

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – October 8, 2013 – 2:00 p.m.

The regular monthly meeting of the Knox County Commission was held on Tuesday, October 8, 2013, 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, Finance Director Kathy Robinson, Communications Director Linwood Lothrop, Airport Manager Jeff Northgraves, EMA Director Ray Sisk, Chief Deputy Tim Carroll, Jail Administrator John Hinkley (*left at 3:01 p.m.*), and Sheriff Donna Dennison (*left at 3:01 p.m.*).

Others in attendance: Richard Carver, Selectman from Owls Head (*left at 3:15 p.m.*); Bonnie Post, resident of Owls Head (*left at 3:15 p.m.*); Ken Crane, resident of Owls Head and Chair of the Owls Head Cemetery Committee (*left at 3:15 p.m.*); Rosemary Kulow, Executive Director of the Maine County Commissioners Association (MCCA); Chris Wolf of the *Pen Bay Pilot*; and Steve Betts of the *Bangor Daily News*.

Regular Meeting – Agenda Tuesday – October 8, 2013 – 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 10, 2013.
 - iii. Monthly Written Departmental Reports.
 - iv. Reserve Withdrawals.
 - v. Budget Line Transfers.
- IV. 2:20 Action Items**
 - 1. Act to Award Bid for Two Vehicles for Use by the Sheriff's Department.
 - 2. Act to Award Bid for Jail Medical Services.
 - 3. Act to Approve Funding from the Communications Budget for Municipal Resources, Inc for a Limited-Scope Study for an Amount up to \$5,500.
- V. 2:30 Discussion Items**
 - 1. Discussion of the Owls Head Cemetery Committee.
 - 2. Discussion of Letter to the Municipalities of Knox County Providing Municipal Services.
- VI. 2:45 Other Business**
- VII. 3:00 Executive Session**
 - 1. Convene in Executive Session to Discuss Information Contained in Records for Airport Security Pursuant to 1 M.R.S.A. §405(6)(F).
- VIII. 3:15 Executive Session**
 - 1. Convene in Executive Session to Discuss the Acquisition or Use of Real Property Pursuant to 1 M.R.S.A. §405(6)(C).
- IX. Adjourn**

I. Meeting Called to Order

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

II. Public Comment

Commissioner Carol Maines 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.
- ii. Minutes of Regular Commission Meeting of September 10, 2013.
- iii. Monthly Written Departmental Reports.
- iv. Reserve Withdrawals

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

Commissioner Maines asked Communications Director Lothrop about his report mentioning the number of mobile seat licenses used by the Sheriff’s Department and four police departments in Knox County. Director Lothrop explained that licenses are for the laptops being used in the police cruisers. It’s a software license agreement. Each device has to have it’s own license. Commissioner Maines asked how he would get the 31 licenses. Director Lothrop explained that every department was asked to assess if they really need as many licenses as was originally thought or if it was possible to purchase less than 31 since you pay per license. Commissioner Maines asked how much would be needed to be spent on the licenses. Administrator Hart replied that first it needed to be determined how many licenses were actually needed. The price quoted was based on 31 licenses but it won’t be known how much will need to be spent until it’s known how many licenses are actually needed. It was an oversight that the five departments are short on the number of licenses so the County was working on trying to fix it.

- A vote was taken with all in favor.

2013 Reserve Withdrawals:

Building	200008-12655	\$3,834.60
Forfeiture Money – Federal	200008-12860	\$3,000.00
Legal Expense	200008-12650	\$2,752.00
	Total	\$9,586.60

2013 Budget Line Transfers:

FROM:

TO:

Administration & IT

Computer Consultant	004004-54051	\$4,767	Legal	004004-54055	\$4,767
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Airport

Maintenance – PT	416003-53615	\$1,686	Runway Maintenance	416004-54354	\$5,000
Overtime	416003-53800	\$1,500	Postage & Shipping	416004-54520	\$155
Telephone	416004-54315	\$300	Training	416004-54545	\$25
Water	416004-54565	\$100	Ground Maintenance	416004-54590	\$500
Equipment Rental	416004-54570	\$300			
Equipment Repairs	416004-54575	\$150			
Gas, Oil, Grease	416004-54650	\$1,000			
Hangar Electricity	416004-54750	\$500			
Property Tax	416004-54770	\$144			

