

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – October 13, 2015 – 2:00 p.m.

The regular monthly meeting of the Knox County Commission was held on Tuesday, October 13, 2015, at 2:00 p.m., at the county courthouse, 62 Union Street, Rockland, Maine.

Commission members present were: Carol L. Maines, Commissioner District #1, Richard L. Parent, Jr., Commissioner District #2, and Roger A. Moody, Commissioner District #3.

County staff present included: County Administrator Andrew Hart, Administrative Assistant Candice Richards, Communications Director Linwood Lothrop (*left at 4:03 p.m.*), Chief Deputy Tim Carroll (*left at 3:17 p.m.*), Sheriff Donna Dennison (*arrived at 2:07 p.m.,(left at 3:17 p.m.)*), Jail Administrator John Hinkley (*left at 3:17 p.m.*), Register of Deeds Lisa Simmons (*left at 2:09 p.m.*), Airport Manager Jeff Northgraves, Deputy Treasurer Barbie Sylvester (*left at 4:28 p.m.*), and EMA Director Ray Sisk (*arrived 2:06 p.m., left at 2:15 p.m.*).

Regular Meeting – Agenda

Tuesday – October 13, 2015 – 2:00 p.m.

- I. 2:00 Meeting Called To Order**
- II. 2:01 Public Comment** - Public Comment during other portions of the meeting will only be granted by permission of the chair.
- III. 2:15 Consent Items**
 - 1. Approve Consent Items as Presented:
 - i. Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
 - ii. Minutes of Regular Commission Meeting of September 8, 2015.
 - iii. Monthly Written Departmental Reports.
 - iv. Reserve Withdrawals.
- IV. 2:20 Action Items**
 - 1. Act to Approve the Certified Copy Fee for the Registry of Deeds and Amend the Public Information Policy Fee Schedule.
 - 2. Award Bid for Two New Vehicles for Use by the Sheriff's Department Patrol Division.
 - 3. Act on Approval of the Transfer of Forfeited Assets in the form of \$1,540.40 (*or any portion thereof*) to Knox County in the *State of Maine v. Herman Hoffman*.
 - 4. Act on Approving the Process for Filling the Supervisor's Position Within the Sheriff's Department.
 - 5. Act to Approve Compensation Study/Job Re-Classification Project for 2016.
 - 6. Act on "Special Bonus" Provision for the 2015 Budget.
 - 7. Act on 2016 Budget Items Carried Over from October 2, 2015 Budget Review Meeting with Department Managers.
 - 8. Act on Appointment to Fill the Vacant District #2 Seat on the Airport Public Advisory Committee (APAC) through 2017.
 - 9. Act to Approve and Authorize the County Administrator to Sign a Five-Year Extension to the Downeast Air Lease Agreement.
 - 10. Act to Award Lease/Purchase Bid and Set the Interest Rate Term.
- V. 2:50 Discussion Items**
 - 1. Discuss Date and Time for Presentation of the Knox County Audit for Year Ending 12/31/2014.
- VI. 2:55 Other Business**
- VII. Adjourn**

I. Meeting Called to Order

Commission Chair Roger Moody called the regular meeting of the Knox County Commission to order at 2:00 p.m.

II. Public Comment

Commissioner Roger Moody asked for public comment. There was none.

III. Consent Items

1. Approve Consent Items as Presented:

- i. Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
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- iii. Monthly Written Departmental Reports.
- iv. Reserve Withdrawals

- A motion was made by Commissioner Richard Parent to approve the consent items as presented. The motion was seconded by Commissioner Carol Maines.

Commissioner Maines referenced a portion of Communications Director Lothrop’s report mentioning the KRCC assisting with a safety road block operation on Route 1 and asked what the road block consisted of and whether it was a real road block or just practice. Chief Deputy Carroll was the one that answered her question. He explained that it was a real safety road block as part of an OUI detail performed jointly with the Rockland Police Department. The OUI grant that the County received paid for the overtime for the officers to work the road block. This was the second road block performed this year; the prior one was conducted in August. Out of the 700 vehicles stopped, officers didn’t find any OUI’s. In August there were two OUI’s. Officers also check to see if everyone has their seatbelts on, etc. Director Lothrop noted that while the grant pays for the officers’ overtime, the money can only be used for law enforcement, so it does not help pay for the overtime his staff have to put in. Two dispatchers had to work at the scene in a communications center trailer that does all the license checks on scene instead of impacting the KRCC’s workload. It does, however, leave the KRCC a little short staffed.

