

1 **COMMISSIONERS MEETING**

2 **October 4, 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, October 4, 2023, A. D. at 5:00 P. M.

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12 **COMMISSIONERS PRESENT:**

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

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

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

25
26 **10-04-2023 ITEM**

27
28 **1 PUBLIC COMMENT(S) ON ANY ITEM(S)**
29 None

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31 **2 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:**
32 a. Commissioners' meeting of September 20, 2023
33 Commissioner Clark motioned to approve the minutes. Commissioner
34 Andrews seconded the motion. Vote 4-0.

35
36 **3 TO APPROVE TREASURER'S WARRANTS**
37 a. Warrants to be approved on September 20, 2023 in the amount of \$521,134.85
38 Commissioner Clark motioned to approve the warrant. Commissioner
39 Andrews seconded the motion. Vote 4-0.
40 b. Warrants to be approved on September 27, 2023 in the amount of \$535,509.89
41 Commissioner Clark motioned to approve the warrant. Commissioner Andrews
42 seconded the motion. Vote 4-0.

43
44 **4 TO HEAR ANY REPORTS FROM THE COUNTY**
45 **COMMISSIONERS**

46 Commissioner Ring commented that the Commissioners neglected to mention how
47 impressive the EMA presentation on their drones was at the MCCA convention.

48 Commissioner Dutremble concurred and added that many Commissioners from
49 other counties commented that they were amazed by the presentation.
50

51 **5 TO HEAR MCLEAN TAX ABATEMENT DENIAL APPEAL**

52 County Manager Zinser swore Stephen McLean in.
53

54 Mr. McLean distributed a photo to the Commissioners that showed the lots in the
55 business park that he owns two lots in. Mr. McLean explained that his two lots are
56 the only ones that are not developed. He added that all the gravel from the other
57 eight lots was dumped onto these lots. Mr. McLean estimated that it would cost
58 \$30,000 to \$40,000 to remove all the stuff that was dumped on his two lots.

59 Mr. McLean informed the Board that other lots in this business park were sold for
60 between \$5,000 and \$6,000. These lots have no water or sewer and, he continued it
61 was a dirt road at the time he presented abatement to the town.

62 He informed all that he is stumped at how his lot was valued at \$36,000. One
63 selectman recused himself and talked the other selectmen out of reducing his land
64 value, he explained.
65

66 Commissioner Clark questioned what other lots were sold at. Mr. McLean replied
67 that they were advertised to sell and that is what we got for bids (\$5,00 and
68 \$6,000). These lots have lots of restrictions on them. The first lot was sold for
69 \$90,000 but then he was given an in-kind discount of \$30,000 so it was really
70 \$60,000. The town traded lot #1 in the corner for the lot behind the town hall that
71 was worth \$9,000 as we needed the parking for the town hall.
72

73 Commissioner Dutremble asked Mr. McLean what he was looking for? Mr.
74 McLean responded that he believed each lot to be valued in the \$20,000 range.
75

76 Town Assessor Mike O'Donnell was sworn in by the County Manager Zinser. He
77 informed all that the Business Park has a long messy history. These lots were in
78 town hands for many years. Recently, Mr. McLean, out of frustration (he has been
79 part of the committee) got a referendum going to force the Selectmen to sell the
80 lots. The sale price is not representative of what these lots would have sold for if
81 they had been sold by a realtor, explained Mr. O'Donnell. Because that happened,
82 now instead of having over half dozen lots, the whole business park is in private
83 hands. Mr. O'Donnell continued that Mr. McLean's appeal is really from 2022. In
84 my opinion, stated Mr. O'Donnell, he owns two of the better lot that are located on
85 the main straight part of the road. When it came time for the selectmen to set the
86 values, the selectmen decided they had to factor the values so they factored up to
87 \$36,000 just like all other property in town. When the abatements came forward,
88 explained Mr. O'Donnell, there was a conflict of interest as one of the selectman
89 owns a lot. If one were to put these lots out on the open market, they would sell for
90 a lot more than they did. The selectperson did recluse himself and did sway the
91 Board. Mr. O'Donnell further stated that his main point is we do not know what
92 the true value is. Right now, \$36,000 doesn't buy you much. The selectmen
93 decided it was best to leave them all the same.

94 Mr. O'Donnell informed all that he recommended the Limerick Select board leave
95 the two lots at \$36,000 or reset the value one at a time and that he would have
96 reduced MR. McLean's the least as he has the best lots. The selectmen decided to
97 leave them all at the same value that is reasonable to all other property in town.

