

York County Courthouse Site Selection Commission

Meeting Minutes For November 4, 2016

Present: Assoc. Justice Thomas E. Humphrey, Kathryn Slattery, D.A., Sheriff William L. King, Jr. (by Skype & telephone), Senator Linda Valentino, Representative Anne-Marie Mastraccio, Rep. Robert Foley, Justice Wayne Douglas, Judge Jeffrey Moskowitz, John Webb, Esq., James T. Glessner, Tom Dunham, Senator Ron Collins, Commissioner Gary Sinden, Kathy Jones, Ken Marass, Esq., Amy Fairfield, Esq., Chief Jo-Ann Putnam, David Lavway, Sherry Edwards, Jeff Henthorn, Mary Ann Lynch, Phil Johnston

After the Commissioners introduced themselves, Senator Valentino made a motion to accept the draft minutes from October 31, 2016, seconded by Rep. Mastraccio. The minutes of the previous meeting were adopted unanimously.

After introductory comments by Justice Humphrey in which he thanked the members of the Commission for their diligent and professional work in identifying and evaluating potential sites throughout York County, the Commissioners each described his or her assessment and preferences regarding the 3 remaining parcels under consideration

Kathy Jones expressed concern about accessibility for the majority of the court users and favored Elm Street, Barra Road and Alfred, in that order, but indicated that either Biddeford property was acceptable to her.

Sherry Edwards said she was also concerned about the litigants' access to the new courthouse. She said that the litigants in the western and northern parts of the County already have a car, or access to a car, while many people from Biddeford and Saco do not, and are dependent on public transportation. She favored Barra Road, Elm Street and Alfred, in that order, but could live with either Biddeford location.

Judge Moskowitz expressed a high regard for the existing courthouse in Alfred. However, putting his personal feelings aside, he felt that a courthouse needs to be highly accessible and visible to the community. The

Elm Street property is visible, Barra Road is not, and Alfred even less so. He was also concerned that Barra Road was a dead-end street, with only one way in and out. That presents both a safety and a traffic concern. He felt that Elm Street and Barra Road were both very close, while Alfred was a distant third. His order of preference: Elm Street, Barra Road and then Alfred.

Representative Foley felt that, based on the criteria worksheet, the Biddeford properties were close. However, he favors Alfred. Wells is the second largest taxpayer to the county. Locating the courthouse in Alfred would give Alfred an economic boost. His order of preference: Alfred, Elm Street and then Barra Road.

County Commissioner Sinden first noted items on the evaluation worksheet that he felt were incorrect: property adjacent to the jail property does not need to be purchased; the subject property can be accessed from Layman Drive; the purchase price is zero; there is “probable” bus service for that area in the future; and propane is a natural gas. His order of preference is: Alfred, Elm Street then Barra Road.

Tom Dunham is a real estate professional and in his judgment Barra Road is the best site because it is in a growth area and will enhance the economic development of the area. He believes the access to Barra Road is excellent. His order of preference is: Barra Road, Elm Street, and then Alfred.

Representative Mastraccio lives in Sanford and she reports that her constituents trust the Commission to choose the best site. In her view, the county’s growth is along the coast and conditions on Routes 4, 109 & 111 will remain the same for some time. She scored the choices 4 times on her worksheet, and each time Alfred was last. Her order of preference is: Barra Road, Elm Street then Alfred.

Senator Collins stated that the ultimate decision should be guided by common sense. Alfred is the geographic center of the County, and it is the County seat. Therefore, he believes the new courthouse should be located in Alfred. The County demonstrated to the Commission how attractive an

entrance on Route 4 could be. He is concerned Barra Road is a one-way street. His order of preference is: Alfred, Elm Street and then Barra Road.

Ted Glessner is a nonvoting member of the Commission. He does not understand the increased cost estimates the County believes it will incur if the courthouse is not located in Alfred. The new courthouse, wherever located, will be safer and not require additional transportation staff for the County. The real issue is public access. The majority of court filings are civil (53%). Thus, from the standpoint of court filings, the center of the court's workload is not Alfred. In his estimation, the two Biddeford sites rank higher than the Alfred site.

Senator Valentino said that two years ago she would have said Wells or Kennebunk were the ideal locations for a courthouse; however, there are no acceptable sites in those towns. She believes that the Alfred property is not truly free when you add in the infrastructure costs that will be needed. There is no bus transportation. She does feel there could be a second access from Barra. In her view, the two Biddeford properties score close to each other and are much higher than Alfred. Her order of preference is: Barra Road, Elm Street, and then Alfred.

