

1 **COMMISSIONERS MEETING**

2 **April 12, 2023**

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5 *YORK,ss*

6  
7 At a regular meeting of the County Commissioners of the County of York, begun and  
8 holden at the York County Government Building in Alfred, within and for the County of York,  
9 being held on Wednesday, April 12, 2023 A. D. at 5:00 P. M.

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12 **COMMISSIONERS PRESENT:**

- 13
- 14 Richard R. Dutremble
- 15 Richard Clark
- 16 Robert Andrews
- 17 Justin Chenette
- 18 Donna Ring
- 19
- 20

21 County Manager Gregory Zinser and Deputy County Manager Linda Corliss were present at the  
22 meeting.

23  
24 **YOU ARE INVITED TO RISE AND SALUTE THE FLAG OF THE UNITED STATES**

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26  
27 **04-12-2023 ITEM**

28  
29 **1 PUBLIC COMMENT(S) ON ANY ITEM(S)**

30 None

31  
32 **2 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:**

- 33 a. Commissioners' regular meeting of April 5, 2023
- 34 Commissioner Clark motioned to approve the minutes of April 5, 2023.
- 35 Commissioner Andrews seconded the motion. Vote 5-0.
- 36

37 **3 TO APPROVE TREASURER'S WARRANTS**

- 38 a. Warrants to be approved on April 5, 2023 in the amount of \$712,881.64
- 39 Commissioner Clark motioned to approve the warrant. Commissioner Andrews
- 40 seconded the motion. Vote 5-0.
- 41

42 **4 TO HEAR ANY REPORTS FROM THE COUNTY**  
43 **COMMISSIONERS**

44 Commissioner Chenette asked County Manager Zinser if the Commissioners had a  
45 tour of new courthouse scheduled. County Manager Zinser replied that he had not  
46 thought of scheduling a tour of the new courthouse but if the Board wants, he can  
47 do so. He added that it is not a building that the County owns. Commissioner

48 Chenette replied that we interface with them enough to warrant a tour. The County  
49 Manager stated that he will set something up.  
50  
51

52 **5 NEW BUSINESS**

53 a. H.R. Director Linda Corliss to seek approval of the following new  
54 hires/transfers:

55 i. James Howard in the position of reserve Public Safety Instructor 1 in the  
56 EMA/Fire Administration with a date of hire of April 17, 2023  
57 H.R. Director Corliss presented the hiring request to the Board.  
58 Commissioner Clark motioned to approve the hiring of James Howard in  
59 the position of reserve Public Safety Instructor 1 in EMA/Fire  
60 Administration with a date of hire of April 17, 2023. Commissioner  
61 Andrews seconded the motion. Vote 5-0.  
62

63 b. To continue and finalize 'FY24 budget review-

64 i. Megan Gean Gendron to present Layman Way Recovery Center budget-  
65 County Manager Zinser clarified that Ms. Gean Gendron will not be here  
66 but Dr. Gay, and Billy Winslow from the Layman Way Recovery Center  
67 are here to present the budget. The County Manager added that this  
68 budget is not projecting massive changes but that there is an increase in  
69 the contract. There has not been an increase in the contract for the past  
70 budget cycles.

71 Dr. Gay presented the Layman Way Recovery Center FY'24 budget.  
72 She informed all that there have been 259 referrals from the York County  
73 Jail and 382 from other parts of the county. She explained that the  
74 Center was opened up to more than York County Jail residents during the  
75 pandemic and received a lot of referrals from the community.

76 Dr. Gay continued that they have had a total of 120 graduates with 93  
77 being referrals from the jail. Two graduates were recently hired that  
78 were in the program two years ago.

79 In 2023, as of last week, there have been 46 referrals with 20 of those  
80 not following through. Last week there were seven persons waiting for  
81 paperwork from the D.A. Currently there are thirteen residents.

82 Dr. explained that their numbers for women residents are lower than  
83 usual as there aren't any women in our jail right now. Some women  
84 have been transferred back here. She added that they also have an  
85 extensive outpatient MAT program with 20 – 25 in the group.

86 Layman Way Counselor Billy Winslow addressed the Board and  
87 informed all that they offer many different programs including  
88 educational programs through RSU 57, career development programs  
89 sponsored by the State as well as education for substance abuse.  
90

91 ii. To vote and transmit proposed 'FY 2024 budget to Budget Committee,  
92 if applicable.