98 He continued that the developed properties are worth more- \$100,000 to \$101,000
99 and \$83,000. He thinks \$20,000 is too low in the context to other lots.

100
101 Commissioner Clark stated to Mr. O'Donnell that he thought his letter said he
102 could agree to \$18,000? Mr. O'Donnell responded that was auction values. He
103 continued that after he went to look at the two lots he changed his mind. That was
104 a point in time, he explained and added that he did not recommend \$18,000 to the
105 selectmen.

106
107 Commissioner Ring asked Assessor O'Donnell if all the lots are zoned business
108 lots? Mr. O'Donnell said, yes, and that there is a long list of constraints in the
109 business park. Commissioner Ring then asked Mr. O'Donnell what the value of a
110 standard house lot in Limerick was? Mr. O'Donnell replied \$25,000 to \$55,000
111 but that with site improvements (well, septic, etc.) they would go up.

112
113 Commissioner Clark asked where did the pollution come from? Mr. O'Donnell
114 replied that he do not know but that Mr. McLean will know.

115
116 Mr. McLean addressed the Board and stated that he had talked to the DEP today at
117 length. He continued that drinking water is contaminated in the area and that they
118 are conducting testing now. He also informed all that the State had a salt shed
119 across the street from the Business Park. Town dump is also across the street from
120 the Business Park. One needs to have their own water and sewer in this business
121 park. Mr. McLean added that it is hard to sell these lots with all of these
122 circumstances.

123
124 Commissioner Ring stated that she would have liked to have seen a valuation made
125 by a realtor as that would have been helpful. Contamination speaks volumes as far
126 as value of property, she commented.

127
128 Commissioner Andrews stated that the Commissioners' position is not to access
129 any value just to deny or appeal.

130
131 County Manager Ziner responded that the Commissioners do have to establish a
132 value. He asked Mr. O'Donnell if all of the undeveloped lots are assessed at the
133 same dollar value. Mike O'Donnell replied, yes.

134 County Manager Zinser asked if Mr. O'Donnell could answer the Commissioners
135 if at the meeting an amount was given to the Board and something turned down?

136
137 Mr. O'Donnell replied that he went and looked at the lots and wrote the (Limerick)
138 Selectboard a note that stated he didn't agree setting them all at \$18,000.

139
140 When Steve went in front of the Board, he went with his original abatement. He
141 argued that the two lots should be abated. My last conversation (with the Limerick
142 Select board) was set them all the same and recommended not lowering his lots.

143
144 Commissioner Ring asked Mr. O'Donnell when the town assessed the value did
145 they know of the contamination?

146
147
148 Mr. O'Donnell replied that there is a very long history with this business park

149 including contamination, road put all the way through, etc. The constraints of what
150 you can do there is all taken into consideration, explained Mr. O'Donnell. \$36,000
151 is not a lot for a business lot. That is because of the status of the lots. Road and
152 plowing and land work will be mitigated. Water will never be on the property.
153 These factors do impact who and what type of business can be there, explained Mr.
154 O'Donnell.
155

156 Mr. McLean addressed the Board of Commissioners and further explained that
157 there is a difference between developed vs. undeveloped lots. All of the other lots
158 were prepared and are shovel ready. Mine are not.
159

160 Commissioner Dutremble asked wouldn't the town be responsible to clear your
161 lots?

162 Mr. McLean responded that is why he doesn't think those two lots in their present
163 state are worth what the town is saying.
164

165 Commissioner Ring stated that from her perspective, listening to both sides, the
166 two lots that are being discussed are not ready to be built upon. The restrictions
167 mentioned do reduce the value. Under the circumstances and from what she has
168 heard this evening, she can understand why Mr. McLean would want an abatement.
169 She continued that she was not sure what the real value is but that she wouldn't
170 think it would be comparable to other lots.

171 Commissioner Dutremble responded that the Commissioners need a number.
172

173 Commissioner Ring suggested \$28,000 (split the difference between the two given
174 values).
175

176 Commissioner Ring motioned to grant an abatement and separate that from the
177 value. Commissioner Andrews seconded the motion.

