

September 9, 2021

**Minutes of the Washington County Commissioners'
Regular Meeting
held September 9, 2021
in the Probate Courtroom
Machias, Maine**

Attending the meeting were:

**Commissioner Christopher Gardner
Commissioner John B. Crowley, Sr.
Commissioner Vinton E. Cassidy
Betsy Fitzgerald, County Manager
Carla Manchester, Administration
Jill C. Holmes, Treasurer
Lewis Pinkham, Milbridge
Nancy Oden, Jonesboro
Carlene Holmes, probate
Susan Hatton, Sunrise County Economic Council
Paula Johnson-Rolfe, Sheriff's Office
Rich Rolfe, Sheriff's Office
Tammy Gay, Registry of Deeds
Dean Preston, Unorganized Territories
Barry Curtis, Sheriff
Mike Crabtree, Sheriff's Office
Lisa M. Hanscom, Emergency Management Agency
Nancy Harrison, Lubec
E. Harrison, Lubec**

Executive Department business was called to order at 4:42 p.m.

Approval of the minutes for the Regular Commissioners' meeting held on August 12, 2021. (Crowley / Cassidy, 2-0-1)

AGENDA ITEM: Monthly and Quarterly Reports

The Commissioners were provided a written report from Emergency Management Agency. The report was accepted under the gavel. (See attached)

Treasure Jill Holmes recommended the Commissioners approve \$29,000.00 to be used from contingency for the replacement of the control panel in the jail. Commissioner Gardner asked for the amount of funds available. Treasurer Jill Holmes stated the contingency fund has \$133,000.00 so there is plenty for the amount requested. Commissioner

September 9, 2021

75

Gardner inquired about the TAN. Treasurer Jill Holmes stated taxes have been coming in and the TAN will be repaid soon. Commissioner Gardner asked if there was any funding available to the Jail; such as, from Capital Projects. Captain Rolfe replied there was no funding available at this time and the electronics are in need of replacement now. Commissioner Gardner asked if there was a maintenance agreement for the control panel. Captain Rolfe stated the original contract was with Simplex and the contract has now been taken over by M.T.S. It does not cover this project. Commissioner Gardner confirmed there were no bidding issues.

***MOTION* Commissioner Crowley moved to approve the use of contingency funds in the amount of \$29,000.00 to replace the control panel in the jail as presented. (Crowley / Cassidy, 3-0)**

AGENDA ITEM: Payroll Change Notices

By consensus and without prejudice, the Commissioners accepted the resignation of Brandon Allard as full-time Corrections Officer effective 05/09/21.

County Manager Betsy Fitzgerald recommended a pay increase for David Lund. Betsy stated the Buildings and Grounds Department has been short-handed, and Betsy would like to compensate David for the extra duties he has carried. Commissioner Gardner asked if this request was for a permanent increase or temporary. Betsy stated the increase would be just through the end of the year. Betsy noted this would not impact the budget. By consensus, the Commissioners agreed to the increase. Commissioner Gardner stated such an increase is the County Manager's purview.

By consensus, the Commissioners approved a grade step increase for Jennifer Weaver as f/t Office Assistant effective 08/14/21.

***MOTION* Commissioner Cassidy moved to approve the hire of Kimberly LeBlanc as part-time Corrections Officer effective 08/29/21. (Cassidy / Crowley, 3-0)**

76

September 9, 2021

By consensus and without prejudice, the Commissioners accepted the resignation of Denise Sullivan as full-time Assistant Jail Cook effective 09/02/21.

MOTION Commissioner Crowley moved to approve the hire Paige Sprague as full-time Corrections Officer effective 09/07/21.
(Crowley / Cassidy, 3-0)

MOTION Commissioner Crowley moved to approve the hire Joseph Costa as full-time Corrections Officer effective 09/07/21.
(Crowley / Cassidy, 3-0)

By consensus and without prejudice, the Commissioners accepted the resignation of Thomas Johnson as full-time Corrections Officer effective 09/09/21.

