

## COMMISSIONERS MEETING

October 21, 2020

*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, October 21, 2020 A. D. at 4:30 P. M.

### COMMISSIONERS PRESENT:

Richard R. Dutremble  
Michael J. Cote  
Richard Clark  
Robert Andrews  
Allen Sicard

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

#### 10-21-20      ITEM

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

Sheriff King approached to inform the Commissioners that Saturday, October 24th is Drug Take Back Day. He added that the York County Sheriff's Office will be collecting at three various York County locations. Sheriff King informed all that York County Sheriff's Office is the leading agency in the York County area as they gather all the drugs collected by all York County agencies and transport them to the State facility where they are destroyed.

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

a. Regular Meeting of October 7, 2020-  
Commissioner Clark motioned to approve the minutes with one correction on item 5 .  
Commissioner Sicard seconded the motion. Vote 5-0.

##### 3      **TO APPROVE TREASURER'S WARRANTS**

a. Approve treasurer's warrant dated October 7, 2020 in the amount of \$300,345.40  
Commissioner Clark motioned to approve the warrant. Commissioner Sicard seconded the motion. Vote 5-0.  
b. Approve treasurer's warrant dated October 14, 2020 in the amount of \$821,732.05  
Commissioner Clark motioned to approve the warrant. Commissioner Sicard seconded the warrant. Vote 5-0.

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

a. Commissioner Cote to report on Jail Standards- Commissioner Cote referred to the five (5) page document distributed to the Commissioners prior to the meeting. There are some items that will have an effect on our budget, stated Commissioner Cote. He continued that he doesn't see how if they're approved, we will get through it with our current budget. Commissioner Cote stated that he has no issues with use of force proposed items. One of the changes has to do with contact visits – that would create a big issue with us as we are set up for video visitation only. Commissioner Cote added that he did, however, have a conversation with Ryan Anderson from the Department of Corrections who told him there is a clause where the Sheriff has some latitude. Referring to the mandatory changes procedure and practices that include pregnancy testing, access to contraception, counseling pregnancy options as well as access to pregnancy termination services, there are other things (in the document) that put the County in the position that once someone is released, the County could still be responsible for them. Commissioner Cote concluded that he wanted to let everyone know that he was told these will probably be put in the standards. He added that he has looked at our medical contract and it covers a little bit of this but most everything else is not covered under the current contract.

Commissioner Clark stated that he disagreed with Commissioner Cote and that he feels contact visits should be provided but that any visits during a time of a pandemic is not wise. Commissioner Clark commented that he is concerned nothing in here (document) talks about visits during a pandemic. Commissioner Cote replied that was part of the discussion- will any jail really open up during this time of COVID? We reviewed the jail standards in 2017 and if was a very different setting than this time.

Commissioner Clark asked what the schedule on this is and that he noted a deadline of November 20<sup>th</sup>. Commissioner Cote responded that the DOC has a comment period and then they will implement what they choose to implement. County Manager Zinser added that MCCA may weigh in as well as the Sheriff's Association. Perhaps at the next meeting the York County Commissioners might be asked to take a position. Commissioner Cote stated that he will recommend to MCCA that they should put out feelers to all of the Counties.

**5 TO HEAR ANY REPORTS FROM THE COUNTY MANAGER**

County Manager Greg Zinser reminded the Commissioners that several meetings ago, they had inquired about upgrading the video system. IT Manager, Todd Charles, has found a vendor to do so with a cost of around \$5,000. The County Manager continued that the current system was pieced together by us. During and even after the pandemic, the County Manager stated that he sees online video meetings becoming more of a practice.

COVID update- The County Manager informed all that from an administrative perspective, we continue to look at ways to reduce the footprint at the courthouse. He explained that he and Deputy Manager Linda Corliss have met with Department Leaders to better understand their processes and whether some (employees) can work from a home environment. As the number of outbreaks continue to rise, we have identified 3 to 4 employees that can work from home, explained County Manager Zinser.

Commissioner Sicard asked if EMA Director, Art Cleaves has been able to replenish a supply of PPEs? County Manager Zinser replied, yes, on top of our purchasing a couple of months ago, this week we received a delivery from CDC . Distribution is pretty

strong on our end.

