

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – May 12, 2015 – 2:00 p.m.

The regular monthly meeting of the Knox County Commission was held on Tuesday, May 12, 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, and Airport Manager Jeff Northgraves.

Others in attendance: Ervin Curtis, Evergreen State Petroleum Services (*left at 2:14 p.m.*).

Regular Meeting – Agenda Tuesday – May 12, 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 April 14, 2015
 - iii. Minutes of Special Commission Meeting of April 21, 2015 (Executive Session)
 - iv. Minutes of Special Commission Meeting of April 23, 2015 (Executive Session)
 - v. Monthly Written Departmental Reports.
 - vi. Reserve Withdrawals.
- IV. 2:20 Action Items**
 - 1. Act on Knox County Operating and Capital Budget Guidelines.
- V. 2:30 Discussion Items**
 - 1. Discussion of Retirement Proposal.
 - 2. Discussion of Legal Budget Line Within the 2015 Administration & Information Technology Budget.
- VI. 2:35 Other Business**
- VII. 2:40 Executive Session**
 - 1. Convene in Executive Session to Discuss a Personnel Matter Pursuant to 1 M.R.S.A. §405(6)(A).
- VIII. 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.

Ervin Curtis of South Thomaston asked to speak. He explained that he and his son are both merchant marines and they depend on the airport to get to wherever they need to meet a ship so they can captain that ship to where it needs to go as part of federal government contracts. Mr. Curtis explained that he and his son have both had issues with Cape Air repeatedly cancelling flights at the last second, which doesn't give them time to make different arrangements to reach the ship they need to get to. He said recently his son was bumped from a 9-passenger plane since it was too heavy, even though Cape Air had booked all 9 seats – not overbooked. His son almost lost his job because of that. He said that in the last two years he has only made about 40% of his flights. He recently flew back last fall from Europe and the flight was cancelled because of weather but when he called his wife here in South Thomaston, the weather here was beautiful. Merchant marines depend on getting to the ships they need to captain somewhere. It holds up federal ships and contracts if they can't get there. He said that if Cape Air knows the flight is going to be overweight, they should at least let passengers know about it a day in advance so people have time to make other

arrangements. He said he had spoken to Cape Air when they called him after he had emailed them a couple times and he asked to just be notified if something with the flight changes. The incidents have not been mechanical problems or weather problems; those things he can understand, he said, but that is not what is happening.

Commissioner Maines asked if the reason the flight was overweight was because of the amount of luggage being taken along by passengers. Mr. Curtis said that he had no idea. Airport Manager Jeff Northgraves stated that the airline will rarely bump people, but if they do, it isn't because of the weight of luggage – it is because of the weight of the people getting on the flight. The airline doesn't know until the passengers show up how much they all weigh since there is no mechanism for the airlines to find out the passengers' weight in advance. If the weight limit were to be exceeded by the weight of the luggage, the airline will just send some luggage on the next flight rather than bump a passenger. He also noted that if a flight is cancelled or delayed because of weather, the fact that the weather is great in Owls Head doesn't mean that Cape Air is lying – the weather could be bad in Boston where the plane is taking off, or there could be a weather system between destinations that the airline does not want to fly through.

Mr. Curtis commented that if there was nothing that the Commission can do, he understood that, but felt he should bring it to the Commission's attention in case something can be done. He suggested that Cape Air have more flights so that if a person is bumped from one flight, they could get on a later flight. Most of the time the later flights are already full so that option is out.

Commissioner Moody thanked Mr. Curtis for sharing his concerns with the Commission.

Mr. Curtis left the meeting at 2:14 p.m.

Manager Northgraves said that he would mention Mr. Curtis' concerns to Cape Air. He noted that Cape Air often reimburses passengers or give free tickets to people even when they are not obligated to. Most airlines won't reimburse passengers for cancellations due to weather, but Cape Air does. Administrator Hart asked Manager Northgraves if Mr. Curtis had mentioned his concerns before the recent incident with his son since Mr. Curtis had mentioned the problems have been going on for a couple years. Manager Northgraves replied that he didn't know, but would talk to Cape Air about it.

There was no further public comment.

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 April 14, 2015
- iii. Minutes of Special Commission Meeting of April 21, 2015 (Executive Session)
- iv. Minutes of Special Commission Meeting of April 23, 2015 (Executive Session)
- v. Monthly Written Departmental Reports.
- vi. Reserve Withdrawals.

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

Commissioner Maines asked Manager Northgraves about whether FAA had approved the grant for the runway rehabilitation or not, and when the work would be done. Manager Northgraves answered that he was still waiting to hear back from the FAA. He was hoping to have the work done in May, but doesn't think that will happen. It will most likely be done late September/early October. The bid price stays the same unless the project gets put off until next year. Commissioner Maines asked what had been decided about how long to close the runway for the project. Manager Northgraves said that the County had to go with whatever bid came in at the lowest of the three options, which turned out to be the fastest method: closing the runway completely for 12 days

straight. He noted that Cape Air doesn't like it too much, but has said they can live with it as long as it's not in June, July, or August since those are the busiest months.