Probate Registrar Carlene Holmes stated her department is short-staffed. The position for a part-time clerk is vacant. Ms. Holmes inquired about the contingency funds covering a 40-hour week position for her office for the remainder of this year. Ms. Holmes stated she has addressed the need for a full-time clerk position in the proposed FY 2022 budget but she needs help now. Commissioner Gardner stated the Board of Commissioners would need to know the financial impact. Commissioner Gardner noted there is no guarantee until the Commissioners see the numbers, but they will look at the numbers and consider the request.

AGENDA ITEM: Signatures on six-month certificates

None presented.

AGENDA ITEM: County Policy Benefit Change

County Manager Betsy Fitzgerald presented a county policy benefit change to the Commissioners. Betsy recommended the adoption of Domestic Partner Coverage for employees eligible to participate in the employer health benefits. Betsy stated adopting this policy will bring the county into compliance with the domestic partner health coverage law. Passage of Domestic Partner coverage will allow enrollment in the medical, dental and vision coverage with the Maine Municipal Employees Health Trust.

September 9, 2021

77

MOTION **Commissioner Crowley moved to authorize allowing Domestic Partner Coverage for Health Trust Benefits for all eligible employees. (Crowley / Cassidy, 3-0)**

The Domestic Partner Coverage policy was signed as presented.

AGENDA ITEM: MainePERS Provision Change

During the recent legislative session, a new ruling created exceptions to the one-time election for MainePERS eligible employees. Provisions of 5 M.R.S. § 18252-C (PL 2021, Chapter 286) as allowed by Maine PERS Rule Chapter 803 applies to Washington County employees. County Manager Betsy Fitzgerald recommended adoption of the provision of this new ruling. The provision will allow for non-participating employees who previously declined to participate in MainePERS an opportunity to join during an open enrollment period.

MOTION **Commissioner Crowley moved to adopt the MainePERS Provision change as presented. (Crowley / Cassidy, 2-0)**

The article for this provision was signed by the Board of Commissioners.

AGENDA ITEM: Signatures on Tax Abatement Decision for Chambers Point Owners Association vs Town of Roque Bluffs

The petition for an abatement request by Chambers Point Owners Association was deemed no decision. County Manager Betsy Fitzgerald stated an abatement had already been granted to the taxpayer by the town.

**AGENDA ITEM: Schedule Tax Abatement Hearings for:
 Bibber vs Town of Charlotte
 Jones vs Town of Charlotte**

Both tax abatement hearings for David Bibber and William and Brenda Jones will be heard prior to the October Commissioners' Meeting. Bibber vs Town of Charlotte has been scheduled for Thursday, October 7th at 2 p.m. Jones vs Town of Charlotte has been scheduled for Thursday, October 7th at 3 p.m.

September 9, 2021

78

AGENDA ITEM: Discussion of Union Contract for Fraternal Order of Police

County Manager Betsy Fitzgerald presented the Fraternal Order of Police union contract for the Commissioners' approval. The contract has already been approved by the FOP union members. County Manager Betsy Fitzgerald highlighted the changes that were negotiated by the union.

- Page 4 - By law, union members are no longer required to pay fair share fees. That clause has been removed.
- Page 6 - Full-time or part-time regular employees will be paid military leave for a period not to exceed 15 working days per year.
- Page 8 - Employees may accumulate up to a maximum of 120 sick days but will only be reimbursed no more than 60 days upon separation of service.
- Page 12 - a clause regarding sick time donation has been added; donation of sick time to another employee may be made without limitation so long as the employee donating the time is cognizant that his/her own potential future needs may be limited by the donation and the donation does not result in carryover for the receiving employee.
- Page 12 - Maine's Earned Paid Leave Law was added under the advisement of the County Attorney. Commissioner Gardner asked how this would apply to full-time union employees. Chief Deputy Mike Crabtree interjected that this law does not apply to full-time employees, nor does it apply to union members. Betsy reiterated the County Attorney recommended it be added to the union contracts. Commissioner Crowley stated it does not need to be in the union contract. Commissioner Gardner stated, with all due respect to the County Attorney, Earned Paid Leave policy is needed in the county policy but is not needed in the union contract.