178 DISCUSSION: Commissioner Clark asked, where does this get us?

179 Commissioner Dutremble explained that now the Commissioners will determine
180 the amount.

181 Discussion ensued between Commissioners as to value.
182

183 Commissioner Ring modified her previously made motion that \$28,000 is a fair
184 value. Vote 3-1 with Commissioner Dutremble opposed.
185

186 County Manager Zinser explained that we will draft a Findings of Fact that will
187 come back to the Commissioners on October 18th and that they will be sent to Mr.
188 McLean and the town.
189

190 Mr. O'Donnell asked if the motion was to value each lot at \$28,000. County
191 Manager Zinser replied, yes.
192
193

194 **6 NEW BUSINESS**

195 a. Introduce Deputy Manager/H.R. Director Corliss to seek approval for the
196 hiring/transfer of the following individuals:

197 H.R. Director Corliss requested that she be allowed to present three other
198 candidates for new hires as their packets are complete. The Commissioners

199 were fine with this request.
 200 i. Carlyann Wheelahan in the position of full-time Corrections Officer in the
 201 Sheriff's Office with a date of hire of September 8, 2023 (doh should be
 202 October 9, 2023)
 203 Commissioner Clark motioned to approve the hiring of Carlyann Wheelahan in
 204 the position of full-time Corrections Officer with a hire date of October 9,
 205 2023. Commissioner Andrews seconded the motion. Vote 4-0.
 206 ii. Emma Kehoe in the position of full-time Corrections Officer in the Sheriff's
 207 Office with a date of hire of October 9, 2023.
 208 Commissioner Ring motioned to approve the hiring of Emma Kehoe in the
 209 position of full-time Corrections Officer in the Sheriff's Office with a date of
 210 hire of October 9, 2023. Commissioner Andrews seconded the motion. Vote
 211 4-0.
 212 iii. Joshua Rand in the position of full-time Corrections Officer in the Sheriff's
 213 Office with a start date of October 16, 2023.
 214 Commissioner Ring motioned to approve the hiring of Joshua Rand in the
 215 position of full-time Corrections Officer in the Sheriff's Office with a date of
 216 hire of October 16, 2023. Commissioner Andrews seconded the motion. Vote
 217 4-0.
 218 iv. Kayleigh Hamilton in the position of full-time Corrections Officer in the
 219 Sheriff's Office with a date of hire of October 16, 2023.
 220 Commissioner Ring motioned to approve the hiring of Kayleigh Hamilton in
 221 the position of full-time Corrections Officer in the Sheriff's Office with a date
 222 of hire of October 16, 2023. Commissioner Andrews seconded the motion.
 223 Vote 4-0.
 224
 225 H:R. Director Linda Corliss informed the Board that these new hires will attend
 226 the January 2024 academy.
 227
 228 b. General update on policy of deputies living outside of York County as
 229 previously discussed at the August 2nd Commissioners meeting-
 230 County Manager Zinser explained that he had a discussion with the Sheriff and
 231 that Sheriff King would like to leave the policy the way it is now. The
 232 Commissioners are fine with the Sheriff's decision.
 233
 234 c. Update on Spirit of America Awards Ceremony scheduled for November 15th at
 235 3:30 p.m. in the EMA Training room.
 236 County Manager Zinser reminded the Commissioners that this was discussed at
 237 a prior meeting and the Commissioners were fine with us choosing a date and
 238 time.
 239
 240

241 **7 OLD BUSINESS**
 242 None
 243

244 **8 TO CONDUCT AN EXECUTIVE SESSION ON PERSONNEL**
 245 **ISSUES PURSUANT TO 1 M.R.S.A. § 405 (6) (A), ACQUISITION OF**
 246 **REAL PROPERTY OR ECONOMIC DEVELOPMENT PURSUANT**
 247 **TO 1 M.R.S.A. § 405 (6) (C), LABOR NEGOTIATIONS PURSUANT**
 248 **TO 1 M.R.S.A. § 405 (6) (D) AND CONSULTATION WITH LEGAL**

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**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

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

10 ADJOURN

Commissioner Clark motioned to adjourn. Commissioner Andrews seconded the motion. Meeting adjourned at 5:50 p.m.

DRAFT

YORK COUNTY PROCLAMATION

WHEREAS, the County of York acknowledges its First Responders as essential to the safety and well-being of the citizens of the County; and

WHEREAS, First Responders face immeasurable risks and potential dangers in the duties of their profession for the betterment of the County; and

WHEREAS, the nation honors First Responders as those who make it their business to take immediate action when disaster strikes and are first on scene in emergency situations.

NOW THEREFORE, we the York County Commissioners, do hereby proclaim October 28, 2023, as First Responders' Day. We encourage residents and employees to honor and thank our First Responders for their service to the people of York County.

PROCLAIMED AND APPROVED THIS 18TH DAY OF OCTOBER 2023.