93 Commissioner Clark motioned to approve the FY 2024 budget as  
94 submitted to the budget committee. Commissioner Andrews seconded  
95 the motion.  
96  
97

DISCUSSION-

98 Commissioner Chenette commented that in regard to the request for two  
99 new Finance positions, he had mentioned at the previous meeting the roll  
100 of county treasurer and how that roll could help with the Finance  
101 Department. Commissioner Chenette asked if there had been any  
102 discussions with him?  
103 County Manager Zinser replied that he and Deputy County Manager  
104 Corliss had a conversation with him and he does not want to make a  
105 proposal to the Board with any changes at this point.  
106 Commissioner Chenette then stated that he is unclear how we are able to  
107 vote on the administrative section of the budget as there have been  
108 conversations in execution session with various roles. What if there are  
109 changes to be made to the budget prior to it being sent off to the Budget  
110 Committee and there are changes in budget, he asked.  
111 Commissioner Dutremble replied that there are always ways to adjust the  
112 budget.  
113 Commissioner Chenette asked if there was a reason why we wouldn't  
114 want to address this prior?  
115 Commissioner Dutremble replied that the Budget Committee needs the  
116 budget by May 1<sup>st</sup>.  
117 Commissioner Chenette responded that makes him uncomfortable. We  
118 should have scheduled an executive session at the last meeting or this  
119 meeting. He continued that he is grappling with sending an incomplete  
120 document to the Budget Committee.  
121 County Manager Zinser asked if this is in regard to him?  
122 Commissioner Chenette replied, correct. County Manager Zinser  
123 suggested that he and the Commissioners could recess and go into  
124 executive session to provide solidification to the budget.  
125 Commissioner Ring asked if it is correct that they are approving all of  
126 the new requests and that there are no changes to this budget? This  
127 budget includes a 4% pay increase for all non-union employees and the  
128 Sheriff doesn't have to provide us with inventory of vehicles with  
129 mileage? Commissioner Ring stated that she doesn't think it is right that  
130 as a Board we create positions and give raises in the middle of the year.  
131 She continued that she sees pay increases as much of 14% in this budget  
132 but that the Budget Committee is led to believe they (employees) are  
133 only making a certain amount. She stated that she sees no reason why a  
134 pay increase should be given when it is not in the budget.  
135 Commissioner Chenette commented that in reference to the two new  
136 Finance positions he will support this but his expectation is we are  
137 addressing the issues in the audit. He continued that in the next cycle  
138 theoretically we are addressing the vast majority of those concerns and a  
139 very specific plan for procedures, systems and controls in place for  
140 accounting purposes. Commissioner Chenette continued that he doesn't  
141 want to throw two new positions at it and then the audit report is still  
142 saying we aren't meeting the basic level of standards. It's not about  
143 approving these two new positions but what's the game plan.  
144 County Manager Zinser stated that to be clear, you will not see any  
145 resolve because of the October hire date of the new Finance positions.  
146 The current budget cycle is over in two months and this budget cycle will  
147 begin July 1, 2023 so the two new employees won't be hired yet.

148 Commissioner Chenette replied that he would hope that between now  
149 and October there will be a game plan. County Manager Zinser  
150 responded that he understood.  
151 Commissioner Chenette reminded all that Commissioner Clark informed  
152 all that he is looking at energy audit in order to save money on our  
153 various energy needs. He asked County Manager Zinser to explain why  
154 those funds are not included in the budget.  
155 County Manager Zinser explained that it is an Energy Efficiency Block  
156 Grant that is over \$80,000.00 We will be reviewing the programmatic  
157 requirements for that and an allowable use is an energy audit.  
158 Commissioner Chenette asked when the deadline is? The County  
159 Manager believes it is April 30<sup>th</sup>.  
160 Commissioner Ring asked how the Finance Generalist's hourly rate of  
161 pay at \$25 per hour was arrived at?  
162 H.R. Director Linda Corliss stated that she conducted a salary survey in  
163 the private sector and MMA puts out a salary study. She added that in  
164 today's market, if we are too low (with wage) we won't get anyone.  
165 Commissioner Ring replied that this amount is a lot higher than clerical  
166 positions in the county for basically a data processing position. There  
167 are a lot of positions in the county that don't make that.  
168 Commissioner Dutremble commented these positions have to follow  
169 rules and regulations. They are not data processing positions.  
170 Commissioner Dutremble also stated that he has been involved with the  
171 audits for a long time and every audit has a note with improvements.  
172 Next year, they will probably put a footnote that we are addressing it.

173  
174 c. To review and approve Pet Partners Proclamation  
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176 The County Manager explained that the pet therapy industry has declared April  
177 30<sup>th</sup> as National Pet Therapy Day. He continued that both Layman Way  
178 Recovery Center and the jail use pet therapy.  
179

180 Commissioner Dutremble read the proclamation (attached as record to these  
181 minutes). Commissioner Chenette motioned to approve the Proclamation.  
182 Commissioner Ring seconded the motion. Vote 5-0.  
183

184 Commissioner Clark commented that he shared his life with animals and they  
185 are wonderful things and pet therapy is a wonderful thing but that he is  
186 concerned that the next Proclamation might not be one we want. By approving  
187 this one, we have opened the door for a lot of discussion that may not be for  
188 what we want.