- A vote was taken with all in favor.

Reserve Withdrawals:

Contingency Expense	200008-12700	\$98,043.53
Courthouse Renovations & Maintenance	200008-12680	\$53,833.47
	Total	\$151,877.00

IV. Action Items

1. Act to Approve the Certified Copy Fee for the Registry of Deeds and Amend the Public Information Policy Fee Schedule.

Administrator Hart explained that Register of Deeds Lisa Simmons was requesting permission to increase her certified copy fees from \$1.00 to 5.00. If the Commission approves the request, the Fee Schedule page at the end of the County’s Public Information Policy will be amended to reflect this change in fees. When asked how often members of the public ask for certified copies, Register Simmons stated that not many people need them and it is mostly mortgage companies, not someone off the street. Some other counties have already gone up to \$5 and a few others have gone up to \$2.

- A motion was made by Commissioner Carol Maines to approve the certified copy fee for the Registry of Deeds from \$1 to \$5 and to amend the Public Information Policy Fee Schedule. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

Lisa Simmons left at 2:09 p.m.

2. Act to Award Bid for Two New Vehicles for Use by the Sheriff’s Department Patrol Division.

Chief Deputy Tim Carroll explained that the Sheriff’s Office wanted to purchase two units from Quirk for \$27,463 and \$28,073. He said the bids from Shepard’s did not meet the RFP specs. This will be the last of this year’s vehicle purchases.

- A motion was made by Commissioner Carol Maines to award the bid for two new patrol vehicles to Quirk Auto for \$27,463 and for \$28,073 for a bid total of \$55,536. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.
3. Act on Approval of the Transfer of Forfeited Assets in the form of \$1,540.40 (or any portion thereof) to Knox County in the State of Maine v. Herman Hoffman.
- A motion was made by Commissioner Carol Maines to approve the transfer of forfeited assets in the form of \$1,540.40 (or any portion thereof) to Knox Count in the State of Maine v. Herman Hoffman. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

Ray Sisk left at 2:15 p.m.

4. Act on Approving the Process for Filling the Supervisor’s Position Within the Sheriff’s Department.
- Chief Deputy Carroll explained that instead of filling the patrol administrator position, the Sheriff’s Office wanted to try having a fourth patrol supervisor. The department would then backfill the position of the deputy that got promoted to supervisor. The patrol administrator position had been acting as the “road supervisor” during certain shifts, so with that position being vacant at present, the Chief Deputy has been filling that function, which takes him away from his administrative duties. If the fourth supervisor position is approved, that supervisor will then be the “road supervisor” for those shifts.
- A motion was made by Commissioner Carol Maines to approve the process of discontinuing the patrol administrator position and instead having a supervisor position. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.
5. Act to Approve Compensation Study/Job Re-Classification Project for 2016.
- Administrator Hart reminded everyone that the last compensation study was done in 2010 and went into effect in 2012. Since it has been five years since the study was conducted, it makes sense to do a review. HR consultant Laurie Bouchard will do it in-house and it will help the County figure out whether a market adjustment should be made, which would be done in the 2017 budget. He said that he would like to incorporate the elected officials into the wage study that stayed out of it last time. Because the Chief Deputy is in the wage plan and the Sheriff isn’t, the Chief Deputy ends up making more than the sheriff, so her pay has to be adjusted. The other two elected positions are the Probate Judge and the Register of Probate. The study will look at what other counties pay similar positions, but also some private sector positions.
- A motion was made by Commissioner Carol Maines to approve the Compensation Study / Job Re-Classification Project for 2016 at a cost of \$2,500 and done by LBouchard & Associates. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

