

COMMISSIONERS MEETING

January 20, 2021

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 20, 2021 A. D. at 3:30 P. M.

COMMISSIONERS PRESENT:

Richard R. Dutremble
Richard Clark
Robert Andrews (excused)
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
01-21-2021 ITEM**

3:30 p.m. to approximately 4:30 p.m.

**1 TO CONDUCT AN EXECUTIVE SESSION PURSUANT TO
1 M.R.S.A. § 405 (6) (E) CONSULTATION WITH
LEGAL COUNSEL**

Commissioner Clark motioned to enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (E) consultation with legal counsel. Commissioner Sicard seconded the motion. Vote 4-0. (Commissioner Andrews not present.)
Commissioner Clark motioned to come out of executive session. Commissioner Sicard Seconded the motion. Vote 4-0. (Commissioner Andrews absent)
No action taken.

**Approximately 4:30 REGULAR MEETING TO COMMENCE (regular meeting began
at 4:40 p.m.)**

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

Susan Wiswell of Kittery (via ZOOM) questioned the financial documents and negative numbers that show on them. The County Manager explained that it is just how our financial system functions. The numbers actually reflect that we are over on what has been budgeted for our revenues.

3 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

a. Regular Meeting of January 6, 2021-

Commissioner Clark motioned to approve the minutes. Commissioner Sicard seconded the motion. Vote 4-0.

4 TO APPROVE TREASURER’S WARRANTS

- a. Approve treasurer’s warrant dated January 6, 2021 in the amount of \$352,068.57
Commissioner Clark motioned to approve the warrants. Commissioner Sicard seconded the motion. Vote 4-0.
- b. Approve treasurer’s warrant dated January 13, 2021 in the amount of \$696,517.18
Commissioner Clark motioned to approve the warrants. Commissioner Sicard seconded the motion. Vote 4-0.

5 TO HEAR ANY REPORTS FROM THE COUNTY COMMISSIONERS
None

6 TO HEAR ANY REPORTS FROM THE COUNTY MANAGER
None

7 TO HEAR TAX ABATEMENT DENIAL APPEAL

Pettigrew v. Town of Eliot

County Manager Greg Zinser swore in Charles Pettigrew and Martine Painchaud, Assessor for the Town of Eliot, ME.

Mr. Pettigrew informed all that he resides at 289 Beech Rd in Eliot. He continued that the Town had taken no action on an automobile graveyard (abutting his property) for a couple of years. According to Mr. Pettigrew, the Eliot CEO stated that it was a hobbyist use despite the fact that the town has no hobbyist use. The matter went before the Eliot Selectmen and BOA.

The Eliot Board of Appeals decided in June that it was a junk- yard and it needed to go. There are still nine (9) vehicles there, stated Mr. Pettigrew. He continued that the property abutting his is a 6- acre lot all owned by the same family and they have two (2) uninspected vehicles per lot. This matter went back to the Planning Board in December and he stated that he couldn’t attend meeting. The Board reversed themselves and said no, it’s not one lot if they can subdivide into three (3) lots. All vehicles are on different property lines. Mr. Pettigrew commented that while he does appreciate Martine’s (CEO) help in trying to fix the issue, she said it would be fixed in November and now it is January and it’s still not taken care of. Mr. Pettigrew stated that he finds the Town Attorney to be “wishy washy”. He asked the Commissioners, “ *If you lived across the street from a bunch of 1980’s pickup trucks, how would you feel about it?*” Eliot is a nice community. A couple of abutters got together to go before the BOA, also . Mr. Pettigrew stated that he doesn’t think he should be charged what he is being charged (for property taxes) as he has to live across the street from this unlicensed junk yard. He continued that in other towns a buildable lot is between \$15,000 to \$65,000. He believes his lot value should be brought down to \$50,00 as long as these vehicles are across the street from him. He added that there are also trailers and plows, engine blocks and about 75 tires are around the house. Mr. Pettigrew closed by stating that he has to pay the same taxes as others who don’t have a junk yard across the street from them.

Martine Painchaud, Assessor for the Town of Eliot, explained that Charlie requested an abatement for the entire amount of his building. She added that while she recognizes there is a problem across the street, she isn’t the Code

Enforcement Officer. Ms. Painchaud did speak to the CEO yesterday and was told that the neighbor is in compliance with two (2) vehicles on each lot. She added that she did give Mr. Pettigrew a small abatement as they were cleaning up still at the time (of his request). Mr. Pettigrew was granted an economic obsolescence of 10% in the amount of \$13,300 off his assessed value. Mr. Pettigrew did not offer up any more information that his property value should be non-existent, explained Ms. Painchaud. She added that there is another junk yard in Eliot at the corner of Governor Hill Road.

