

COMMISSIONERS MEETING

November 4, 2009

YORK,ss

At a regular meeting of the County Commissioners of the County of York, begun and holden at the York County Courthouse first floor courtroom in Alfred, within and for the County of York, being held on Wednesday, November 4, 2009 A. D. at 4:30 P.M.

COMMISSIONERS PRESENT: Sallie V. Chandler
Daniel C. Cabral
David Bowles
Richard R. Dutremble
Gary A. Sinden

County Manager Richard Brown and Finance Director Vicki Ridlon were also present.

All present were invited to rise and salute the flag of the United States.

Item 1 TO REVIEW AND APPROVE THE MINUTES OF THE COUNTY COMMISSIONERS' REGULAR MEETING OF OCTOBER 14, 2009

Commissioner Cabral motioned to approve the minutes. Commissioner Sinden seconded the motion. Vote 5-0.

Item 2 HEAR ANY REPORTS OF THE COMMISSIONERS

Commissioner Bowles addressed the board about the proposed changes in dues structure for the Maine County Commissioners' Association in which York County is a member. He explained that he will be attending their meeting next week representing York County and would like some guidance from the other commissioners before he votes. Commissioner Bowles explained that currently dues are set at a flat rate of \$8,000 per year. Under the new proposal, York County could be required to pay anywhere from \$15,900 to \$25,000. The proposed rate structure figures in each county's property taxes received so the rate would be different for each county. Under the new proposal, Cumberland County would pay 25% of MCCA's dues and York County would pay 19%. Commissioner Sinden asked if the county benefitted from MCCA's services. Commissioner Bowles responded that the county did. We have our liability insurance with MCCA and that we are charged proportionately for that (by our size) but that the remainder of the

services offered by MCCA is not based on York County's size. Chair Sallie Chandler asked whether or not the County could still participate in the risk pool if we are not members. Manager Brown replied that the County could not.

Commissioner Bowles added if York County left the risk pool, the costs would increase for the other counties in the membership. Commissioner Cabral asked Commissioner Bowles if he had spoken to Cumberland County about the possible rise in rates. Commissioner Bowles answered that he had not and that one of their members had actually served on the sub committee that created the possible new rate structure. Chair Chandler commented that everyone receives the same benefits and therefore should pay the same rates. The Commissioners unanimously oppose the proposed rate structure. Commissioner Dutremble asked if it passes, will York County be required to pay in order to stay a member. Commissioner Bowles responded that we would have to decide if the membership is worth the amount of dues assessed to York County.

Item 3 TO HEAR A REPORT FROM THE COUNTY MANAGER

- a. 2010 Budget Update- The Manager reported that the 2010 budget had been forwarded to the budget committee and that their first meeting is scheduled for November 18th. He reported that the Commissioners had received a letter with requests from the budget committee for information and that he was awaiting guidance from the Commissioners to complete the requests.

- b. TANS- County Manager Brown asked for the board's approval to allow the Finance Director to begin soliciting for tax anticipation notes for 2010. He explained that rather than borrow the full \$9 million at the beginning of the year which has been done in the past, York County will borrow in smaller increments as needed. Mr. Brown added that that bids will be sought from several local York County banks.

Commissioner Dutremble motioned to allow the Finance Director to move forward in soliciting bids for York County's 2010 tans. Commissioner Cabral seconded the motion.

Commissioner Dutremble asked what amount will be borrowed. County Manager responded \$8 million. Commissioner Dutremble disagreed with amount, stating that historically the county always needs money at the end of the year.

Commissioner Dutremble amended his motion to allow the Finance Director to move forward in soliciting bids for York County's 2010 in the amount up to \$9 million if needed. Commissioner Cabral seconded the motion. Vote 5-0.

- c. MAINTENANCE CONTRACT- Manager Brown asked the Commissioners to approve the renewal of the grounds maintenance contract. He stated that the amount of the contract was \$5,600.

Commissioner Cabral motioned to approve the contract for the grounds maintenance for 2010. Commissioner Sinden seconded the motion. Vote 4-1 with Commissioner Dutremble opposed.

Commissioner Dutremble asked if this item had gone out to bid. The County Manager responded that it had not. Commissioner Bowles asked if this contract was separate from snow plowing. The Manager responded that it was. Commissioner Sinden asked if there was a rule in place regarding bids and what amount triggers the bid process. County Manager replied the amount was \$10,000.

- d. AMERICAN NATIONAL FIRE INSURANCE CO.- The Manager asked the Commissioners' approval to authorize County Attorney Gene Libby to file a motion in an attempt to recoup costs.

Commissioner Bowles motioned to authorize the County Attorney to file a motion to recoup costs. Commissioner Cabral seconded the motion. Vote 5-0.

- e. MACIMAGE ISSUE- The County Manager explained this case is important as the revenues that could potentially be lost to the County could be great. He asked the Commissioners' vote to approve County Attorney Gene Libby's involvement in the case.

Commissioner Bowles motioned to approve the County Attorney's involvement in the MacImage issue. Commissioner Cabral seconded the motion.