6. Act on “Special Bonus” Provision for the 2015 Budget.
- This item was briefly discussed during the 2016 budget review at last the October 2 special meeting. To be eligible for the bonus in 2015, employees would have had to have been on Step 16 in 2014. The bonus cannot exceed 2% of the employee’s salary. The 2015 budget did have funds in it for the nine individuals that could be eligible for the bonus. To give anyone a bonus, Administrator Hart would need to review the performance evaluations done during 2015 with supervisors. If the employee is rated in their appraisal as “exceeds” expectations, they are eligible to receive the bonus. The amount of the bonus would be 0% - 2% of the salary. Supervisors would recommend what they think the bonus should be and then Administrator Hart would make the final decision. If it’s a department manager that is eligible for the bonus, since Administrator Hart is their supervisor, he would then make a recommendation to the Commission and the Commission would approve it. The bonus will not add to

the employee's base pay amount. Normally employees on Step 16 would at least get a COLA increase if the Commission voted to put one in the budget, but there is no COLA increase at all in the budget for 2016 because it went down this year. That means that only employees on a step lower than 16 will get any increase at all unless step 16 people get bonuses. Employees not on Step 16 automatically receive a step increase and a COLA if both are approved in the budget. They do not receive that based on performance. For information's sake, below is the wording from the Policy:

***Special Bonus.** An employee with very good performance record who is ineligible for a pay increase solely because s/he has reached the top of the salary range for his/her position, may be rewarded with a bonus equal to or less than the dollar amount of the increase to which the employee would have otherwise been entitled. Assuming the salary increase would have been processed in January, this Special Bonus would be paid in the last pay of December (at the end of the period).*

Commissioner Moody said that he was still having trouble understanding how this will be implemented or be seen as fair by the other employees. He said that he would need to see the evaluation instrument and see what the standards are in terms of performance. He said that he would also need to see other information about behavior because you can have an employee who does an outstanding job performing their duties but do not work well with members of his/her team. The County should be recognizing positive, team-building behavior. He noted that he has seen bonuses implemented in school systems and it tends to fall apart. He said he has yet to see some examples in the public sector where this type of incentive works and continues good performance on a team basis, not on an individual basis. Commissioner Moody wanted to see a copy of the evaluation form to see what employees are being rated by. Commissioner Parent asked to see what criteria the administrator would use to review performance appraisals before approving the bonuses.

Commissioner Moody asked to have this agenda item brought up at a later meeting again since he had asked for more information. Commissioner Parent asked if HR consultant Bouchard could attend. Administrator Hart said that he would find out. Commissioner Moody asked that she bring a list of private sector employers that could be used to show comparisons with public sector positions.

- A motion was made by Commissioner Carol Maines to table this agenda item until a later meeting that will be scheduled when HR Consultant Laurie Bouchard is available to attend. The motion was seconded by Commissioner Richard Parent.

Chief Deputy Carroll commented that he was worried about deputies at Step 16 being treated differently from deputies on Steps 1 – 15 and said that giving some employees bonuses was going to cause a problem with the union going forward because that is treating employees with the same job title differently from the other.

- A vote was taken with all in favor.

7. Act on 2016 Budget Items Carried Over from October 2, 2015 Budget Review Meeting with Department Managers.

The Commission had asked to bring back a few items from the October 2, 2015 budget review meeting with Department Managers for re-consideration.

Jail

Inmate fund reimbursement – commissioners had asked for information about that. Administrator Hart said that he had spoken to Bryan Anderson at the DOC and he indicated that the inmate fund can be used to offset the wages of the employees that work directly with the inmates. The DOC just requires a spreadsheet showing the breakdown of how the funds are used. Other jails are doing the same thing.

The commissioners expressed some lingering concerns that this still might not be an appropriate use of the Inmate Fund Reimbursement. Major Hinkley and Administrator Hart assured the Commissioners that using these funds to partially fund wages for certain positions at the jail is allowed and that the only reason that the County hasn't done it before is because it's not sustainable so the County can't depend on the money being there.

- A motion was made by Commissioner Richard Parent to approve using the Inmate Fund Reimbursement in the amount of \$83,602 for the remainder of the Jail's 2015 budget. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

Chief Deputy Carroll, Major Hinkley, and Sheriff Dennison left at 3:17 p.m.

Knox-Lincoln Soil & Water District

The decision at the last meeting was to put a note in the budget that the budget request came in after the deadline but that it will still be considered. It had also been discussed putting in the 2015 approved amount instead of the higher amount requested for 2016.

- A motion was made by Commissioner Richard Parent to put the note "commissioners recommend \$26,673" next to the KLSW request in the budget draft. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

Midcoast Economic Development District (MCEDD)

The Commission had agreed on the concept of funding but not on an amount. The amount of the dues is information from MCEDD Executive Director Jeff Kobrock: \$24,141 total for January 1 - December 31, 2016. (\$8,047 for January 1 - June 30, 2016 and then \$16,094 for July 1 - December 31, 2016).