Building Maintenance

Equipment Repairs	006004-54575	\$565	Heating Repair	006004-54610	\$131
			Gas	006004-54650	\$434

Communications

Dispatcher	518003-53812	\$9,000	Consulting	518004-54015	\$5,500
Health Insurance	518003-53910	\$3,488	Medical Exams	518004-54550	\$1,800
ICMA	518003-53960	\$2,000	Radio Repairs	518004-54580	\$6,088
			Heating Fuel	518005-52205	\$1,100

Deeds

Lodging	009004-54115	\$16	Mileage	009004-54105	\$86
Equipment Rental	009004-54570	\$81	Meals	009004-54110	\$11

District Attorney

Computers	003007-57350	\$141	Other, Tolls	003004-54120	\$9
			Dues, Registration	003004-54515	\$132

Finance

Training & Seminars	005004-54545	\$25	Bank Charges	005004-54535	\$25
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Probate

Lodging	010004-54115	\$150	Mileage	010004-54105	\$150
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Sheriff

Training & Seminars	011004-54545	\$2,081	Auto Repairs	011004-54655	\$282
			Auto Supplies	011005-55310	\$160
			Training Supplies	011005-55375	\$1,610
			Uniforms	011005-55405	\$29

Total:	\$27,994
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Total:	\$27,994
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IV. Action Items

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

Invitations to bid were sent out to 7 vehicle vendors. 11 bids were received from 5 vendors by the deadline of September 27th. Chief Deputy Carroll explained that he recommended awarding the bid to Quirk for the 2014 Ford Sedan Police Interceptor. The vehicles are an all-wheel drive, regular sedan but with a police package. Dodge Chargers are a little cheaper but having all-wheel-drive for year round benefits the work the deputies do. Buying a vehicle with a police package means it comes with the additional equipment that the department would have had to buy anyway. The Interceptors will also have better resale value. He noted that the State Police have ordered 140 Ford Interceptors for their fleet this year because the vehicles have been working out for them.

- A motion was made by Commissioner Richard Parent to award the bid to Quirk for two 2014 Ford Sedan Police Interceptors at a bid price of \$25,635 per vehicle (\$51,270 total). The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

2. Act to Award Bid for Jail Medical Services.

Requests for Proposals were sent out to 26 medical vendors across the country. Three bids were received by the deadline of September 18th. Administrator Hart explained that he, as well as Major Hinkley and Sheriff Dennison, have spent some time reviewing the three bids. He said that he has also spent some time calling the vendor’s references listed in their bids. The recommendation was to award the bid to QCCH. This will be a three-year contract. At present, Maine Inmate Health Services is providing these services for \$252,000 for just the contract itself, but there are other components that the County pays for. Administrator Hart explained that he was currently just asking to have the bid awarded. The Administration will be meeting with the vendor and working on a contract together. The contract would be brought to the Commission for a vote at the next Commission meeting.

- A motion was made by Commissioner Roger Moody to award the bid for Jail medical services to Quality Choice Correctional Healthcare (QCCH). The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

3. Act to Approve Funding from the Communications Budget for Municipal Resources, Inc. for a Limited-Scope Study for an Amount up to \$5,500.

Administrator Hart explained that last May he had contacted Municipal Resources, Inc. (the same company that did the County’s Organizational Study) and asked them to do a more in-depth study of just Communications. MRI submitted a proposal to do the study for \$16,750. The Administration decided to do part of the project itself by having the HR Consultant facilitate a user survey of all the end users (fire departments, police departments, EMS – the people that use the communications system). In September, MRI submitted a refined proposal. MRI will be looking at 4 or 5 other counties and comparing them to Knox’s Center. MRI will be looking at the current municipal assessment, whether to keep both the Executive Board and the Advisory Committee, the makeup and governance of the Communications Center, the Standard Operating Procedures used by the Communications Center, and will be helping to write the Bylaws. The Commission had been provided with MRI’s original proposal based off a Scope of Work that the County had provided to MRI earlier. Administrator Hart asked the Commission to approve an amount not to exceed \$5,500. MRI would start as soon as possible and could potentially have something back to the Commission between two or three months. He explained that he was only asking for \$5,500 because he felt some things could be done in house like the user surveys. If the Administration felt like there was a need MRI’s help for something, it could be brought back to the Commission for approval. The main things that the County needs help with is the governance of the Center and the bylaws.