189 Commissioner Chenette questioned the process.

190 County Manager Zinser replied we do not have a particular policy. We've done  
191 this a couple of other times but Commissioner Clark does raise a good point.  
192 Commissioner Clark commented that he assumes we all get e-mails addressing  
193 particular things. He continued that he doesn't want us to go down the road  
194 where we become a debating society. Commissioner Clark stated that he thinks  
195 it's a slippery slope.  
196

197 Commissioner Chenette agreed with Commissioner Clark and added that at least  
198 we should have a conversation around whether there should be a policy. This

199 could elevate our position as a county, though, Commissioner Chenette stated.  
200 We could have a conversation about non-political things.  
201 County Manager Zinser replied that he is happy to see what other  
202 cities/towns/counties do.  
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205 **6 OLD BUSINESS**

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208 **7 TO CONDUCT AN EXECUTIVE SESSION ON PERSONNEL**  
209 **ISSUES PURSUANT TO 1 M.R.S.A. §405 (6) (A), ACQUISITION OF**  
210 **REAL PROPERTY OR ECONOMIC DEVELOPMENT PURSUANT**  
211 **TO 1 M.R.S.A. § 405 (6) (C), LABOR NEGOTIATIONS PURSUANT**  
212 **TO 1 M.R.S.A. § 405 (6) (D) AND CONSULTATION WITH LEGAL**  
213 **COUNSEL PURSUANT TO 1 M.R.S.A. § 405 (6) (E), REVIEW OF**  
214 **CONFIDENTIAL RECORDS PURSUANT TO 1 M.R.S.A. § 405 (6) (F)**

215 Commissioner Chenette motioned to enter into executive session pursuant to 1  
216 M.R.S.A. §405 (6) (A) personnel matters. Commissioner Ring seconded the  
217 motion. Vote 5-0.

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

220 Commissioner Clark informed all of action taken. As a result of discussions and  
221 review and projects that the County Manager is now managing, he motioned to  
222 increase his salary by \$4,000 for the fiscal year and add that amount to the FY 2024  
223 budget. Commissioner Andrews seconded the motion. Vote 4-1 (Commissioner  
224 Ring opposed).

225 Commissioner Clark motioned to approve the budget in the amount of  
226 \$23,310,504.00 and to amend his earlier motion to transmit the budget to the  
227 budget committee.

228 Vote 4-1(Commissioner Ring opposed).  
229

230 **8 PUBLIC COMMENT(S) ON ANY ITEM(S)**

231 None  
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233 **9 ADJOURN**

234 Commissioner Clark motioned to adjourn. Commissioner Andrews seconded the  
235 motion. Vote 5-0. Meeting adjourned at 6:17 p.m.

Bonita J. Usher  
10 Bonita Way  
Buxton, Maine 04093

Dear Mrs. Usher:

The appeal of the denial of Bonita J. Usher's abatement was heard by the Commissioners on March 15, 2023 and April 5, 2023. The Commissioners heard the testimony of Tony Buxton, attorney for Mrs. Usher, and Bob Gingrass, the assessor for the Town of Buxton, on March 15, 2023. Mrs. Usher and Mr. Buxton also addressed the Commissioners on April 5, 2023.

After considering all the evidence, the Commissioners made the following findings of fact and conclusions.

1. Mrs. Usher owns residential real estate at 10 Bonita Way, Buxton, Maine.
2. The assessor for the Town of Buxton testified that 10 Bonita Way was assessed at \$619,300.
3. The property includes a separate dwelling unit to the left of the garage, which includes a bathroom, kitchen, bedroom, and small living room.
4. Mrs. Usher questioned the fairness of the assessment based on an appraisal performed by Helen Cote, a certified residential appraiser, valuing the fair market value of the property at \$525,000 as of October 4, 2022.
5. Ms. Cote has 17 years of experience as a real estate appraiser.
6. Ms. Cote's proposed comparable properties are all near each other and all in Buxton.
7. One of the comparable properties offered by the assessor is a house in Scarborough.
8. Ms. Cote's appraisal allowed \$16,000 for the apartment.
9. The assessor provided another comparable home in Buxton before the April 5, 2023 meeting.

10. The additional comparable home, however, is assessed at \$206.15 per square foot whereas 10 Bonita Way is assessed at \$247 per square foot. The additional comparable also has a pool and more land.
11. This additional comparable property supports Mrs. Usher's position that 10 Bonita Way is over-assessed.
12. The law requires that the Commissioners begin their review with the presumption that the assessor's valuation is valid. Mrs. Usher has the burden of overcoming the presumption of validity. To meet her burden of proof, Mrs. Usher must present credible, affirmative evidence to persuade the Commissioners that the assessor's valuation was "manifestly wrong."
13. The Commissioners concluded that Mrs. Usher has carried her burden of proof.
14. Although it is to be expected that a property's fair market value as determined by a real estate appraisal may differ from a Town's assessed value to some degree, a discrepancy of \$94,300 is so large to suggest that the Town's assessed value is manifestly wrong.
15. The Commissioners find it is very unlikely that the real estate appraiser undervalued the property by \$94,300, particularly when considering her 17 years of experience.
16. Based on the evidence presented, the Commissioners concluded that 10 Bonita Way, Buxton, Maine is over assessed by \$47,000.
17. The Commissioners present voted 4-1 to partially grant the abatement as described above.

Sincerely,

Gregory T. Zinser

c: Bob Gingrass, Assessor