Justice Douglas noted that 200 years ago York County had 40,000 residents and Alfred was chosen so that court would be less than a one-day's horse ride from any part of the County. Today there are approximately 200,000 residents of the County. In addition, in the summer OOB swells to 100,000 people and Wells population is four times larger. A paramount concern is to select a location that is in the public interest—that is, safe, accessible, and visible to the community. In almost every other county in the state, the Superior Courthouse is in the largest municipality in the county. He has polled all the judges who regularly preside in York County and they all want a visible, connected location. Barra Road will never offer the level of visibility and connectivity that Elm Street offers. His order of preference is: Elm Street, Barra Road, and then Alfred.

Chief Putnam observed that when a police officer is in court it is time away from the officer's other responsibilities. She has surveyed the other police chiefs and they prefer a Biddeford location because of accessibility to the turnpike. The hotel on Barra Road also present a benefit if you are involved in a 2 or 3-day trial. The two Biddeford sites are close in her estimation, and she would be happy at either. However, she prefers Barra Road, followed by Elm Street, and then Alfred.

Amy Fairfield, a York County attorney, is on the Commission because she does court appointed work. When she started on the Commission she preferred an Alfred location. However, she feels it is irresponsible to put a building the size of the proposed new courthouse on property that is serviced by a septic system, which is what would happen in Alfred. She said that 85% of her clients want the courthouse to be in Biddeford. She likes Barra Road, but is very concerned, for safety reasons, with the one-way in and out. She described her participation in a murder trial where the size of the jury pool was 250 people. She cannot imagine adding that much traffic at Barra Road. Her order of preference is: Elm Street, then Barra Road, followed by Alfred.

Ken Marass, a York County attorney and President of the York County Bar Association, reports that he has been contacted by a number of attorneys who would prefer to see the courthouse stay in Alfred. He said Route 111 is a nightmare traveling west to east from 7:30 a.m. to 8:30 a.m. He believes locating the new courthouse in Biddeford will make Route 111 worse, and that the costs to the county will be high. His ranking, based on the worksheet criteria, put Elm Street first, but he believes the court should be located in Alfred, with Elm Street a second choice, and Barra Road last.

Sheriff King stated that the courthouse should be located in Alfred, and he noted that the fastest growing community in the County is Waterboro. He also observed that Route 111 is a nightmare. He does not understand why Barra Road is under consideration because courts are a hard target, and the single entrance there is a safety issue.

Deputy Commissioner Lavway reported that the Governor has a deep-seated desire not to take property off the property tax rolls. The Commission's work has been a good process. He feels that Barra Road and Elm Street are close in his mind and that Alfred is a distant third. His order of preference is: Elm Street, then Barra Road, and then Alfred, last.

District Attorney Slattery said that her office is the single biggest user of the courts and needs to be near the courthouse. She stated that this is more easily accomplished if the courthouse stays in Alfred. Her order of preference is Alfred, then Elm Street, and then Barra Road, last.

John Webb, a York County attorney, feels that the two Biddeford sites are close in priority and the best place to locate the new courthouse. He acknowledged that there is a safety issue with the single access to the Barra Road property. His concern is for his clients and other members of the public who must use the courthouse. He is not concerned about the convenience of lawyers. In his view, Biddeford is the best location for the courthouse.

Justice Humphrey reminded everyone that York County needs a large, single courthouse. While he has a strong affection for the current Alfred Courthouse, it is important for the Commission to look where the court's cases are coming from—not just criminal matters, but high volume civil cases, as well, such as: small claims, evictions, Child Protection case, Protection from Abuse case, divorces and other family matters. Approximately half the caseload originates in Biddeford. He believes Biddeford is the only location that can best meet these needs and, of the two Biddeford sites, he prefers Elm Street, but could accept Barra Road if it was the will of the Commission.

Following full discussion by all of the Commissioners, Senator Valentino moved to locate the courthouse in the municipality of Biddeford, and Representative Mastraccio seconded the motion. Following further discussion, IT WAS VOTED, 12 to 6 in favor, to locate the new York County Courthouse in the municipality of Biddeford (Commissioner Sinden, Sheriff

King, District Attorney Slattery, Representative Foley, Senator Collins and Attorney Marass opposed the motion).

There followed further discussion as to whether a second access road could be created if the courthouse was located on Barra Road. Ted Glessner said he received a drawing showing a possible second access way; however, it was not clear whether that could in fact be accomplished.

Representative Foley then moved to locate the new courthouse on the premises at 511-515 Elm Street, and Commissioner Sinden seconded the motion. Following brief discussion, IT WAS VOTED, unanimously, to select 511-515 Elm St., in the municipality of Biddeford as the site of the new York County Courthouse.

Senator Valentino then made a further motion, seconded by Representative Mastraccio, and following brief discussion, IT WAS RECOMMENDED, unanimously, that the Judicial Branch work with the York County Commissioners and the York County District Attorney's Office to provide office space to the York County District Attorney's Office in the new judicial center at a cost of free or substantially reduced rent for a period of time.

Having concluded its work, the Commission adjourned at 5:50 p.m.