When asked for his opinion, Director Lothrop stated that he was fully in favor of this study being done. The Center was originally set up in 2000 and things really need to be brought up to date. The Funding formula works well but the Center hasn’t had a really good procedural update done in a long time and the County needs to make the Center as efficient as it can be.

- A motion was made by Commissioner Roger Moody to approve funding from the Communications budget for Municipal Resources, Inc. for a limited-scope study for an amount not to exceed \$5,500. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

V. Discussion Items

1. Discussion of the Owls Head Cemetery Committee.

Commissioner Maines asked the three representatives from the Town to identify themselves for the record. Richard Carver stated that he was a selectman for the Town of Owls Head. Bonnie Post said that she was a resident of Owls Head. Ken Crane identified himself as a resident of Owls Head and the Chair of the Owls Head Cemetery Committee.

It was explained that Airport Manager Jeff Northgraves had provided a historical timeline of how this discussion has evolved since 1995. A copy of the memo is included herein for information’s sake:

**OWLS HEAD CEMETERY
HISTORY**

- 1995: Town of Owls Head requested airport property be donated to the town for use as a cemetery. The FAA and the Airport Manager both “strongly” recommended not using airport land for this request. The County Commissioners requested the airport manager work with the FAA and the town to try to make this happen, for ‘PR’ reasons.
- The property requested had been purchased using FAA funds and therefore the transfer of the property had to be accomplished in accordance with federal law and the grant assurances entered into by the County over several years. Specifically, Airport Compliance Requirements 5190.6A. The town’s request to have the land donated was determined to be illegal. The town then

requested to purchase the land and the airport manager and the FAA began the process to sell the land at fair market value as 'excess' property (no longer needed for airport purposes). This process began in 1995 and had not been completed in 1998 when the FAA rejected the appraisal conducted to determine the fair market value, as it "does not meet FAA criteria".

- A new appraisal was accomplished but at some point prior to 2001, the FAA, the County or the Town decided a lease was more appropriate and the Town and the County executed a lease agreement (Nov 13, 2001) for 99 years at \$462.50/year (as the appraisal determined to be the fair market value).
- 2002: The Town of Owls Head requested termination of the lease because test digging determined the land was not desirable for a cemetery. They requested a new lease for a different plot of land (the current site). This required the FAA process to begin again. Unlike the previous plot, this new location was/is inside the runway 13/31 Runway Protection Zone (RPZ). This means the land cannot be disposed of as 'excess'. The airport manager was able to find another FAA process that allows the FAA, on a case by case basis, to authorize "Concurrent Use of Aeronautical Property for Other Uses".
- Again, the FAA request/approval protocols took several years to process but, by 2004 a new 'fair market value' had been determined and specific/required FAA restrictions were incorporated into a new lease agreement.

DISCUSSION

The FAA requirements are now more stringent and detailed than they were in 1995/2000/2004. This land cannot be given, sold or in any way conveyed to anybody, as long as we operate this airport (deed language and several years of signed grant assurances). The best we/they could ever hope for, was/is for the FAA to determine 'concurrent' use as our RPZ and their cemetery is appropriate and approved. We are obligated to receive fair market value and the lease must contain FAA's caveats and restrictions. It may be possible to have the specific lease/release language reviewed, but taking this step could reopen a long and detailed process and we could end up with stricter language/restrictions.

RECOMMENDATION

If the town is willing to draft alternative language for the lease and/or the Burial Rights Easements, we may be able to get FAA approval.

Owls Head Cemetery Committee Chair Ken Crane stated that Owls Head has nine cemeteries, the newest of which is on airport land. The Town has a 99 year lease for use of the property. The Town got the land ready to be used as a graveyard and there are a few plots already being used. There are several issues that have come up since then that the Town didn't foresee happening. He said that the Town was having a hard time selling lots because it's leased land. He was concerned that the rent could become more expensive down the road. He said he knows there are restrictions on the land, such as height, because of the proximity to the airport. He understands it means working with the FAA if any changes are to be made, and not just the County, but he would like to see if something could be done so that eventually the Town can own the land.

