved to approve the hiring. Commissioner Ring seconded the motion. Vote 5-0.

- vi. Joy Chase as a reserve Corrections Officer in the Sheriff's Office with a start date of 3/25/2022

Commissioner Clark moved to approve the hiring. Commissioner Dutremble seconded the motion. DISCUSSION: Commissioner Clark is pleased to see that H.R. and the Sheriff's Office have these new hires. Vote 5-0.

- vii. Faith Blanchette as a reserve Corrections Officer in the Sheriff's Office with a start date of 03/25/2022 (County Manager removed this from the agenda).

- c. Transfer of Evan Souza from Patrol Deputy to Corrections Officer

County Manager Zinser referred to the memo in the Commissioners' packet regarding this transfer.

Commissioner Ring asked if this person will remain in corrections? Sheriff King replied that our plan is that he will go into patrol.

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

- d. Discussion of State Police coverage

County Manager Zinser stated that he thought it would be beneficial to hear from the Sheriff as to where this item is.

Sheriff King informed all that the State Police have been getting out of rural patrol.

Chief Deputy Forbes addressed the Board regarding a letter received from the State Police stating that it is on hold now that they will continue to patrol the York County towns they currently patrol for now but will at some point, not do so. Commissioner Ring asked for the number of calls the State Police make to the five York County towns they cover.

e. ~~Recognize Sheriff King certified jail manager~~ item removed from agenda

f. Commissioner authorization to pay off jail debt service

County Manager Zinser explained that we have obtained the information to pay off the last bond payment in June of this year in the amount of \$305,700. The request tonight is to pay the bond debt off early. We are requesting approval to use \$230,318 from the jail unrestricted funds accounts and \$69,682 from the jail bond reserve account and some money left on our interest line for the remainder. That would allow us to cancel out all of the debt service in the FY'2023 budget, explained County Manager Zinser.

Commissioner Clark motioned to pay off the bond debt service by utilizing \$230,318 from the jail unrestricted funds account and \$69,682 from the jail bond reserve account with the remainder coming from an interest account for a total of \$305,700. Commissioner Dutremble seconded the motion. Vote 5-0.

## 6 OLD BUSINESS

a. Review and approve Findings of Facts for PP&KK Adams Trust v. Town of Berwick

County Manager Zinser reminded the Board that they denied the appeal and asked that a Findings of Fact be prepared.

Commissioner Clark motioned to approve the Findings of Fact and authorized the Commission Board Chair to sign. Commissioner Dutremble seconded the motion. Vote 5-0.

b. Extend State of Emergency from March 1, 2022 to June 30, 2022

Commissioner Ring asked what the benefit was to extend this.

County Manager Zinser explained that we are bringing people on to help EMA with the extra work they have to execute the plans we have at the clinics. And also, since EMA is small, individuals are putting in extra time so this allows for extra compensation.

Commissioner Ring asked how many hours of overtime our salaried staff have put in? County Manager said he does not know but it is fully reimbursable.

Commissioner Sicard stated that EMA Director Cleaves does have this and it has been over \$3 million.

Commissioner Ring asked if all employees are back to work full time in the office. County Manager Zinser replied that all but the Finance Clerk as that job can be done remotely.

Commissioner Ring feels that since we provide a public service all should be working in person to assist with the public. She stated that she doesn't know if the extension is necessary as we have hired many new people and not seen much overtime. Commissioner Ring stated that she would like to have seen some data to support this request.

Commissioner Sicard stated that we are not out of this pandemic yet.

Commissioner Clark made a motion to extend the State of Emergency from March 1, 2022 to June 30, 2022. Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Clark stated that he wished to commend EMA staff for all of the response to this health emergency.

Commissioner Sicard reminded all of the various activities that our EMA had to perform. Dr. Shah commended York County EMA.  
Vote 4-1 with Commissioner Ring opposed. She commented that she would like more data.

c. Review and seek approval of Fair Tide Contract

County Manager Zinser reminded the Board that they voted to award Fair Tide with \$750,000 in ARPA funding. He added that Emily Flinkstrom, Executive Director of Fair Tide was present via ZOOM.

Commissioner Clark motioned to accept the contract. Commissioner Dutremble seconded the motion.

DISCUSSION: Commissioner Sicard asked if they had purchased the land.

County Manager Zinser stated that we are hopeful that by fall of 2024 the project will be online. We are working with them to develop a resource hub.

Executive Director Emily Flinkstrom addressed the Board and thanked the Board for their support. We are making good steps on the process and moving towards closing on the property. It looks like we will have Footprints Food Pantry to include the general assistance program, offices for behavioral health specialists as well as Fair Tide's thrift store.

Ms. Flinkstrom added that, although not funded through ARPA, there will be six units of affordable housing on the property as well.

County Manager Zinser informed all that Fair Tide will provide quarterly progress reports. Vote 5-0.

d. ARPA project update

Commissioner Sicard informed all that we have two meetings in April on the 6<sup>th</sup> and the 13<sup>th</sup>. He asked if there was any interest in having a 3:30 workshop to finalize the dredge and transportation requests.

Commissioner Dutremble stated that there is controversy regarding the dredge so he felt that it will take more than one meeting as he has lots of questions. The bid was approved by the Biddeford Board but the Harbor Master opposed it so he would like to talk with him to find out why as he is an expert.

County Manager reminded the Commissioners that the budget needs to take priority on the meetings on April 6<sup>th</sup> and April 13<sup>th</sup>. He added we never gave the transit people a date to come back.

It was decided by the Commissioners to hold a 3:00 workshop on April 6<sup>th</sup>, prior to the regular meeting to hear from the persons requesting ARPA funding for the dredge. Commissioner Sicard asked County Manager Zinser to contact them to inform them of this workshop.

County Manager Zinser referred to and briefly explained a packet distributed to the Commissioners giving a general update to include a training center and a recovery center. He added that the committees are well represented and widely supported. He added that the HVAC study is ongoing. Hopefully in a couple of months we will know where we stand in regards to public sewer, stated County Manager Zinser. Kudos to Chief Hooper as we are working closely with the Community College as well as many other agencies. Chief Hooper explained further.

**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)**

Sheriff King will have a celebration of life for former Corrections Officer Kevin McCormick on Saturday at the jail.

Susan Wiswell asked about the Celebration of Life on Saturday. Sheriff King stated that it will be in the community room at the jail.

**9 ADJOURN**

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