There was a brief discussion of what the Commission would do if the Budget Committee again voted against funding MCEDD. Commissioner Moody said that if the Budget Committee does not support the organization again this year, he would not attempt to overrule them like last year.

- A motion was made by Commissioner Carol Maines to "commissioners recommend \$24,141" next to the MCEDD request in the budget draft. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

Airport

The Airport Manager's request of increasing his administrative assistant's weekly work hours from 32 to 40 was discussed. Manager Northgraves did not believe that rearranging the hours to different days would help the problem because the gaps still exist, just at different times. Administrator Hart commented that the organizational study didn't actually recommend increasing the administrative assistant hours – it recommended having an assistant airport manager that would take some of the duties that Manager Northgraves wanted to give the administrative assistant. Commissioner Maines noted that having a maintenance/administrative person is an odd combination. Manager Northgraves agreed and said that making the maintenance supervisor try to take on administrative tasks doesn't make sense in part because they are two very different jobs/skill sets. It would also take the maintenance supervisor away from doing and supervising maintenance. He noted that just increasing the administrative assistant's hours is far less expensive than creating an assistant airport manager that does both administrative and maintenance duties.

Commissioner Moody stated that it was time to make the change to 40 hours and the other two commissioners agreed.

- A motion was made by Commissioner Richard Parent to "commissioners recommend increasing the administrative assistant's hours from 32 to 40 hours a week" next to the Airport Manager's

request in the budget draft. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

Communications

An updated call volume information sheet with estimated amounts for 2015 was provided so the commission could see the comparison with past years. The call volume graph on the second page also now includes Hancock and Lincoln Counties now. Commissioner Maines felt that the information was very helpful in understanding the status of the KRCC. It was discussed that the work load at the center is such that new-hires don't want to stay and some go to other counties where the work is less and the pay is higher. The Center needs more help.

- A motion was made by Commissioner Carol Maines to “commissioners recommend adding one dispatcher position starting in July of 2016 in the amount of \$21,552” next to the KRCC Director’s request in the budget draft. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

Linwood Lothrop left at 4:03 p.m.

8. Act on Appointment to Fill the Vacant District #2 Seat on the Airport Public Advisory Committee (APAC) through 2017.

- A motion was made by Commissioner Richard Parent to appoint Roger Peabody to the District #2 seat, ending April 2017, on the Airport Public Advisory Committee. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

9. Act to Approve and Authorize the County Administrator to Sign a Five-Year Extension to the Downeast Air Lease Agreement.

Downeast Air has a 20 year lease (May 2010 - April 2030) with an option to extend the lease 10 years. Downeast is planning to do some major capital and has asked to extend the first part of the lease out to April 2035. The total period of the agreement (with the 10 year option) would also be extended by 5 years, to 2045. Everything else in the existing agreement will remain the same.

- A motion was made by Commissioner Carol Maines to approve a five-year extension to the Downeast Air lease agreement that will go until April of 2035 and authorize the county administrator to sign it. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

10. Act to Award Lease/Purchase Bid and Set the Interest Rate Term.

The County went out to bid for the lease/purchase for the courthouse building envelope repairs. The County received three bids: Machias Savings Bank, The First, and Key Government Finance. The First withdrew their bid because they had provided a quote on actual borrowing and not a lease/purchase quote. Key Government Finance’s bid didn’t meet the RFP specifications. Although Key Government Finance had a lower bid percentage on the 5 year rate, they not only didn’t meet the bid specs but because of the way they figured out their percentages, Key’s bid of 2.3% for 5 years works out to be a higher amount in the end than Machias Savings Bank’s bid of 2.14% for 5 years.