***MOTION* Commissioner Crowley moved to strike the addition of Earned Paid Leave from the F.O.P union contract.
(Crowley / Cassidy, 3-0)**

- Page 14 - The clothing allowance increased and the type of bullet resistant vest requirement has changed to cover minimum threat

September 9, 2021

level of NIJ IIIA.

- Page 18 - The union has added donation of vacation time from one employee to another without limitation.

79

- Page 18 - The Health Insurance Cash-In-Lieu of Coverage benefit has increased from \$77.88 per week to \$100.00 per week.
- Page 22 - All issued protective vests will now need to meet the National Institute of Justice (NIJ) level IIIA protection level rating. Commissioner Gardner inquired as to what happens to the individually fitted vests when an employee leaves the county. Chief Deputy Crabtree responded that the employee takes the vest with them. Vest are not usable anyway if they are expired or unsafe.
- Page 26 - The section pertaining to the release or dissemination of personnel files was replaced with an updated section.
- Page 30 - The wage step scale has been replaced with a 10-year step scale which includes a 5% across the board increase in years two and three of the contract. Commissioner Gardner noted he has no problem with the step increases.
- Page 31 - The differential rates have been increased as follows: Corporal, \$1.00; Sergeant, \$1.25; Lieutenant, \$1.75 and Supervisor, \$1.00.
- Page 31 - A fitness incentive has been added to the contract. The incentive pay will be based on the MJCA Physical Fitness test percentile.
- Page 32 - A hazard pay has been added to the contract. All members will receive hazard pay during a declared Maine State of emergency and declared by county officials. The state of emergency must pertain to Washington County.
- Page 34 - A section regarding the wage scale has been replaced to explain the new wage scale and how wages will be figured after 10 years of service.
- Page 35 - The employer agrees to allow all eligible employees to participate in MainePERS 3C Special Plan; this is a change from the 2C Special Plan.

***MOTION* Commissioner Crowley moved to ratify the contract between Washington County Commissioners and the Fraternal Order of Police effective January 1, 2022 and expires on December 31, 2024. (Crowley / Cassidy, 3-0)**

Commissioner Gardner noted the Commissioners will wait to sign the agreement after the Earned Paid Leave section is removed.

September 9, 2021

80

Captain Rich Rolfe stated he would like to discuss increases in part-time wages. RCC Director Josh Rolfe inquired if the p/t wages will be tied to the entry level wage for Corrections Officers and Emergency Communications Specialists. Commissioner Gardner stated he would need to abstain from voting when p/t wages are considered due to a conflict of interest. Commissioner Gardner did, however, want to comment on the topic. Commissioner Gardner stated he did not believe we should start tying part-time employees' and non-union employees to union contracts. Josh pointed out that not all departments work the same job as those in union positions. Commissioner Gardner agreed part-time rates must be addressed, but not to tie them into union rates. Commissioner Cassidy was also in favor of discussing part-time rates, but noted it should be addressed as part of the budget process. Probate Register Carlene Holmes asked if there is a wage scale for non-union employees. County Manager Betsy Fitzgerald replied there is no wage scale for non-union employees. Commissioner Gardner acknowledge the fact that there is no reason why we should not create a wage scale for non-union employees. Paula Johnson-Rolfe stated there are inconsistencies and discrepancies between classifications of employees. Commissioner Gardner noted all classifications of employees are not the same across the board. Commissioner Gardner explained that law enforcement has a trained skill set that is in demand; that is not to devalue other employees but it is a supply and demand issue. The question as to whether all employees should get the same increase was left unanswered.