County Manager Zinser commented that the Sheriff's Office has been contacted by Cory Woodsome, owner of Woody's Sports Grill in Waterboro, who received an anonymous request to purchase and donate 106- \$50 gift cards to Sheriff's Office employees. This amount is in the \$5000 range, reported the County Manager so, I thought it appropriate to bring it to the Board for formal review and acceptance. Mr. Zinser continued that he realized the Commissioners might have some questions that are policy related and that we might not be able to answer them tonight. Commissioner Cote stated that, as a point of order, the Commissioners have not voted to put this item on the agenda. County Manager Zinser replied that he is bringing it up under his reports.

Commissioner Sicard asked has this never happened before, a gift of this size? There is no written policy for the county? County Manager Zinser replied there is for municipalities but not counties. The Board needs to vote on it.

Commissioner Sicard motioned to table this matter so that it can be researched further. Commissioner Clark seconded the motion. Vote 5-0.

## **6 TO RE-HEAR TAX ABATEMENT DENIAL APPEAL-PRIME STORAGE BERWICK, LLC V. TOWN OF BERWICK**

County Manager Zinser informed all that the Commissioners have agreed to a re-hearing so we can more fully develop the record. He added that Attorney Gene Libby is here in the event that the Commissioners wish to go into executive session prior or after to discuss any legal issues.

The Commissioners agreed to begin the Hearing. County Manager Greg Zinser swore the individuals in for the re-hearing.

Michael Flynn from Prime Storage addressed the Board first and explained that he works for Ryan LLC and is the tax representative for Prime Storage. He continued that he does not have any additional information but that this is a re-hearing based on the recording system that failed at the prior hearing. He added that the Appeal that they filed is for the assessment in 2020 and that the value significantly increased from 2019 to 2020. He and the assessors had agreed upon a value of \$3,750,000. Mr. Flynn commented that other points to remake included that the allocated purchase price on deed says \$500,000. Income provided supports a \$3,300,000 value. \$3,750,000 (property value) is splitting the difference, commented Mr. Flynn.

County Manager Greg Zinser clarified that the Commissioners are not re-hearing just because of the failed video system, but also to better collect Findings of Facts.

Town of Berwick Assessor, Paul McKenney approached the Board and referenced another spreadsheet (included in a packet of information sent to the Commissioners) is based on the number of units in other storage facilities in the town. He referenced a storage unit located at 560 Portland Street that is assessed at \$7,945.00 per unit. Others shown on the spreadsheet reflect an assessment of \$8,300 per unit. Mr.

McKenney added that the purchase of this property in 2016 was \$4,280,000. In 2019, a revaluation was done being one of the reasons for such a large increase. The purchase price in 2016 is reflective of the value (of the property) at that time. He agreed that he and Mr. Flynn had agreed on a value, but the Berwick Select Board denied our agreement. Mr. McKenney continued that another sale of a smaller unit across the street for \$1, 685,000 with 180 units puts the assessed value at \$8,352.00 per unit.

Commissioner Clark mentioned the three other sites in Berwick and reminded the Board that he didn't vote as the majority did last time around. He commented that our attorney advised the town of Berwick gets the benefit of the doubt and that it is up to the

aggrieved party to prove they are wrong. I don't feel they've done that. I don't see the argument that convinces me that it is unreasonable, stated Commissioner Clark. Commissioner Cote stated that he has been on this Board for almost 8 years and this is the first time he has heard one (tax abatement denial appeal) for a storage unit. He added that this one is complicated with different sizes of storage units. Commissioner Cote stated that we want to come up with something fair. He continued that the Commissioners considered what they thought was a deal (between the parties), but it wasn't approved by the Selectmen so that's why we wanted to take another look at this.

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

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

Commissioner Clark motioned to deny the appeal and accept the town's manifest created by the town's assessors. The Findings of Fact will be available at the next Commissioners' meeting. Commissioner Dutremble seconded the motion. Vote 5-0.

