

# KNOX COUNTY COMMISSION

## **Regular Meeting**

**Tuesday – August 12, 2014 – 2:00 p.m.**

The regular monthly meeting of the Knox County Commission was held on Tuesday, August 12, 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, Chief Deputy Tim Carroll, Airport Manager Jeff Northgraves, Communications Director Linwood Lothrop, Finance Director Kathy Robinson, Jail Administrator John Hinkley and Sheriff Donna Dennison.

Others in attendance: County Attorney Peter Marchesi (*arrived at 2:10 p.m. for the Executive Session*); and County Attorney John Wall (*for the Executive Session – via conference call*).

### **Regular Meeting – Agenda** **Tuesday – August 12, 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 July 8, 2014.
    - iii. Monthly Written Departmental Reports.
    - iv. Reserve Withdrawals.
- IV. 2:20 Action Items**
  - 1. Act to Award Bid for 1 New 2014 Police Cruiser for Use by the Sheriff's Patrol Division.
  - 2. Act on Approval of the Transfer of Forfeited Assets of \$594.00 (or any portion thereof) to Knox County in the *State of Maine v. John Stanton*.
  - 3. Act on Approval of the Transfer of Forfeited Assets of \$910.00 (or any portion thereof) to Knox County in the *State of Maine v. Richard Stanton*.
  - 4. Act on Appointment to Fill APAC District 3 Seat for One Year.
  - 5. Act to Approve and Authorize the Chair to Sign the Request for Lease Assignment and Consent and Assignment for Transfer of Hangar #25 from Dianna Smith to John Machamer.
  - 6. Act to Authorize the County Administrator to Pursue the Process of Changing Knox County to a July-June Fiscal Year Effective January 1, 2016.
- V. 2:45 Other Business**
- VI. 2:50 Executive Session**
  - 1. Convene in Executive Session for Consultations with Legal Counsel pursuant to 1 M.R.S.A. §405(6)(E).
- VII. 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 July 8, 2014.
- 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 Roger Moody.

Commissioner Maines asked Communications Director Linwood Lothrop about the helicopters used during an exercise for Criehaven fire suppression mentioned in his monthly report. Director Lothrop explained that one of the helicopters was supposed to serve as a command center to make it easier to communicate with the two helicopters transporting the donated military water tank to the island, but that helicopter never actually made it to the exercise because it had to go assist in a real life situation. The transportation of the water tank and the exercise still took place but communications were handled with portables, which was more difficult for communicating than it would have been otherwise, but Director Lothrop felt that everyone involved in the exercise learned a lot.

Commissioner Maines asked how many dispatchers ended up being hired from the recent round of applicant testing. Director Lothrop said that five applicants were interviewed and of those, the department ended up with two that they wanted to hire. He noted that the “Criti-Call” testing is new for Knox County but is a very useful tool because it simulates the job the applicants would be doing if hired. The testing evaluates skills such as keyboarding, multi-tasking, data entry, map reading, comprehension and spelling. Director Lothrop said that he put a few of the County’s current dispatch staff through the testing before the applicants did it in order to get a baseline of scoring and tweak the test to fit the County’s needs.

- A vote was taken with all in favor.

**2014 Reserve Withdrawals:**

Airport Equipment	461608-14610	\$1,200.00
Courthouse Renovations & Maintenance	200008-12680	\$37,908.00
DARE	300008-10070	\$261.72
	Total	\$39,369.72

**IV. Action Items**

1. Act to Award Bid for 1 New 2014 Police Cruiser for Use by the Sheriff’s Patrol Division.

Chief Deputy Carroll explained that it turned out that all the bids that came in were for 2015 vehicles since the 2014 models are no longer available. Of the seven vendors to be sent the invitation to bid letter, only two dealerships sent in bids. Chief Deputy Carroll stated that he and the Sheriff recommended awarding the bid to Quirk Ford of Augusta for the 2015 Ford Sedan Interceptor for a bid total of \$25,953. He explained that it was a little bit more expensive than the other sedan offered as a bid by Quirk because it already had the police package on it (lights, etc.) that would otherwise have to be purchased and installed anyway. This way it’s already ready to go and the County doesn’t have to wait 14 – 16 weeks for the cruiser to arrive. The vehicle should arrive the 1<sup>st</sup> of September.

