

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – April 8, 2014 – 2:00 p.m.

The regular monthly meeting of the Knox County Commission was held on Tuesday, April 8, 2014, 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, Airport Manager Jeff Northgraves, Sheriff Donna Dennison (*left at 2:40 p.m.*), Chief Deputy Tim Carroll (*left at 2:40 p.m.*), Communications Director Linwood Lothrop (*left at 2:33 p.m.*), and Building Maintenance Supervisor Don Decker.

Others in attendance: MREM Vice President Jesse McCue, Owls Head Selectman Richard Carver; and Chris Wolf of the *Pen Bay Pilot*.

Regular Meeting – Agenda Tuesday – April 8, 2014 – 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 March 11, 2014.
 - iii. Monthly Written Departmental Reports.
 - iv. Reserve Withdrawals.
 - v. Budget Line Transfers.
- IV. 2:20 Action Items**
 - 1. Act to Remove a Member from the Knox County Board of Assessment Review.
 - 2. Act on Appointment to the Knox County Board of Assessment Review.
 - 3. Act to Award Bid for Courthouse Window Replacement Project.
 - 4. Act to Award Bid for Janitorial Services for the Knox County Regional Airport and Knox County Public Safety Building.
 - 5. Act on Reconsideration of Interest to Be Charged to Municipalities on Fees Paid Late.
 - 6. Act on Approval to Fund 2013 Department Budget Overages.
 - 7. Act to Approve Expenditure of Federal Forfeiture Funds to Purchase Equipment and Host Training for Forensic Mapping and Accident Reconstruction.
 - 8. Act to Appoint APAC Members to Fill Vacant District #1 Seat until 2016; District #2 Seat, Nearby Citizen Seat and Airport Business Seat until 2017.
- V. 2:50 Other Business**
- VI. 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 March 11, 2014.

- iii. Monthly Written Departmental Reports.
- iv. Reserve Withdrawals
- v. Budget line transfers

- 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 about the Floodplain Mapping meetings mentioned in EMA Director Ray Sisk’s monthly report. Administrator Hart stated that the meetings were happening today, that one had started at 1 p.m. and will probably go to 3 p.m. He said that he attended the first 40 minutes of that meeting before coming back for the Commission meeting. He added that there’s one more Floodplain Mapping meeting tonight from 6 to 8 p.m. Commissioner Moody asked if there would be any sort of follow-up that the County would need to do afterwards. Administrator Hart replied that FEMA’s requirement was to hold the meetings and then FEMA will send out the final maps and that was it. He added that he was planning to have a discussion with Sue Baker to see if there’s anything else the County wants to do, but he was still looking into that. Commissioner Maines asked if there were a lot of questions being asked at the FEMA meeting. Administrator Hart said that he was only there for about 40 minutes before coming back for the Commission meeting and the only questions he heard were about flood insurance. He noted that both EMA Director Ray Sisk and Systems Administrator Mike Dean were currently at the FEMA meeting and that’s why they were not in attendance at the Commission meeting.

- A vote was taken with all in favor.

2013 Reserve Withdrawals – December Expense: 2013 Airport Projects

Airport Projects	461608-14640	\$17,987.94
Airport Equipment	461608-14610	\$30,719.77
Airport Facility Charge	461608-14601	\$20,554.00
	Total	\$69,261.71

2014 Reserve Withdrawals:

Dispatch Computer	561800-12605	\$682.45
Forfeiture Money – Federal	200008-12860	\$2,063.40
Sheriff Vehicles	200008-12770	\$907.30
Sheriff’s Computer	200008-12760	(\$92.80)
	Total	\$3,560.35

2013 Budget Line Transfers:

FROM:

TO:

Building Maint. – 301 Park St.

Electricity	016004-54555	\$1,265	Heating Fuel	016005-55205	\$1,265
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EMA

Equipment Repairs	002004-54575	\$705	Equipment Rental	002004-54570	\$705
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Sheriff

Holiday Overtime	011003-53805	\$821	Patrol Deputy	011003-53316	\$821
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Total:	\$2,971
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Total:	\$2,971
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IV. Action Items

1. Act to Remove a Member of the Knox County Board of Assessment Review.

Administrator Hart explained that Board Chair Marian Robinson had asked that the Commission remove Rick Lavoie from the Board due to lack of attendance and the fact that he has not responded to any correspondence, including a letter from Chair Robinson asking Mr. Lavoie if he wished to continue on the Board. Other members of the Board have also tried to get in touch with Mr. Lavoie with no success. Ms. Robinson wanted to have Mr. Lavoie removed from the Board so that someone else could fill his place so there will be a full board at hearings.