Commissioner Bowles asked for clarification on the national law firm that he recalled was involved. The County Manager advised that Attorney Libby will be addressing the MacImage issue later in the meeting during executive session as it involves litigation and he would like the Commissioners to have a better understanding of the legal exposure to the County.

Commissioner Bowles tabled his motion until executive session. Commissioner Dutremble seconded the motion to table. Vote 5-0.

- f. DOG OFFICER RESIGNATION- County Manager reported that Canine Officer Thompson had resigned from the York County Patrol and asked that the Commissioners release his dog from County control to Officer Thompson's control.

Commissioner Dutremble motioned to approve releasing Officer Thompson's dog from County control. Commissioner Bowles seconded the motion. Vote 5-0.

Commissioner Bowles motioned that County Manager Richard Brown and Finance Director Vicki Ridlon comply with Mr. Sylvester's (Budget Chair) requests for information. Commissioner Sinden seconded the motion. Vote 5-0.

Item 4 HEAR A REPORT FROM THE FINANCE DIRECTOR

None.

ITEM 5 NEW BUSINESS

Barry Tibbetts, Kennebunk Town Manager addressed the board. He stated that his board requested he approach the County Commissioners to inform them that his board is in favor of the formation of a County Charter and to ask if they would distribute a letter to the other cities and towns to see what interest they might have in the same. Mr. Tibbetts believes they will learn there is a lot of support. He went on to explain the process of formation of a Charter Board. Commissioner Bowles asked if there was an attempt previously to construct a county charter and was told there was a few years back and that it failed when it went to a vote.

Commissioner Sinden motioned to direct the County Manager to send a letter to the twenty nine cities and towns in York County to see if there is any support for a County Charter. Commissioner Cabral seconded the motion. Vote 5-0.

Commissioner Bowles asked, "*When the Charter Commission adopts a proposal, do WE (the County Commissioners) have to endorse it before it is sent out for a vote to the citizens?*" Barry Tibbetts responded that the Commissioners could not change the language. He added that the charter could be broken down into segments for it to be voted on by the people. Mr. Tibbetts added that the County's fiscal year could also be changed at this time which would be a huge benefit as the need for a TANS would be eliminated.

ITEM 6 PUBLIC COMMENT(S) ON ANY ITEM

Rachel Sherman, President of M.S.E.A. Local 1297 read a letter in response to the “Corrections of Statements” read by the Commissioners at their October 7th meeting.

Jason Cole from Lebanon commented on the TAN and supported the County’s new procedure of borrowing monies for 2010. He questioned why this procedure was not implemented last year. Mr. Cole mentioned that \$400,000 was spent in interest that could’ve been used to save jobs. Mr. Brown responded that the County was a “victim” of an outside operation for the past years.

ITEM 7 ABATEMENT HEARING

Cynthia Pratt of Lebanon ME presented her abatement denial hearing case to the Commissioners. She stated that she feels she is being unfairly taxed as she only owns ¼ acre but is paying taxes on two acres. Lebanon assesses all lots two acres or less at \$32,000.00. She further stated that State law dictates property taxes be based on fair market value and equitable among all properties. Ms. Pratt does not feel Lebanon assesses property fairly.

Jason Cole, representing the Town of Lebanon, addressed the board. He informed the board that Ms. Pratt had not filed a tax card in a timely fashion and therefore, her appeal should not be heard by the board. Commissioner Dutremble questioned why Ms. Pratt had not been informed of this. Mr. Cole was unsure of why she had not been made aware of this. Jason Cole went on to state that all house lots two acres or less are assessed the same in Lebanon. Commissioner Bowles asked Jason Cole if \$32,000 is the minimum property assessment in Lebanon. Jason Cole responded that it was.

Commissioner Bowles motioned to deny Cynthia Pratt’s request due to the fact that the Commissioners do not have the authority to judge whether or not Lebanon’s policy is fair; they only have the authority to rule if the property owner is being treated fairly in relation to other tax payers. Commissioner Cabral seconded the motion. Vote 5-0.

ITEM 8 TO CONDUCT AN EXECUTIVE SESSION ON PERSONNEL ISSUES PURSUANT TO M.R.S.A. § 405(6) (A).

Commissioner Dutremble motioned to enter into executive session to discuss collective bargaining and legal counsel. Commissioner Cabral seconded the motion. Vote 5-0.

Commissioner Cabral motioned to come out of executive session. Commissioner Dutremble seconded. Vote 5-0.

Commissioner Dutremble motioned to take Commissioner Bowle's original motion (made earlier in the meeting) off the table. Commissioner Sinden seconded the motion. Vote 5-0.

Commissioner Bowles motioned to retain County Attorney Gene Libby to participate with other counties in the MacImage issue. Cabral seconded the motion. Vote 5-0.

ITEM 9 ADJOURN

Commissioner Cabral motioned to adjourn. Commissioner Dutremble seconded the motion. Vote 5-0. Meeting adjourned at 5:36.

Minutes taken by Executive Administrative Assistant

**SIGNED: _____
 Kathryn A. Dumont**

**ATTEST: _____
 Sallie V. Chandler, Chair**