## **7 NEW BUSINESS**

a. Commissioner review of SARSM/CAC Lease-County Manager Zinser explained that two years have passed, and the Lease is now back up for the Commissioners' review. The County Manager added that there are no changes in the contract. Commissioner Clark stated that he supports providing this space as they do important work and that he would like them to provide a report with their numbers (of clients served) prior to the end of the year.

Commissioner Clark motioned to approve and authorize the County Manager to sign the Lease Agreement. Commissioner Dutremble seconded the motion. Vote 5-0.

Commissioner Dutremble commented it would be nice if they also could advertise that the County helps them out.

b. EMA Funding opportunity-Supplemental EMPG-S funding- County Manager Zinser informed the Board that he and EMA Director Art Cleaves have had conversations about securing funding over the years. While COVID-19 is a bad thing, it presents silver linings for funding. He went on that EMA Director Cleaves has a line on some funds.

EMA Director Art Cleaves approached the Board to discuss that due to the federal disaster (COVID-19), Federal departments have been awarded large sums of money-up to \$1.3 million in supplemental EMPG funding that requires 50% matching funds (from the accepting agency). He explained that he has requested \$480,000. It appears likely (that we could be awarded the funding) as not a lot of counties have matching money. We would like to create a Collaboration center to work with the CDC and other agencies. G&H block that are currently being used as a storage area is the area we are proposing to build this center. We are unsure if that amount of funding will be adequate.

County Manager Greg Zinser added that in order to do this effectively, we would combine the garage with the renovation of G&H blocks. The money will count towards the overall project cost. The architects we are working with have given us a renovation cost for G&H blocks as approximately \$800,000. We don't have that money but by combining funds, continued the County Manager, we can take this to 75% completion. Initially, we could use the space as climate- controlled storage space, with office space down the road.

County Manager Zinser explained that the cost of the garage is \$450,000. Of the \$450,000 cash, we would use half of that and get the other half from EMPG with \$250,000 for G&H blocks renovation and secure the 50% match. Mr. Zinser stated

that this is perfectly legitimate and above board. He stated that he believes this is a great move for the County.

Commissioner Cote asked if this space would be used for storing PPE? Director Art Cleaves replied that, yes, then at some point build it into office space. The County Manager interjected that the intent would be to bring in more office space later on and to start saving a portion of year end money to assist.

Commissioner Dutremble questioned if it was necessary for the Commissioner to re-vote since they voted to put that money (in the budget) for certain projects. County Manager Zinser stated that he and Director Cleaves are before them to see if they are ok with this. If you are, we will proceed, he stated. The County Manager stated that they still have to get FEMA approval. Commissioner Dutremble added that we would still have to have an approval from the Town. The County Manager agreed.

Commissioner Clark asked what the timeframe is to let MEMA know if we wish to move forward with this project. Director Art Cleaves stated that the offer expires December 31<sup>st</sup> of this year. He added that he doubts if this is true but that if we have the opportunity to commit now, that would be good. He stated that it is three-year money.

Commissioner Clark stated that he is in favor of moving forward and that it is up to Art and Greg to come up with a plan. Commissioner Clark added that his only concern is timing as he doesn't want to get the garage hung up so that does worry him. County Manager Greg Zinser replied that it is already hung up in the Board of Appeals.

Commissioner Sicard asked if the office space has to stay EMA's office space?

Director Art Cleaves responded that it has to be used for a response but that how we use the building is up to you (Commissioners) after it's been built. But initially that's what it should be used for (response).

Commissioner Cote asked if there is a possibility of maybe some partnering. Director Cleaves replied that we did approach CDC to see if they'd contribute to make it dual purpose. They haven't come forward with any money yet.

County Manager Greg Zinser reported that they will continue to work with the design firm. He added that they will bring it back to the Board along with how the funding would work and talk about how we would re-allocate the funding prior to December 31<sup>st</sup>.

Commissioner Cote told Director Cleaves that we miss you and you guys are doing a great job. You are leading the fight here and it is much appreciated, stated Commissioner Cote. EMA Director Art Cleaves replied that your support makes it possible.

d. MSEA contract ratification (one-year contract extension)- County Manager Zinser informed the Board that on July 1, 2020 he sat down with MSEA. They proposed a one year extension. There are only a couple of language changes that address a couple of things- non-discrimination and check off language. The contract grants a 2% increase for all staff.