- A motion was made by Commissioner Richard Parent to remove Rick Lavoie from the Knox County Board of Assessment Review. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

2. Act to Appointment to the Knox County Board of Assessment Review.

Administrator Hart explained that Wesley Robinson (no relation to Marian Robinson) had submitted a letter of interest containing his qualifications for the Commission to review. He said that Board Chair Marian Robinson felt that Wes will be a good fit for the Board. There are currently three hearings scheduled (2 North Haven appeals and 1 Union appeal). Mr. Robinson will miss the one scheduled for April 25th but if appointed now he will be able to attend the May 2nd and May 23rd hearings. He would be replacing Rick Lavoie and fill his unexpired term which expires November 5, 2016.

- A motion was made by Commissioner Roger Moody to appoint Wesley Robinson to the Knox County Board of Assessment Review to fill the unexpired term of Rick Lavoie. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

3. Act to Award Bid for Courthouse Window Replacement Project.

Administrator Hart explained that the RFP for replacing eight windows on the courthouse was emailed out to four vendors. Three of the vendors showed up for the mandatory pre-bid meeting. Of the three, the County received two bids by the deadline of March 28th. The Penobscot Company was the lowest bidder, but stated in their bid that they intended to do the work in “late fall” which is outside the RFP requirement parameters which requires that the work be completed by July 31st. Administrator Hart explained that he had contacted The Penobscot Company and was told that that wording was placed in their bid response from a previous window bid that Knox County had done. David Nazaroff indicated that if awarded the bid, The Penobscot Company would comply with the RFP and have the work completed by no later than July 31, 2014. The windows being replaced are up near the Probate entrance. The Penobscot Company had also done the Superior Court windows and the Finance Office window replacements when the County first started replacing windows on the Courthouse.

- A motion was made by Commissioner Richard Parent to award the bid to The Penobscot Company for a bid total of \$37,908.00. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

4. Act to Award Bid for Janitorial Services for the Knox County Regional Airport and Knox County Public Safety Building.

Administrator Hart explained that the RFP for janitorial services for both the Airport and the Public Safety Building was emailed out to six vendors. Four of them attended the mandatory pre-bid meeting. Of the four, the County received three bids by the deadline of March 31st. Lou’s Commercial Cleaners submitted the lowest bid for both the Airport and the Public Safety Building; however, Administrator Hart recommended that the Commission award the bid to Maine Real Estate Management for both facilities because of past performance issues with Lou’s Commercial Cleaners at both the Airport and in the Communications Center during the last contract period. Awarding the bid to MREM would also allow the County to have one vendor providing Janitorial Services for all facilities of Knox County. MREM also currently has the Building Maintenance contract for the Courthouse and the Public Safety Building. They also do things for the Airport, but that’s minimal.

	Maine Real Estate Management	Lou’s Commercial Cleaners	Country Keepers
Airport – Part A Annual Cost	\$22,056	\$16,800	\$36,800
Renewal periods	\$22,056	\$16,800	\$36,800
Airport – Part B	None	N/A	None
Airport – Part C	\$18/hr	N/A	\$25/hr
KCPSB – Part A Annual Cost	\$19,908	\$18,000	\$48,500
Renewal periods	\$19,908	\$18,000	\$48,500
KCPSB – Part B	None	N/A	-----
KCPSB – Part C	\$18/hr	N/A	\$25/hr
BID TOTAL:	\$41,964	\$34,800	\$85,300

Commissioner Maines asked if anyone had talked to Mr. Dyer about the performance issues. Administrator Hart explained that Building Maintenance Supervisor Don Decker has met with Mr. Dyer on numerous occasions. He said that he and Mr. Decker had also met with Mr. Dyer together on Friday about the bid results and what his recommendation to the Commission was going to be. Commissioner Maines commented that Mr. Dyer’s email indicated he was unaware of some of the complaints and thought he could fix the issues. Administrator Hart responded that he disagreed with Mr. Dyer claiming he wasn’t aware of the issues. He said that he didn’t want to get into the issues in a public meeting, which is why he had met with Mr. Dyer ahead of time. He added, however, that he had also heard complaints from Mr. Dyer’s references when he called them.

Commissioner Maines noted that there’s not an inconsiderable difference in price between the bids from Lou’s Commercial Cleaners and Maine Real Estate Management. Administrator Hart agreed. He said that both bids are above what’s budgeted for the remainder of 2014 so it would have to be covered from somewhere in the budget.

Commissioner Moody asked how long Mr. Dyer’s business had been cleaning at the airport. Airport Manager Jeff Northgraves replied that they started just prior to moving into the new terminal building in 2010. Commissioner Moody asked if the County had bid that contract out. Manager Northgraves said yes.