Commissioner Moody commented that he was pleased to see what EMA Director Ray Sisk had mentioned in his monthly report about obtaining supplemental grant funding for a project with fire chiefs in the County working on an "Enhanced Mutual Aid" for fire and emergency services.

- A vote was taken with all in favor.

Reserve Withdrawals:

Sheriff's Computer	200008-12760	\$1,322.11
	Total	\$1,322.11

IV. Action Items

1. Act on Knox County Operating and Capital Budget Guidelines.

Administrator Hart explained that an earlier draft of this document was discussed at the Joint Budget Committee/Commission Quarterly Meeting held on May 7th. Based on that discussion, some changes were made. He noted that it is up to the Commission whether to adopt the guidelines or not. *The document is inserted below:*

KNOX COUNTY OPERATING AND CAPITAL BUDGET GUIDELINES

Operating and Capital Budget Process: Every September, each County Department Manager shall submit a detailed budget for the following year, including capital and revenues as may be required by the County Administrator.

Preparation: The Finance Director shall compile all operational and capital budget requests, and in conjunction with the County Administrator prepare a preliminary budget that includes revenue estimates. These preliminary budgets shall be provided to each County Department Manager and meetings will be scheduled for a review of each County Department Budget with the County Administrator, Finance Director, and the respective Department Manager. These meetings will be held during the middle of September of each year. After these meetings (and any subsequent meetings with respective Department Managers as needed), the Finance Director will assemble the County Administrator's preliminary budget, which shall be submitted to the County Commission for their review. At this meeting, the Commission shall review each County department budget with the department manager present. This meeting shall be held the first week of October each year.

Budget Modifications: After deliberation of the of the County Administrator's preliminary budget, the Commission and County Administrator, while considering Department Managers' recommendations, shall make any additions, deletions, or modifications as they deem necessary to ensure the proper fiscal performance of County government. The Commission shall vote on the preliminary budget and submit it to the Budget Committee.

Public Hearing: The first joint meeting of the Budget Committee and Commission shall be a public hearing. At this meeting, the County budget is presented to both the Budget Committee and Commission. The Budget Committee Chair shall serve as Chair for the joint meetings. This public hearing will be held in October each year.

Budget Review Meetings: The Budget Committee and Commission shall hold additional budget review meetings for all County Department Budgets. At these meetings, both the Budget Committee and Commission shall ask questions of the County Administrator, Department Manager, and Finance Director. At the conclusion of each County department budget review, the Budget Committee and Commission shall each take a consensus vote of that budget. These meetings will be held in October and November each year.

Final Review and Vote on Provisional Budget Proposal: The Budget Committee and Commission shall complete the review of all County department budgets and after deliberation of all county department budgets, the Budget Committee and Commission shall vote on the provisional budget and submit that provisional budget to a public hearing and final budget approval. This meeting will be held in November each year.

Public Hearing & Presentation of Budget to the Public (Annual Budget Acceptance): A joint meeting of the Budget Committee and Commission shall be held to present the budget at a public hearing. This meeting will be held in December each year. After the public hearing is completed, the Budget Committee shall adopt a final budget and transmit that budget to the Commission. The Commission may not further increase, decrease, alter or revise the final budget as adopted by the Budget Committee, except by unanimous vote of the Commission. If the adopted final budget is changed by the Commission, the Budget Committee may reject that change by a two-thirds vote of its membership. Those actions shall be final and not subject to further action by either the Commission or Budget Committee.

EXCERPTS TAKEN FROM THE KNOX COUNTY CHARTER ARTICLE V SECTION 5

REVISED May 8, 2015

Administrator Hart said that he thought most of the meeting attendees at the joint meeting on May 7th supported the document so he brought it before the Commission at today's meeting for their a formal approval. He said that he had made a few changes based on the earlier discussion:

- Changed "process" in the title to "guidelines"
- Added that the Commission shall vote on the preliminary budget before it goes to the Budget Committee (at the early October Special Commission meeting)
- Added having the Budget Committee Chair serve as the chair at the joint meetings except for the portions when the Commission discusses items and takes their own straw votes
- Added the footnote stating where the references came from in the County Charter at the bottom of the document
- Added a revision date at the bottom as well

Commissioner Parent asked about changing the description under the first Public Hearing paragraph to reflect that the preliminary budget isn't presented to both the Commission and Budget Committee because the Commission already reviews and approves it before it goes to the Budget Committee. Administrator Hart said that he would change it to reflect that the preliminary budget is approved by the Commission and is then presented to the Budget Committee. The commissioners agreed with this change.

There was a brief discussion about the Budget Committee members having seemed surprised about the fact that the commissioners had felt left out and uncomfortable voicing opinions during the budget process since it has been that way for a long time. It was noted that now everyone knows how the commissioners felt and that the Budget Committee wanted the Commission to participate more during the budget review process. There was also a brief discussion the best way to go about reflecting the difference of opinion between the Commission and the Budget Committee in the budget draft during the budget review process. Now that the Commission will take straw votes after the Budget Committee does on each department, the draft needs to reflect that the two bodies don't necessarily agree.