Commissioner Ring asked Ms. Painchaud if the 10% reduction (in Mr. Pettigrew's property taxes) is permanent? She replied it will be granted until the problem is solved and from what she understands, it is, but, she will check in again with the CEO prior to April 1st.

Commissioner Dutremble explained that the Commissioners' responsibility does not allow us to get into code enforcement decisions.

Commissioner Clark reiterated that the Commissioners have to act within their authority with that being the issues of valuation and taxation not the actions or inactions of town officials. He continued that he read all of this material (approx. 274 pages). Commissioner Clark stated that while he is extremely sympathetic to Mr. Pettigrew's situation, that doesn't allow him to do much to help. Commissioner Clark stated that in the voluminous information, only half a dozen pages speak to the value and most are not places close to Eliot. He added that he cannot find the argument that satisfies him that Mr. Pettigrew's value should be reduced to zero on your taxes. Commissioner Clark informed Mr. Pettigrew that therefore he will not be voting to go any further than the town has given him (for an abatement). Mr. Pettigrew commented that valuations in other towns-all land valuation is completely fake anyway. Why is it worth more to live in Eliot than Berwick? He stated that he is the only one except for the other abutters who have to pay the same amount of tax for his property even though he has a junk yard across the street. He stated again that he shouldn't be taxed at the same rate. Mr. Pettigrew continued that the CEO will only take care of it as long as he has "his spurs in it". He stated to Commissioner Clark that he hopes somebody moves next to him with 35 vehicles with gas leaking into ground. He continued that everybody agrees it's a problem but nobody wants to do anything about it. Commissioner Clark responded that we can only do what we are authorized under statute to do.

Commissioner Clark motioned to deny Charles Pettigrew's request for a property tax abatement. Commissioner Ring seconded the motion. Vote 4-0.

Commissioner Clark informed all that a Finding of Facts will be prepared and voted on by The Commissioners at their next meeting on February 3, 2021.

8 NEW BUSINESS

- a. Commissioner review and discussion of letter from Ossipee Valley Agricultural Society- Commissioner Clark commented that there is policy or that the precedent has been that we don't do this (give donations to non-profits). Commissioner Sicard agreed even though the Commissioners do feel for them and all non-profit organizations in the area that are struggling. Commissioner Dutremble and Commissioner Ring also agree that the Commissioners decided awhile ago not to make donations to non-profits.

Commissioner Sicard asked that the County Manager draft a letter to the organization informing them of such and wishing them well. Commissioner Ring seconded the motion. Vote 4-0.

b. Commissioner Ring

1. Email Access- County Manager Greg Zinser explained to the Board that they have the e-mails. Commissioner Donna Ring addressed the Board and stated that she is newly elected and has been with the County over 40 years. Therefore, she had various contacts (in her county e-mail). She continued that she was lead to believe that her e-mail would go with her when she left her county position into this elected position. Commissioner Ring continued that her e-mail did work fine on Monday (after her retirement) and then on Tuesday it was inaccessible. She was not informed that this would occur, stated Commissioner Ring. She explained that her e-mail is tied into the cloud and that she told the Sheriff and her co-workers that she would share her files with them. She explained that she came into the office and had a brief discussion with the County Manager who told her that he would talk with Todd (Charles, IT Director) and then 2 hours later her e-mail was back. Then, continued Commissioner Ring, her e-mail was shut down again. She explained that she received a phone call (from the Manager's Office) that she had to use a new e-mail. She had been given business cards and was not contacted nor afforded the courtesy as to why this happened, stated Commissioner Ring. She added that she is very disturbed that this (her) e-mail message relating to this issue was put online as she was not told this would happen but only told that this item would be discussed. Commissioner Ring stated that if her e-mails are going to be put online, she thinks all of your (other Coms.) e-mails should be.