- A motion was made by Commissioner Richard Parent to award the bid for one 2015 Ford Sedan Police Interceptor to Quirk for a bid total of \$25,953.00. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

2. Act on Approval of the Transfer of Forfeited Assets of \$594.00 (or any portion thereof) to Knox County in the *State of Maine v. John Stanton*.
  - A motion was made by Commissioner Roger Moody to approve the transfer of forfeited assets of \$594.00 or any portion thereof in the *State of Maine v. John Stanton*. 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 of \$910.00 (or any portion thereof) to Knox County in the *State of Maine v. Richard Stanton*.
  - A motion was made by Commissioner Richard Parent to approve the transfer of forfeited assets of \$910.00 or any portion thereof in the *State of Maine v. Richard Stanton*. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.
4. Act on Appointment to Fill APAC District 3 Seat for One Year.

Airport Manager Jeff Northgraves explained that the District 3 Seat was left empty by Marjorie Stratton's resignation and needs to be filled for the remainder of her term. He said that he has only received one name so far: North Haven resident Richard Witherspoon. The APAC met on Monday and voted 7-0-1 to recommend that Mr. Witherspoon be appointed to serve out the rest of Ms. Stratton's unexpired term. Manager Northgraves noted that the town administrator for North Haven also nominated Mr. Witherspoon.

  - A motion was made by Commissioner Roger Moody to appoint Richard Witherspoon to fill the District 3 seat on the APAC for the remainder of the term until May, 2015. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.
5. Act to Approve and Authorize the Chair to Sign the Request for Lease Assignment and Consent and Assignment for Transfer of Hangar #25 from Dianna Smith to John Machamer.

Airport Manager Jeff Northgraves explained that Dianna Smith sold the hangar to John Machamer so the lease agreement for the land under the hangar needed to be assigned to Mr. Machamer.

  - A motion was made by Commissioner Richard Parent to approve and authorize the Chair to sign the Request for Lease Assignment and Consent and Assignment for transfer of Hangar #25 from Dianna Smith to John Machamer. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

Commissioner Maines asked Manager Northgraves if he wanted to give an update on the status of the Master Plan Update. Manager Northgraves recalled that at the last Commission meeting in July, the Commission had authorized the county administrator to write a letter to the FAA urging them to move forward but right after that, Manager Northgraves ended up having a meeting with the FAA. He said that the person who reviews the plans at the FAA has reviewed a portion of the Plan, and Manager Northgraves hoped to get a response from that person within the next few weeks. The APAC won't be meeting in September but he hoped that the subcommittee for the master plan can work on it in September and then report to the APAC when they meet again in October. He noted that the timing of this is important because the paving of the runways is scheduled to be done in 2015 and if the runway extensions can be done at the same time, it will cost less over all. Once the FAA comments are back, Stantec will look at that and prepare a response to the FAA and a document for the Commission. It will be reviewed by the APAC and sub-committee before the Commission receives it, and while the Commission is reviewing it, Stantec will review the other chapters. Then another public hearing will be held. Manager Northgraves noted that if things seem to stall, then he would have Administrator Hart write a letter to the FAA after all.

6. Act to Authorize the County Administrator to Pursue the Process of Changing Knox County to a July-June Fiscal Year Effective January 1, 2016.