- A motion was made by Commissioner Richard Parent to award the bid for Janitorial Services for the Knox County Regional Airport and Knox County Public Safety Building to Maine Real Estate Management for a bid total of \$41,964 (\$22,056 for the Airport, \$19,908 for the Public Safety Building), initially for 6 months with the option to extend for an additional three years at the same bid price. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

5. Act on Reconsideration of Interest to Be Charged to Municipalities on Fees Paid Late.

Administrator Hart reminded the Commission that at the January 14, 2014 regular monthly meeting, the Commission had voted to charge interest to two municipalities that had paid their Communication Fees late (after the due date of September 1, 2013). The Town of Thomaston, which was one of municipalities that was charged interest, sent a letter dated February 4, 2014 to the Finance Office indicating that they did not believe any interest was owed because they believe that the postmark determines the date when a payment is made. Thomaston also asked the County to recognize that the due date fell on a Sunday, with a Monday holiday, and wanted the County to credit the Town the interest charge of \$26.93. Administrator Hart stated that he had reviewed Thomaston’s request and that he disagrees with the statute reference they used because it relates to a municipalities’ tax, including property taxes and when interest is collected, so it doesn’t relate to the County process.

Administrator Hart stated that Title 36, Section 153 Subsection 1 and 2 does pertain to this situation, however. He stated that he was asking the Commission to reconsider their vote on charging the Town of Thomaston interest and to revote to not charge the Town of Thomaston interest as the postmark date is the date the payment is deemed to be made. He added that Subsection 2 discusses weekends and holidays and indicates that the act is timely if it occurs on the succeeding day that is not a Saturday, Sunday, or legal holiday, which September 1st was. Commissioner Maines asked if the Town of Thomaston had actually paid it. Administrator Hart replied that he wasn't sure if it had been deposited. If the check hasn't been deposited, it wouldn't need to be refunded – Finance would just send back the check.

Commissioner Parent asked if this applied to the other town that paid late. Administrator Hart said that it wouldn't because their payment was several days late.

- A motion was made by Commissioner Richard Parent to reverse the Commission's decision to charge late fees in the amount of \$26.93 to the Town of Thomaston. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

6. Act on Approval to Fund a 2013 Department Budget Overage.

Administrator Hart explained that there are two budgets that had expenditures that exceeded the 2013 approved budgeted amounts:

1. Courthouse - Building Maintenance Budget - exceeded the approved budgeted amount by \$6,292 because of a chiller repair which cost \$9,523, and a new unit heater in the back entry main hallway that cost \$4,438; however, there is additional revenue within the Courthouse Budget mainly from State Fuel Reimbursement as the fuel usage was more because of the colder weather so this offsets the expense overage, which results in a balance of \$138.34. Administrator Hart stated that the Commission didn't need to vote to do anything to this budget but just acknowledge an acceptance that the expenditures exceeded the budgeted expenditures and will be covered by associated revenues within the budget.
2. Public Safety Building – Building Maintenance Budget - exceeded the approved budgeted amount by \$3,794 because of heating fuel being higher than anticipated thanks to a cold winter and the cleaning bid that came in higher than was budgeted for since the bid was put out after the budget had already been approved. There is no revenue offset for this budget. Administrator Hart requested that the Commissioners approve the funding of the overage in the amount of \$3,794 from Surplus.

- A motion was made by Commissioner Richard Parent to approve the overage in the Courthouse Building Maintenance budget in the amount of \$6,292 (which is offset by revenue), and fund the Public Safety Building Maintenance budget overage amount of \$3,794 from Surplus. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

7. Act to Approve Expenditure of Federal Forfeiture Funds to Purchase Equipment and Host Training for Forensic Mapping and Accident Reconstruction.

Sheriff Dennison stated that the equipment and training is for the top of the line computer generated mapping that can not only be used on accidents but also in criminal investigations.

Chief Deputy Carroll explained about the importance of his staff taking a class in “forensic mapping”. He said that the department has had to keep calling on other agencies to come do forensic mapping at accident scenes, including the recent vehicle fatalities in Port Clyde and Warren. Normally the training for 4 employees would cost \$23,520, but because the Sheriff's Department is going to host the training, Chief Deputy Carroll was able to negotiate the price for his staff down to \$14,995. Therefore, the request is to spend \$14,995 from the Federal Forfeiture funds account to purchase the equipment and host the training. It gives a better computer generated rendition of what happened at the crash scene. Doing this brings the County up to date and gives the Sheriff's Department the ability to give the DA's office and victim's families a better understanding of what happened. There are two Sheriff's

Department employees receiving the first part of the reconstruction training and then this training will follow-up with the mapping.

- A motion was made by Commissioner Roger Moody to approve the expenditure of federal forfeiture funds in the amount of \$14,995 to purchase equipment and host training for forensic mapping and accident reconstruction. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

8. Act to Appoint APAC Members to Fill Vacant District #1 Seat until 2016; District #2 Seat, Nearby Citizen Seat and Airport Business Seat until 2017.