- A motion was made by Commissioner Carol Maines to award the lease/purchase bid for \$650,000 to Machias Savings Bank for an interest rate of 2.14% for a period of 5 years. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

**KNOX COUNTY, MAINE
ORDER AND RESOLUTION OF COUNTY COMMISSIONERS
AUTHORIZING LEASE FINANCING OF UP TO \$650,000 TO FINANCE BUILDING
IMPROVEMENTS**

BY THE COUNTY COMMISSIONERS OF THE COUNTY OF KNOX, BE IT HEREBY ORDERED AND RESOLVED:

ORDERED that there be and hereby is authorized a lease finance transaction (the "Lease") in an amount not to exceed \$650,000 to finance Knox County Courthouse Exterior Repairs and Window Replacement (the "Project"); **provided, however, that authorization for the foregoing Lease shall be conditioned on the inclusion of an appropriation in the County's adopted 2016 budget in an amount sufficient to pay the lease payment due on such lease in 2016 and that absent such appropriation in the adopted 2016 budget no such lease shall be authorized.**

ORDERED that the Lease shall be between the County and Machias Savings Bank, shall bear interest the rate per annum of 2.14% and shall have a term not to exceed five (5) years from the date it commences.

ORDERED that the Lease shall be dated as of such date and be in such form and contain such other details as the County Administrator shall approve, including provisions for pre-payment, with or without a premium or penalty, his approval to be conclusively evidenced by his execution thereof.

ORDERED that said Lease shall be executed in the name of and on behalf of the County by the manual or facsimile signatures of the County Treasurer and countersigned by the County Administrator (provided that at least one of such signatures shall be a manual signature), attested to by the County Administrator, under the seal of the County.

ORDERED that if the Lease is entered into on a tax-exempt basis, the Treasurer be and hereby is authorized to covenant and certify on behalf of the County that no part of the proceeds of such Lease shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Lease to be a "private activity bond" or "arbitrage bond" within the meaning of Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code").

ORDERED that if the Lease is entered into on a tax-exempt basis, the Treasurer be and hereby is authorized to covenant and agree, on behalf of the County, that the County will file any required reports and take any other action that may be necessary to ensure that interest on the Lease will remain exempt from federal income taxation and that the County will refrain from any action that would cause interest on the Lease to be subject to federal income taxation.

ORDERED that the Treasurer be and hereby is authorized to covenant, certify, and agree, on behalf of the County that the County will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

ORDERED that if the Lease is issued or entered into on a tax-exempt basis, the Treasurer be and hereby is authorized and empowered, with advice of bond counsel and to the extent available under the Code, to take all such action as may be necessary to designate the Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

ORDERED that the term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct and install the Project; (2) the cost of planning, developing, preparation of specifications, legal and other professional services associated with the Project; (3) the cost of financing charges and issuance costs, including premiums for insurance and interest for a period not to exceed 3 years from the issue date thereof and other fees and expenses relating to the financing transaction.

ORDERED that the Treasurer and the County Administrator be and hereby are authorized and empowered in the name of and on behalf of the County to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all tax certificates, lease agreements, contracts, agreements, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the County, to carry out the provisions hereof, in order to effect the issuance, execution, sale, and delivery by the County of the Lease.

ORDERED that if the Treasurer or County Administrator are for any reason unavailable to approve and execute the Lease, or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

ORDERED that if the Treasurer or County Administrator have signed or sealed the Lease hereinbefore authorized but shall cease to be such officers or officials before the Lease so signed and sealed shall have been actually authenticated or delivered by the County, such Lease nevertheless may be authenticated, issued or entered into, and delivered with the same force and effect as though the person or persons who signed or sealed such Lease had not ceased to be such officer or official; and also any such Lease may be signed and sealed on behalf of the County by those persons who, at the actual date of the execution of such Lease, shall be the proper officers and officials of the County, although at the nominal date of such Lease any such person shall not have been such officer or official.

ORDERED that it is the intent of the County Commissioners that this Order constitute the County's declaration of official intent within the meaning of Treasury Regulation §1.150-2.

V. Discussion Items

1. Discuss Date and Time for Presentation of the Knox County Audit for Year Ending 12/31/2014.

Administrator Hart explained that at the September meeting it was discussed about setting a date and time for the presentation of the Knox County audit by our auditor for the year ending 12/31/2014 on November 10th that since then he has been informed by the auditor that they now will be in the City of Rockland during the weeks of October 26th and November 2nd. They would like the Commission to consider a different date and time.

The Commission decided on Monday, October 26th at 9 a.m.

Barbie Sylvester left at 4:28 p.m.

VI. Other Business

VII. Adjourn

- A motion was made by Commissioner Carol Maines to adjourn the meeting. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The meeting adjourned at 4:29 p.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on November 10, 2015.