Commissioner Maines noted that the Budget Committee had also brought up wanting the Commission to decide whether program grant requests will be included in the budget process before it gets to the Budget Committee. Budget Committee Chair Dorothy Meriwether had felt it was up to the Commission to decide whether an organization's request fell into the categories that the County considers "core" County functions. Administrator Hart said that if the County receives any new requests this year, he would have the Commission vote on whether to include them in the budget draft before it goes to the Budget Committee.

- A motion was made by Commissioner Carol Maines to adopt the Knox County Operating and Capital Budget Guidelines as presented. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

V. Discussion Items

1. Discussion of Retirement Proposal.

Administrator Hart explained that the Commission had held a Work Session on May 4th to discuss the Maine Public Employees Retirement System (MPERS) and how it compared to the County's current retirement provider, ICMA. He noted that they had discussed having an executive session to discuss the options rather than doing it in an open meeting, but he had since found out that the Commission can't do that without the union in the executive session as well. He said that he was not recommending any particular plan, and just wanted to know if the Commission was going to consider offering MPERS to employees to all employees, just the sheriff's department employees, or not at all. He said that he had asked the Union to come up with a budget offset during union negotiations.

It was noted that every county that responded to Administrator Hart's request for information indicated that they offered MPERS to their employees. All of them offered the AC plan to non-sheriff's department employees. None of the counties offered MPERS to *just* their sheriff's department; instead, some of them offered one MPERS plan to sheriff's department employees, and a different MPERS plan to other departments. Commissioner Moody felt that more information was needed before the Commission could make a final decision anyway. Administrator Hart said that he could bring the topic back up at later Commission meetings but union negotiations take place in an executive session and what's said in the executive sessions can't be discussed with others who weren't there.

Since Commissioner Parent wanted to know how many people in the sheriff's department actually want to change to MPERS, Administrator Hart said that he could ask and find out. Commissioner Parent felt that if there were only a few that wanted to make the change, the majority of the union members may not want to give up anything to be able to participate in MPERS, and therefore not agree to an offset.

Commissioner Moody said that he felt Knox County was still being fair to employees even though not currently offering MPERS because the County does a 7% match for ICMA and a 7.65% match for social security.

Commissioner Maines asked if Administrator Hart had received an answer to the question of what happens when someone working for a different employer with a better MPERS plan than Knox County offers and then comes to work for the County. HR Consultant Laurie Bouchard explained that the simple answer is that the plans are somewhat combined for that employee so that the employee will get benefits from both.

Airport Manager Northgraves commented that the Commission could still discuss the matter in executive session if they do their planning prior to union negotiations as "consultations with legal counsel". The Commission would have to have their legal counsel present during the meeting either in person or on the phone.

Administrator Hart asked if the Commission agreed to consider participating in MPERS in order to move forward with it with the sheriff's department. The commissioners nodded in agreement.

2. Discussion of Legal Budget Line Within the 2015 Administration & Information Technology Budget.

Administrator Hart explained that the General Legal budget line in the Administration & Information Technology budget for 2015 is already over budget by about \$223. The County had budgeted \$50,400 for 2015. The previous year, \$90,000 was budgeted but for 2015 it was lowered and budget lines were set in three other departments (KRCC, Airport, and Jail) to cover their costs. Unfortunately, those three

departments cannot pay their legal expenses until July 1st because that's when the jail budget switches over to the budget that contains the legal expense line in it. Administrator Hart felt that in the meantime he should be able to cover the overage within his own operating budget, possibly using funds from IT Consultant, employee recognition, office supplies, etc. He noted that there was also still some money left in the legal reserve and the Commission could authorize moving funds over at the end of the year. Most of these legal expenses are out of the Administration's control. There have been union grievances and some of them have required retaining more than one attorney for a case. It adds up. He said that he would keep the Commission updated as the year progresses.

Commissioner Maines asked if that meant that the County will not have money to set up equipment to be able to record Commission meetings and stream them on the internet. Administrator Hart answered that the County can't do that now anyway because it needs to be budgeted for in 2016.

VI. Other Business

Airport Public Advisory Committee

Commissioner Moody asked Commissioner Parent if he had spoken to the Town of Warren about whether they still wanted Elaine Clark to represent them on the APAC even though she's not their town manager anymore and doesn't live in the County. Commissioner Parent said that he had asked the question but not received a response yet. Airport Manager Northgraves noted that Ms. Clark came to yesterday's APAC meeting and he got the impression that the town had given her the ok to continue representing them.

VII. Executive Session

1. Convene in Executive Session to Discuss a Personnel Matter pursuant to 1 M.R.S.A. §405(6)(A).

- A motion was made by Commissioner Carol Maines to go into executive session pursuant to 1 M.R.S.A. §405(6)(A) to discuss a personnel matter. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The executive session convened at 3:10 p.m.
The executive session concluded at 4:11 p.m.

VIII. Adjourn

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

The meeting adjourned at 4:12 p.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

**The Knox County Commission approved these minutes at their regular meeting
held on June 9, 2015.**