Airport Manager Jeff Northgraves explained that the APAC met on Monday to review submissions and made the following recommendations (with the names that the APAC supported in bold).

- **District #2: John Curtis (Thomaston)** is willing to serve a second term. No other nominations were submitted.
- **Nearby Neighbor: Pennie Alley (South Thomaston)** willing to serve a second term. She was formally supported by the South Thomaston Selectboard. No other nominations were submitted.
- **Airport Business Seat: Shane Burns (Appleton)** is willing to serve a second term. No other nominations were submitted.
- **District #1: Maynard Curtis (Owls Head)** volunteered for this seat and was formally supported by the Owls Head Selectboard. South Thomaston submitted two names for this seat: Greg Peet and Jan Gaudio. The South Thomaston Selectboard formally supported Jan Gaudio's nomination. Bob Hastings (Owls Head) also volunteered for this position.

Manager Northgraves stated that the APAC had voted unanimously to submit these four names to the Commission, and that his recommendation was to follow the APAC recommendations.

Commissioner Maines commented that District #2 will be changing in 2015 because of the legislature changing the commissioners' districts and asked how the Commission should vote on that because if the Commission appointed John Curtis to District 2, as of January 1st he'll be out of his district. Manager Northgraves said that while the bylaws doesn't exactly say someone had to be living in their own district, that was the intent. The Commission could just vote to appoint John Curtis until the end of 2014.

Commissioner Moody asked Owls Head Selectman Richard Carver if Maynard Curtis is a member of the Owls Head Airport Committee. Mr. Carver answered that Mr. Curtis was not a member of the OHAC. He said that none of the members of the OHAC were able to serve on the APAC so the selectboard had to look for volunteers outside the OHAC.

- A motion was made by Commissioner Roger Moody to appoint John Curtis to the District # 2 seat until January 1, 2015, Pennie Alley to the Nearby Neighbor seat for a 3-year term, Shane Burns to the Airport Business seat for a 3-year term, and Maynard Curtis to the District #1 seat for a 2-year term of the APAC. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

V. Other Business

Re-Look Sub-Committee

Manager Northgraves noted that the sub-committee met yesterday prior to the APAC's meeting. He said that they have been working on ways to ensure that Owls Head has representation on the APAC. South Thomaston has a similar interest. Those two towns and the island communities have a large interest in the airport and should always be represented on the APAC. It's more likely that there wouldn't be representation from the islands just due to the fact that travel to the mainland can be really complicated for

them. The sub-committee recommended, and the APAC approved to recommend to the Commission, rather than changing the bylaws, that the matter be put into the Commissioners' laps so that when the Commission goes to appoint people to the APAC, the commissioners keep in mind appointing someone from each community. If for some reason there isn't someone available for that community, the Commission could always appoint someone to act as that community's representative and require them to relay the community's concerns to the APAC and then take back information. The sub-committee didn't want to change the bylaws unless absolutely necessary but if the Commission wanted to do that, it was up to the Commission to do so.

Commissioner Moody asked for a complete list of the APAC and the districts so he could get a better understanding of the big picture. Manager Northgraves said that he could do that.

FAA – Master Plan Update

Commissioner Maines asked for an update. Manager Northgraves said that he still hasn't heard back from the FAA employee reviewing the document, but that he felt he would hear something in the near future because the person reviewing the document responded to one of his other questions. Manager Northgraves stated that he was anticipating coming back next month with the Master Plan Update for the Commission to approve.

Airport Security Costs

Manager Northgraves said that he had spoken to Cape Air's rep about the numbers they put together for the EAS package and talked to him about the security portion. Other airports do charge a security fee. Manager Northgraves said that when he told the rep how much he thought he'd be charging Cape Air for security fees, the rep didn't bat an eye so he didn't anticipate it being a problem. He said that he believed that the airport will be able to fully fund its security by tapping into the EAS funds.

Owls Head Cemetery

Commissioner Maines asked if there was any update on the Cemetery lease issue. Manager Northgraves said that the person he deals with at the FAA said to wait until the Master Plan Update is done because it designates the use of excess land that the County has. The cemetery land should be highlighted as compatible use, which it isn't currently because that wasn't put in when the last update was done. Until that is put into the Master Plan, the FAA rep doesn't even want to address the cemetery issue.

Mid-Coast Regional Planning Commission

Commissioner Moody asked the other two commissioners if they had received a Mid-Coast Regional Planning Commission meeting notification from Eric Galant. He said he was happy to go but didn't think all three of them needed to go. Neither Commissioner Maines nor Commissioner Parent had received the invitation so they weren't intending to go. Commissioner Moody said he was planning to attend.

VI. 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 3:04 p.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on May 13, 2014.