Commissioner Ring informed the Commissioners that she wants access to her (original) County e-mail. Continuing that she gave out business cards and now the Sheriff's Office doesn't have access to very important records that she prepared and put on the county's cloud. As an elected official, stated Commissioner Ring, *"I think I was deserving of at least a conversation. I would like access to my original e-mail and I would like the Board to support this. Why was there no conversation? I do not understand."*

Commissioner Clark replied to Commissioner Ring that she retired and when an employee retires, they lose the benefits including access to their county e-mail address. Commissioner Clark stated that he does have a problem with the issue that there are documents in the Cloud that are inaccessible. They should be available. Commissioner Clark explained to Commissioner Ring that she changed her relationship with the County when she retired. He continued that Commissioner Ring is entitled to what any county commissioner is. Commissioner Clark stated that he feels what was done is appropriate. Things that are prepared for the County by employees that are locked away and can't be found by another employee, however, is a problem. Commissioner Ring agreed and stated that they are working documents for the office.

County Manager Greg Zinser explained that the documents have been archived. Access to those files can be very quickly restored if the Sheriff calls us to give us permission.

Commissioner Dutremble commented that the same thing occurred when he left the City of Biddeford; he took home his personal stuff but he no longer had access to the City e-mail.

Commissioner Ring replied that she recognizes that but that she never left the County. Commissioner Dutremble explained that she was an employee. Commissioner Ring replied that she was under the belief that she was going to maintain that e-mail. She requested the County have a policy and added that she knows employees that go from department to another and keep their e-mail address. Commissioner Dutremble explained that they are still employees.

County Manager Zinser asked for some action on this matter and added that his position from the e-mails hasn't changed unless he is redirected by the Board.

Commissioner Donna Ring asked the County Manager if this was something he discussed with legal counsel or did he decide this on his own?

County Manager Greg Zinser replied there was no legal opinion but that he did consult them to run things by them. Items were confirmed by legal counsel, he stated.

Commissioner Ring asked why was it reinstated? County Manager Zinser explained that in his e-mail to Commissioner Ring, he referenced the conversation and it wasn't anything he thought about but then he thought more about it as other employees have left. He continued that he did recognize the uniqueness of the situation.

Commissioner Sicard asked that County Manager was it at that time, you opened a Commissioner e-mail for Commissioner Ring? The County Manager replied, yes, we issued a new e-mail address. County Manager Zinser added that the standard protocol is access is suspended for all departing employees.

Commissioner Clark stated that he has served in municipal government for many, many years. We discussed extensively what the rules were for employee e-mails and came up with policies. Employees had to understand that their work e-mail did not belong to them, it belonged to the town that hired them. Commissioner Clark commented that he would like to see what our employee handbook says and if it needs to be made clearer, then, it needs to be made clearer. My position doesn't change. Commissioner Clark continued that he finds it surprising that anyone leaving county employment would feel they still have access to their e-mail. Commissioner Ring replied that she was led to believe this and that her e-mail was never discussed. She talked with the Manager's office and was told it wasn't going to change and she received business cards, said Commissioner Ring.

County Manager Zinser stated that the policy is clear although there is no policy as to what happens to that e-mail. Commissioner Clark stated that he wants further language to make this crystal clear.

2. Email to Board dated January 12, 2021-

Commissioner Ring stated that she wrote the letter as a suggestion and was not told this was going to be an agenda item. She added that she had no idea that her e-mail to the Commissioners was going to be a public document. Commissioner Ring informed the Board that she is not prepared tonight to discuss her letter.

Commissioner Dutremble replied to Commissioner Ring that she has said a lot that the Commissioners didn't discuss things in public. Now, she doesn't want to discuss this in public.

Commissioner Ring replied that she didn't ask for it to be put on this agenda.

Commissioner Dutremble responded that the Board discusses things as fast as we can.

Commissioner Ring clarified that these were issues that she indicated in her letter that she'd like to discuss in the near future. She added that it was not her intention for this to be put on as agenda items. She stated that she is not prepared to discuss these items tonight.

Commissioner Clark suggested that Commissioner Ring avail herself of any opportunity to get any training that the County offers for new Commissioners and particularly FOIA and related materials. He continued that the Commissioners are cautioned to do their business in public and not by phone or e-mail as those can be construed as illegal meetings. "You asked for agenda item requests and now they are on the next agenda so you got what you asked for," he said to Commissioner Ring.

Commissioner Ring clarified that she asked for them to put on the agenda in the near future. She requested that we table this for another meeting so she can be better prepared and informed. She added that it would be very nice if there was some type of

protocol for a new Commissioner; some type of packet for newly elected Commissioners. Commissioner Ring apologized in the event the Commissioners misunderstood her letter and added that she did not realize that her e-mails were put online. Commissioner Clark clarified that Commissioner Ring's e-mails were put on the agenda as back up documents. He continued to tell Commissioner Ring that anything you send in the county e-mail can be asked for. If someone sends you an e-mail as a Commissioner, it becomes a public document with very few exceptions.