Administrator Hart said that he was requesting the Commission's authorization to look into beginning the process of changing the County's budget year from a calendar year (January - December) to a fiscal year (July 1 – June 30). He said that if the Commission approved his request he would begin working on looking into it and meeting with the Towns to get their feedback on the issue. He said that some of the reasons that switching would be a good idea are:

- Other counties that have done it haven't had to borrow money to run their county
- Cash flow is a lot better
- Audit costs have decreased because they're doing a combination audit instead of separate audits

Administrator Hart noted that Knox County had some of the same issues as other counties on calendar years. He said that the County sometimes has to delay some payments or halt spending except for essentials until later in the year when the tax money comes in. Administrator Hart reviewed parts of the memo he had given the commissioners in their packets to try to clarify the process. *A portion of the memo is inserted below for information's sake:*

Conversion to a July-June fiscal year is clearly laid out in 30-A Section 708 and Section 932. Section 708 allows a County to have two tax assessments during a single valuation as long as the fiscal year does not exceed eighteen (18) months. Section 708 also authorizes the Commissioners to adopt one or more fiscal years as long as you do not exceed eighteen (18) months.

Alternatively, 30-A Section 932 adds further guidance on the methodology for changing a county's fiscal year. In short, the law stipulates when and how the fiscal year change will take place.

**Transition Period**

The adoption of two general fund budgets is envisioned to occur at the same during this fall's budget process. The first budget will cover a six-month period (January 1, 2016 through June 30, 2016) and the second will cover a 12-month period (July 1, 2016 through June 30, 2017). The 6-month transition budget should be developed void of any reserves, capital, or overlay. The 12-month budget would have taxes committed as normal and collected according to State law.

**"Two" Tax Commitments In 2016**

Maine law allows a county to assess one or two tax commitments based on the same valuation in conjunction with a fiscal year change. Knox County anticipates assessing two separate commitments to cover county expenses made across a period of 18 months (January 1, 2016 through June 30, 2017).

Both commitments will be made at the same time (early 2016) and based on 2016 state valuations. However the two commitments will be significantly different amounts and carry different due dates.

**"First" Commitment of 2016**

The first commitment will be smaller and represent the county tax for January 1, – June 30, 2016 and a minimum one-fifth of that tax amount will be due not later than December 31 for each of five years beginning in 2016. Clearly, the county would prefer to receive full payment of this tax at the earliest opportunity but state law provides a 5-year, 20% per year, amortization schedule at the town's sole discretion. I would encourage the Towns to pay the entire 6 months in one shot as when Kennebec County municipalities saw how little the actual amounts were, many of them opted to pay in one lump sum.

The county is allowed by statute to charge an individual town interest equal to the interest cost incurred by the county in borrowing those funds otherwise due from the town and needed to cover county expenses.

**"Second" Commitment of 2016**

The second commitment will represent the county tax for July 1, 2016 – June 30, 2017. That tax amount will be the larger of the two, and carry a due date of September 1, 2016, payable in full.

**Future County Budgets**

In 2016, the county budget committee would be as they normally would meet for the months of October, November, with a final adoption in December to review budgets for the two periods as described.

Beyond 2017, the budget committee itself would meet in April-May to review and adopt a 12-month budget to go into effect July 1, 2017.

For each town, the county tax in 2017 would be due September 1, 2017, and a minimum of one-fifth of the smaller tax commitment levied in 2016 would also be due on December 31, 2017 (the 2<sup>nd</sup> of 5 total payments).

Administrator Hart noted that seven of the County's municipalities are on a Calendar Year (January to December), one municipality is on a February to January year, and the rest are on a Fiscal Year (July to June). When asked how the transition process went for other counties that made the change, Administrator Hart said that York County told him that they were almost finished with the process when some of the smaller towns decided to start objecting to the change and it was pointed out to the towns that the County had sent numerous correspondence about the issue and the towns hadn't spoken up sooner. York County went ahead and made the change. Administrator Hart said that Kennebec County told him that they didn't have any issues making the change and that it went pretty smoothly. Administrator Hart said that he wanted to see if the commissioners were even interested in looking into it before he spent time researching it. He said he just wanted to get a general idea of how the commissioners feel about it and to get authorized to start getting information. The Commission could formally vote later on making the change once he has looked into things and brought back information to the Commission.