AGENDA ITEM: Discussion of Union Contract for National Corrections Employees Union

County Manager Betsy Fitzgerald presented a draft of the negotiated contract for the National Correctional Employees Union. Betsy reviewed the changes and updates to the new contract that would become effective January 1, 2022. The contract is a three-year contract, expiring December 31, 2024.

- Page 5 - Fair Share fees have been removed.
- Page 9 - The sell back of sick leave has been changed to allow sick time sell back more than once during the year.
- Page 13 - Additional clothing articles have been added to the list of covered items.

September 9, 2021

- Page 14 - Boots for proper Hazmat related footwear for dealing with sewage has been added to covered items.

81

- Page 17 - Vacation request time and the covering of the shifts have been updated.
- Page 17 - Buy back of vacation hours has been changed to allow buy back quarterly.
- Page 18 - Domestic Partner benefit coverage has been added.
- Page 18 - Cash-In-Lieu of health insurance coverage has changed from \$77.88 to \$100.00 weekly payment
- Page 25 - There has been a change in the suspension process; an employee may be suspended with OR without pay for just cause.
- Page 27 - The minimum credit for call back outside of an employees' schedule has been changed from three to four hours.
- Page 27 - Sick leave coverage has been changed to allow coverage in the adjacent shift. Josh Rolfe stated this saves money and is a good thing.
- Page 28 - The language was changed to more accurately reflect work schedules for each department covered by the contract.
- Page 29 - A Mandated or Forced Overtime procedure has been added to the contract.
- Page 29 - Wage increases agreed upon have been listed for each year of the contract: 10% for year one plus an appropriate placement for years of service; 5% for year two; and 5% for year three. There has been an increase in differentials also. The increases are: Corporal or Officer in Charge, \$1.00; Sergeant, \$2.00; Lieutenant, \$3.00; and Supervisor, \$1.00. It was also noted in the wages article that longevity increases for every year following the 20-year step will be a 1.5% increase of the base wage.
- Page 30 - A section on reopening the issue of wages during the contract years was included. The union may reopen the discussion of wages only if the Consumer Price Index for the 12-month period of February 2022 to February 2023 exceeds 5%. Commissioner Gardner asked it to be clarified which CPI would be used.
- Page 30 - The article on seniority, longevity and job classification added the equivalency of Operations Supervisor to Lieutenant, Shift Supervisor will be equivalent to Sergeant and Head Cook will be equivalent to Sergeant.
- Page 31 - There was an addition to the section on seniority; For the purposes of running shifts, the highest-ranking classification shall be the supervisor of the shift regardless of voluntary or forced overtime.

September 9, 2021

82

-
- Page 32 - The IRA County match has been increased from \$3000.00 to \$3500.00. The retirement plan with MainePERS has been changed; the agreement allows employees to change participation in the retirement AC Regular Plan to the Special 4C Plan. Under this plan employees will be able to retire at age 55 with 25 years of service. Betsy noted the contribution amount remains the same.
- Page 33 - The dates of the duration of the agreement has been revised to January 1, 2022 through December 31, 2024.
- Page 34 - The side bar with bi-weekly pay language has been removed from the contract.
- Page 35 - The three-year wage scale is on this page.

It was noted that management was happy with all revisions and additions to this contract.

MOTION Commissioner Crowley moved to ratify the contract between Washington County Commissioners and the National Correctional Employees Union effective January 1, 2022 and expires on December 31, 2024. (Cassidy / Crowley, 3-0)

AGENDA ITEM: Extension of Snowplow Contract

County Manager Betsy Fitzgerald stated that BY US Company has offered to extend the Snowplow and Snow Removal contract with no changes. The original contract was for the winter season 2018-2019 for an annual cost of \$9300.00.