Motion made by Commissioner Ring to table this matter. No second.

Commissioner Dutremble stated that the motion failed as it was not seconded so therefore, we will discuss the matter tonight.

Commissioner Clark asked Commissioner Ring to let the Board know when she wants to talk about this. Commissioner Ring responded that she doesn't require the items to be all on one agenda. Commissioner Dutremble stated that he thinks we need to talk about all of the items at once so we can get it out of the way and in the event any of them have an impact on the budget planning. It was decided that Commissioner Ring's e-mail to her fellow Commissioners with her concerns will be discussed at the February 2nd Commissioners' meeting.

b. FY'22 budget objectives –

County Manager Zinser informed all that overall position of the county is that we are in great shape. Revenues are ahead and expenses are in line or under. He added that EMA is fairly well expensed and that we have already exceeded the reimbursements from the State. We brought in \$113,988 over what we've expended. The County Manager asked for questions from the Commissioners as well as direction for him on how they wish him to proceed with the budget.

Commissioner Clark asked if he had anything that he wanted to share with the Board that department heads are asking for such as more personnel? The County Manager responded that he knows of two departments that want more personnel with one being Probate. Another department is preliminary but nothing concrete at this point. He added that he is not seeing any huge increases at this point. Health insurance rates are going to remain level for the next year but it sets us up for an increase in 2022 most likely. The Manager commented that he does know that many employees are changing from single coverage to double or family. We will be back at the table bargaining with a couple of unions. Debt service is decreasing. Commissioner Sicard asked if the fact that the new courthouse is being constructed would have any impact on this budget. The County Manager replied that he has had some conversations with other State folks and with the D.A. regarding space allocations but that he believes it will be more in the County's 2023 budget.

Commissioner Ring asked the County Manager if he thought anything dealing with COVID-19 will affect the County budget with any type of State funds?

County Manager Zinser responded that a lot of the towns are seeing excess revenue as they underbudgeted. The issue is going to be valuations. He believes there will be a trickle down but this will take a year or two before it hits us. Town and city revenues are coming in quite high over current assessments, stated the County Manager. He added that he doesn't see any of those direct issues coming back to us during this budget.

He did state, however, that the jail is a potential issue. We could see less revenue as less population could equal less revenue. We will run the formula that the State issues (amount that we would receive from the State's operation fund). Populations overall are generally down. Typically, York County jail's population is the third

highest but currently, after looking at some of the population data, we are probably 4th or 5th at this point. Our percentage allocation could go down. We do get credit for the ones we board out, though, stated County Manager Zinser.

Commissioner Dutremble stated that he would like to see the budget come in flat funded at least as there are to going to be decreases in certain items. The audit is going to tell him more. We may be able to decrease some lines, stated Commissioner Dutremble. He added that he believes towns and cities are going to suffer next year and that there will be layoffs. People will struggle to pay their taxes, stated Commissioner Dutremble.

Commissioner Sicard agreed with Commissioner Dutremble and stated that is wise. The Budget Committee will be looking for that.

County Manager Zinser reminded the Commissioners that certain expenses are going to go up. But, that the issue will be that they are offset by the decrease in debt service. Commissioner Clark asked if Commissioner Dutremble is talking about the final number being the same as last year's?

Commissioner Dutremble replied, yes, if it's possible.

Commissioner Clark responded that we know we are going to go up on salaries.

Commissioner Ring stated also, we have added new positions during a mid- budget year.

County Manager Zinser responded that he didn't think we added a lot of new positions. So, he reiterated to the Commissioners that he understood that they want the bottom line number flat funded. He stated that wages, benefits and electricity lines increase and we cannot control that. Commissioner Clark added that he may want to add money to legal.

9 OLD BUSINESS

None

10 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

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

Commissioner Sicard informed all that EMA Director Art Cleaves was given a shout out by Dr. Shah recently during his broadcast. He wished to commend the work they are doing and fully support them and any mass immunization that they can do.

County Manager Zinser said that there is a push to have York County play a larger role in getting the vaccines out. We are working our way through any potential legal issues. We would need to rent a large building. Insurance requirements would need to be worked through. The County Manager added that he anticipates talking about this in another meeting or two.

12

ADJOURN

Commissioner Clark motioned to adjourn. Commissioner Sicard seconded the motion.
Vote 4-0. Meeting adjourned at 6:09 p.m.