The County Manager thanked the Union-Rachel Sherman and Donna Ring for really putting the offer on the table. He added that he believes it's a good move for the Commissioners.

Commissioner Clark motioned to approve the one- year extension of contract for 1297 MSEA local 1989 and authorize Chairman Cote and the County Manager to sign. Commissioner Dutremble seconded the motion. Vote 5-0.

e. Sheriff King to discuss computer crimes investigator via contract with State Police- Sheriff King approached the Board to explain the matter. He stated that this would provide embedded law enforcement throughout the State specializing in child porn. It is fully reimbursed. We've reviewed the contract. The person comes with liability insurance. I am before you to see if you are interested first. If so, we will then talk with the Union. Stated Sheriff King. He added that the State Police does have

a person that is interested that they have vetted. His name is Robert Parker and he is a former Sergeant with the Maine State Police. He retired just a little over two years so he has to go through the process again, explained Sheriff King.

Commissioner Cote asked if the County is reimbursed by the State Police? Sheriff King responded, yes. Commissioner Cote asked if this individual would be an employee of the county? Sheriff King replied, yes. Commissioner Cote questioned, they pick who they want for the job? Sheriff King stated they tentatively selected him, but we can pick who we want. Commissioner Cote confirmed that he will go through the same hiring process that everyone else (in the County) does? Sheriff King stated that he doesn't know if we would want him to go through a polygraph as he has a distinguished career with the State Police.

Sheriff King stated that this person would deal with computer crimes and child porn. He will be in the office and the Sheriff believes it's a win-win for the county.

Commissioner Cote believes this position is very needed.

Commissioner Dutremble asked if this would be a county employee? Sheriff King replied that this person would be a County employee. Commissioner Dutremble asked about how this would affect longevity. And would this position produce another opening and effect Union seniority? Sheriff King replied that those are good questions and items we will need to talk about.

County Manager Greg Zinser explained that this hiring would be a multi-step process very similar to the MDEA approach that we took three or four years ago. We would develop a contract with the Union and it would be subject to parts of the CBA like what was done with the MDEA agreement. This matter will come back to the Commissioners.

Commissioner Cote asked if the County would be responsible to supply equipment?

Sheriff King responded that, no, they supply everything including cruiser, training and gun.

County Manager Zinser informed the Board that they may be presented with some waivers with our process that all have to be worked out with the Union.

Commissioner Clark commented that this job has to be posted like everything else.

You are stating that there is an internal candidate created for this job and you already have the guy you want. I can understand why some would be concerned, stated Commissioner Clark.

County Manager Zinser added that this position would work like the contract deputy program and not be funded by the general budget but from a special revenue fund.

Commissioner Cote stated that this program sounds good and he is interested.

Commissioner Sicard asked if there would be any latitude on forensic stuff? Sheriff King replied that the grant is specific, but he will be right there to help.

## **8 OLD BUSINESS**

None

## **9 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. Enter into executive session pursuant to 1 M.R.S.A. §405 (6) (A), personnel issues (Sheriff King to address Board)-

Commissioner Clark motioned to enter into executive session. 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.

Commissioner Cote commented that the Board of Commissioners would like to thank Art Titcomb for his years of service with York County Sheriffs' Office and wish him years of luck.

County Manager Zinser informed the Board that he would also like to enter into executive session to discuss labor negotiations.

Commissioner Clark motioned to enter into executive session pursuant to 1 M.R.S.A. §405 (6) (D) labor negotiations. 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.

No action taken.

\*\*\*HEARD PRIOR TO EXECUTIVE SESSION\*\*\*

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

Susan Wiswell addressed the Board via the phone line and stated that she is glad the County is upgrading their video system so we can continue with remote meetings so more people from the public can be involved. She asked in regard to the jail standards comment period, where would the general public be able to get standards and who would they comment to if they wished to do so? Sheriff King replied that he has that information and we can put it on the county website. County Manager Zinser said that he will e-mail her the address.

**11 ADJOURN**

Commissioner Clark motioned to adjourn. Commissioner Dutremble seconded the motion. Vote 5-0. Meeting adjourned at 6:40 p.m.