Commissioner Richard Dutremble, Chairperson

Commissioner Justin Chenette, Vice-Chairperson

Commissioner Richard Clark

Commissioner Donna Ring

Commissioner Robert Andrews



Robert L. Andrews
District 1

Richard R. Dutremble
Chairperson
District 2

Justin Chenette
Vice-Chairperson
District 3

Donna L. Ring
District 4

Richard Clark
District 5

COUNTY COMMISSIONERS
COUNTY OF YORK

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Gregory T. Zinser
County Manager

Kathryn A. Dumont
Assistant to the Manager

Lorene B. Lemieux
Finance Director

Linda M. Corliss
Deputy County Manager
Human Resource Director

October 18, 2023

Mr. Stephen McLean

RE: Map 38 – Lot 132-005 and 007
Town of Limerick

Dear Mr. McLean:

The purpose of this letter is to set forth the findings of fact in respect to your appeal of the tax abatement denial made by the Town of Limerick. The Commissioners have made the following findings:

1. Mr. McLean owns two lots in the Limerick Business Park in Limerick, Maine (Map 38, Lots 132-005 and 007).
2. Mr. McLean filed an abatement request with the Town of Limerick on grounds that the valuation of his lots was too high, \$36,650 Lot 005, and \$35,475 Lot 007, for the 2022 property tax year.
3. Mr. McLean's support for his abatement included evidence of what he characterized as comparable values from a referendum-backed auction sale of other Lots within the business park, correspondence with the Town's tax assessor agent, and claims of contaminated water on or near the Business Park.
4. Mr. McLean claimed further that his Lots contained fill and other debris from the other developed Lots in the Business Park, and that access to the Lot was limited in winter months.

5. The Town denied the abatement finding on the following basis: “The abatement application did not provide evidence of the true fair market value of the property so there was no basis upon which to value overvaluation.”
6. The Commissioners heard Mr. McLean’s appeal on October 4, 2023, where Mr. McLean testified, as did the Town’s assessing agent, Mike O’Donnell.
7. The information submitted by Mr. McLean in support of the appeal was reviewed by the Commissioners.
8. At the hearing before the Commissioners, O’Donnell testified that McLean’s lots have the most potential of the undeveloped lots in the Business Park, and that he communicated with the Selectmen on or before the date they decided the abatement indicating he would reduce the value of the Lots individually, but that instead that he told the Selectmen to keep all Lots at the same value for this tax year.
9. O’Donnell testified that during the Town’s consideration of abatement applications, one Selectman recused himself, but O’Donnell testified that notwithstanding the recusal, the same Selectman proceed to sway the Board to reject the abatement.
10. O’Donnell testified that \$18,000 could be an auction value of McLean’s Lots but that he did not recommend that value to the Selectmen, and he added that \$20,000 would be too low for an assessment value.
11. O’Donnell further stated that the developed properties are worth more than the undeveloped lots like Mr. McLean’s lots.
12. Mr. McLean provided limited evidence to the Commissioners of the fair market value of the Lots, exclusive of his claims in the original abatement request, except to say that his Lots would require removal of substantial amounts of gravel to be developed and that there were other constraints and issues that diminished the value of his lots.
13. Evidence was also presented that each of the lots required their own water and sewer, that drinking water in the area may be contaminated, and there was some level of pollution in the area, all of which adversely impacted the value of the lots.
14. O’Donnell testified that because water connections will never be provided to the lots and given the long history of issues with the location, contaminants, and the other constraints associated with the area, that the lots will only be attractive to certain businesses.

15. Though the applicant carries the burden to establish over-assessment, and fair market value, the Commissioners found that given the testimony of the Town's tax assessor agent (Mr. O'Donnell), and the testimony of Mr. McLean, and after considering the factors that negatively impact the fair market value of Mr. McLean's lots, Mr. McLean did meet his burden to establish overassessment.

16. The Commissioners find that based based upon the testimony and evidence provided, that a valuation of \$36,000 for each lot was an overvaluation, and that in this appeal the median amount between the Towns assessment and the applicant's recommendation is appropriate under the circumstances.

17. The Commissioners voted 3-1 to grant an abatement for Mr. McLean for tax year 2022 to reflect a valuation of \$28,000 for each Lot.

Commissioners

Dated: _____, 2023

Richard R. Dutremble, Chair

Dated: _____, 2023

Justin Chenette, Vice-Chair

Dated: _____, 2023

Robert Andrews

Dated: _____, 2023

Donna Ring

Dated: _____, 2023

Richard Clark