Airport Manager Northgraves stated that the Town will never be able to buy that land because it was purchased by the FAA and is considered runway protection zone. When this topic had come up in past year, the previous airport manager strongly recommended not trying to sell or donate either parcel that the Town was interested in and the FAA felt the same way. The airport manager at the time was overruled by the Commissioners because the Commission wanted to appease the Town of Owls Head so things were looked into. The best that land can ever be is what they call "concurrent use" because it will be a runway protection zone as long as the airport is there. Concurrent use allows the New England-area FAA to make that decision. It takes 3 years to go through the process. If you try to do anything else and it will go to the Washington DC FAA and that will take at best 10 years. Cemeteries are traditionally concurrent use acceptable but it would require a long-term lease. The FAA cares about the money coming in so the lease has to be done at fair market value.

Owls Head resident Bonnie Post commented that there was a lot of history to the issue but that she felt it was more important that everyone see if it's possible to solve a problem that the Town has with the

County and the FAA. She said it was helpful to her to focus on going forward rather than the history. She commented that she hasn't been able to get a lot of documents on concurrent use and hasn't found documentation on cemeteries on airport land. She said that the Town has already invested over \$50,000 in the land and if the Town had known it was going to be in the position that it is, things might have been done differently. The cemetery plots are not being leased out that quickly partly because you have to sign a lease that says that you recognize that the remains may have to be removed. She added that she didn't think the fair market value would be much considering the land was right next to the airport.

Manager Northgraves noted that there were three appraisals done of the property (one on the first parcel the Town had been interested in, and then two on the second parcel). All three appraisals took into account the fact that the land was next to the airport. Those numbers were used when coming up with the cost of the lease. Coming up with the fair market value isn't that hard to do. The land is already in concurrent use which is how the County was able to lease the land to the Town. The FAA guidance for this type of land usage has gone from just a few pages to a much larger set of rules to follow. Even if the FAA had not purchased this land, the deed states that it can only be used for certain uses. It all depends on what the airport's use of it is, and what the FAA's use is. Since this land is runway protection zone, there will never be a time when this land can be released. There will always have to be a lease. The only thing that might be possible is to have the lease language weakened. Manager Northgraves said that when he was hired in 2004, this issue was being looked at again, and he was the one to go to the FAA at the time and was able to get FAA representative to soften the language. He warned, however, that by opening up this issue again and putting the lease under the FAA microscope, the FAA could end up comparing the current lease against the new procedures and rules and insist the language be strengthened, not weakened. The other risk is the FAA could think the County wasn't taking its grant assurances that the County signs very seriously, which could damage future projects.

Ms. Post said she didn't see how asking questions could cause the County harm.

Mr. Crane asked Manager Northgraves if he could give an example of how the language might be softened.

Manager Northgraves suggested that perhaps where the lease is talking about disinterment it might be possible to change the language to reflect that it was far less likely than the current wording implies. The possibility of disinterment is only if the FAA were to make changes to the property in the future, but now that the Town has already buried people there, it's very unlikely that the FAA would ever make the kind of changes that would require disinterment. The fact is, any cemetery can have something happen to the land to change the fact that there are people buried there and you would have to remove the remains. It is not unique to cemeteries on airport lands.

Commissioner Moody commented that it would be helpful to him to have a map to show where the two parcels are located in relation to the airport.

Mr. Crane commented that this was the first time this has been brought up to the Commission. Manager Northgraves said that it had actually happened two other times, once in 1995 and once in 2005.

Manager Northgraves noted that Owls Head attorney Fred Newcomb had written the lease but that he (Manager Northgraves) had modified a paragraph that said you couldn't have any assembly on the property. This needed to be changed because you would have an assembly during a funeral. He was able to get that language softened with the FAA. He said that this was an example of the kind of language that you can work to get softened.

Mr. Crane commented that he wanted to see about changing the language about the language in the lease about the possibility of those buried there being disinterred in the future so that people understood just how unlikely that really is.

Commissioner Parent commented that the Maine Department of Transportation has disinterred plots before, but it's a legal nightmare for them so they don't do it anymore. The DOT usually just builds roads around the cemeteries instead. Manager Northgraves said that the FAA tends to handle things the same way unless disinterment is really absolutely the only option.

There was a brief discussion about whether the cemetery should only allow cremated remains rather than allowing cement burial vaults in case that would be easier if the remains ever had to be removed from the property. Commissioner Maines also noted that plenty of people chose to move their deceased family after they're already buried so a change to the use of the land isn't only reason that happens.