MOTION Commissioner Cassidy moved to approve the extension of the contract with BY US Company for the winter season 21/22 in the amount of \$9300.00. (Cassidy / Crowley, 3-0)

AGENDA ITEM: Signatures on Solar Credit Agreement

County Manager Betsy Fitzgerald present a Solar Credit Agreement during the August Commissioners' meeting. The Commissioners had decided more time was needed to review the contract. Betsy noted that by signing the agreement the County shows their support of solar power and would save 15% on energy costs. Betsy presented the agreement again and asked for a decision from the Board of Commissioners. Commissioner Gardner stated he was not interested in participating in

September 9, 2021

the Solar Credit Agreement. Commissioner Gardner stated he felt the

83

savings the County receives for participating is tied to the current Federal borrowing and spending. Commissioner Gardner referred to the nation borrowing three trillion dollars to save \$12,500 as a bait and switch tactic. Commissioner Cassidy voiced his concern on the current Federal spending as well. Commissioner Cassidy inquired about the decommissioning of the solar panels when they are no longer in use. County Manager Betsy Fitzgerald stated the decommissioning of the solar panels is built into the contract. RCC Director Josh Rolfe asked if the Commissioners are willing to pass up on a potential \$12,500 savings over politics. Commissioner Gardner stated the Board of Commissioners were not willing to sign the solar agreement presented.

***MOTION* Commissioner Crowley moved to oppose the Solar Credit Agreement as presented. (Crowley / Cassidy, 3-0)**

AGENDA ITEM: Amendment to Article X, Travel and Meals Reimbursement

An amendment was made to Article X of the Washington County Personnel Policies and presented to the Commissioners during the August meeting. The policy covers reimbursement procedures and allowances for travel and meals expense. The original policy gave specific limits on meals eligible for reimbursement. This amendment clarifies those limits and removes limitations for Commissioners and Department Heads. The amendment allows for Department Heads and Commissioners to exceed those limits providing the cost is considered reasonable. The policy does not provide specific guidelines for what constitutes a "reasonable" meal expense but gives department heads and the Commissioners the discretion to determining reasonableness based on relevant factors including the business purpose of the event and its attendees. Dean Preston asked if this exemption to the policy applied to everyone. Commissioner Gardner stated Department Heads can sign off on overages on a case-by-case basis. Commissioner Crowley stated the Board of Commissioners do not need to micro-manage department budgets.

***MOTION* Commissioner Crowley moved to approve the amendment to Article X as presented. (Crowley / Cassidy, 3-0)**

AGENDA ITEM: Building Committee Update

September 9, 2021

County Manager Betsy Fitzgerald reported that she has made contact with other municipalities regarding American Rescue Plan funds and any guidance for the use of funds that would be helpful for Washington

84

County. Commissioner Gardner stated the use of ARP funds has been discussed at length at the Maine County Commissioners' Association meetings. Members of the MCCA have questions and concerns regarding the use of ARP funds for municipal buildings. County Manager penned a request to Senator King in regards to using ARP funds for county buildings. Senator King has forwarded the request to the Treasury. Commissioner Gardner stated municipalities are waiting for final guidance, but it looks like ARP funds will be allowed for building upgrades and improvements; he stated building with ARP funds should go back on the board. Commissioner Gardner stated other counties are beginning to assemble RFP's. Chief Deputy Crabtree asked if the RFP that was done several years ago in anticipation of updating the Sheriff's Office would be able to be used. County Manager Betsy Fitzgerald commented that we do already have that RFP and have paid for it. Commissioner Gardner noted other counties are also asking questions and looking at ways in which the ARP funds can be used to improve their facilities. Some counties are looking at their revenue losses and believe there is an avenue in which to use ARP funds if there is proof that overall valuation has dropped due to COVID. Commissioner Gardner noted infrastructure is a definite approved expense for the use of ARP funds but the Board of Commissioners agree to tap the brakes on any broadband proposals as there may be funds coming down the road specifically for infrastructure. Josh Rolfe noted the county should look at using funds to invest in cleaning up communication tower issues.

Commissioner Gardner noted the County is still prepared to purchase Center Street.

AGENDA ITEM: Informational Materials

There were no questions or comments.

ADJOURNMENT

6:10 p.m.

ATTEST:

Carla J.R. Manchester, Admin. Asst.

September 9, 2021

85