Commissioner Maines asked if Attorney Newcomb would consider changing the language to the lease since he was the author of the original. Mr. Crane noted that Attorney Newcomb is still the Town's attorney.

Ms. Post stated that she felt someone from the Town should be involved in the discussion with the FAA but Manager Northgraves explained that it's not a discussion – the County simply emails the document to the FAA and they review it. The FAA is a federal bureaucracy and handle things differently than local governments do. He noted that the federal government is still shut down so that would have to change before anything can happen. He suggested that a letter from the Commission would hold more weight when the new lease draft is eventually sent to the FAA.

Commissioner Maines asked the Owls Head representatives to develop some new language and bring it back to the Commission before Manager Northgraves submitted it to the FAA. Manager Northgraves noted that he could also run the revised draft by someone at the FAA unofficially at the same time the Commission is looking at it. That way his contact could give his non-official, off the record opinion, to give the County an idea of how it would be officially handled once the County formally submitted the lease for review by the FAA.

Ms. Post suggested involving the congressional delegation. Manager Northgraves noted that the congressional delegation was involved the last time as well.

2. Discussion of Letter to the Municipalities of Knox County Providing Municipal Services.

The Commission has had meetings with the municipalities of Knox County over the last few years to discuss services that Knox County could provide as a potential cost savings to the towns. The letter draft provided to the Commission had been developed by the Maine County Commissioners Association. The letter is a template for commissioners to write to their municipalities to see if there is any interest in counties providing services to municipalities. Some counties have sent this letter out but some have chosen not to as they feel the municipalities will approach the county if they want assistance in with services. Administrator Hart asked the commissioners what they wanted to do.

Commissioner Parent noted that the draft letter mentions a list of potential services but that was not included in the commissioner packets. He said it would be helpful to see the list. Administrator Hart said that he would make sure they got the list.

Commissioner Maines commented that she didn't see any reason to wait for the towns to come ask the Commission for help.

Commissioner Moody agreed, but noted that the County was getting into the budget season. He added that he felt the Commission's position should be to listen to what the needs of the municipalities are rather than offering to take over services. He suggested that rather than the Commission sending out a list of services that the County would be willing to take over, the Commission should continue to offer to facilitate a forum to let the municipalities work with each other to cooperate on services.

Commissioner Parent suggested that now that the state is backing off revenue sharing, the towns might be more receptive to the County coordinating services.

Commissioner Moody commented that Cumberland County has had several of its towns sign up to participate in having the county handle assessing services, which has resulted in the county maintaining a small staff at the county level. For some services, for the County to take them over you'd have to have a consensus of the towns to do so.

Commissioner Maines asked Commissioner Moody if he could re-draft the letter and then the Commission could take a vote on sending out the letter at a later Commission meeting. Commissioner Moody responded that he could do that.

MCCA Executive Director Rosemary Kulow commented that the Rockland Fire Chief Charles Jordan is a very strong supporter of regionalized fire or public safety districts like they do in Maryland. She added that she also often hears towns bring up animal control and general assistance as services they'd like help with.

Commissioner Moody noted that it's unlikely the Commission could meet with the towns until early January. He suggested putting this letter on the agenda for the Regular Commission meeting in November.

VI. Other Business

There was no other business.

VII. Executive Session

1. Convene in Executive Session to Discuss Information Contained in Records for Airport Security pursuant to 1 M.R.S.A. §405(6)(F).
 - A motion was made by Commissioner Richard Parent to go into executive session pursuant to 1 M.R.S.A. §405(6)(F) to discuss information contained in records for Airport security. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

The executive session convened at 3:28 p.m.

The executive session concluded at 4:20 p.m.

VIII. Executive Session

1. Convene in Executive Session to Discuss the Acquisition or Use of Real Property pursuant to 1 M.R.S.A. §405(6)(C).
 - A motion was made by Commissioner Roger Moody to go into executive session pursuant to 1 M.R.S.A. §405(6)(F) to discuss the acquisition or use of real property. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The executive session convened at 4:23 p.m.

The executive session concluded at 4:42 p.m.

IX. Adjourn

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

The meeting adjourned at 4:43 p.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on November 12, 2013.