Commissioner Moody commented that the change sounded like a good idea. He said that the County would need to make sure to have really good contact with the towns, give them a chance to provide input, and share information with them. He suggested that the commissioners visit their towns to explain things and Administrator Hart could join them if he wanted to.

Airport Manager Northgraves commented that South Thomaston had looked at making the change but it wouldn't benefit them unless the County was already on a fiscal year, so the town didn't do it. He said that he thought that if the County moved to a fiscal year, South Thomaston would probably make the change too.

- A motion was made by Commissioner Roger Moody to pursue the process of changing Knox County to a July-June Fiscal Year effective January 1, 2016. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

## V. Other Business

### Maine Constitution Coalition

Administrator Hart stated that he had received a call from Phil Merletti of the Maine Constitution Coalition. Mr. Merletti had requested a meeting with the Commission. Administrator Hart said that he asked why Mr. Merletti wanted to meet with the Commission and was told that the MCC met with Governor LePage a couple of months ago and they are trying to meet with county commissioners because they are concerned about the courts being taken away from the counties and being operated by the state. MCC is also concerned about the sheriff's powers being taken away. Administrator Hart said that he told Mr. Merletti that the next Commission meeting is on September 9<sup>th</sup> and asked if MCC had approached any other counties. Oxford County is allowing the group to speak at one of their meetings but the commissioners are only giving them 5 - 10 minutes under public comment and that's it. Administrator Hart explained that he wanted to check with the Commission about how they felt about meeting with Mr. Merletti before he put anything on the September agenda because he didn't really feel that this was county-related.

Sheriff Dennison noted that Mr. Merletti had offered to come down to teach a class to sheriffs because he believes that sheriffs don't really know the Constitution or their authority in the statutes.

Administrator Hart said that he checked with Clerk of Courts Eileen Bridges because he had told Mr. Merletti that if the Commission met with him, Administrator Hart wanted Ms. Bridges there. Ms. Bridges informed Administrator Hart that one of the justices had heard Mr. Merletti speak some time in the past and

felt that the group was all talk and no action. Ms. Bridges said that she would speak with the head of the Court Marshals and get back to Administrator Hart.

There was a discussion of whether to give Mr. Merletti a time limit for speaking. It was noted that there already is a limit set in the agenda for public comment - 15 minutes. It's also up to the discretion of the Chair to either allow or stop a speaker during the meeting.

#### Quarterly Budget Committee meeting

August 28<sup>th</sup> at 5 p.m. The main purpose of the meeting is to have a presentation from Scott Whitaker of Building Envelope Specialists to explain to everyone about the building and the work that needs to be done. There won't be any votes taken. The possibility of a change to a fiscal year and the status of recent courthouse projects will be mentioned.

#### Courthouse Windows

All of the windows slated for replacement in 2014 have been installed.

#### Courthouse Exterior Trim & Painting

This project was completed last week. Administrator Hart reminded the Commission that they had authorized him to spend a little extra if there was rot found that needed to be replaced. He said that the County has spent about \$3,100 for rot found while working on about 2/3rds of the building so the next bill shouldn't be too much more than that amount.

#### 2014-15 Winter Season Heating Fuel

The County locked in the price for the 2014 - 2015 winter season this morning at \$3.11 per gallon. Administrator Hart said that he had hoped to lock in at a price lower than last year, but the prices have been all over the place and this is the closest that it's gotten to last year's price.

## **VI. Executive Session**

### 1. Convene in Executive Session for Consultations with Legal Counsel pursuant to 1 M.R.S.A. §405(6)(E).

- A motion was made by Commissioner Roger Moody to go into executive session pursuant to 1 M.R.S.A. §405(6)(E) for Consultations with Legal Counsel. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The executive session convened at 2:44 p.m.

The executive session concluded at 3:22 p.m.

## **VII. Adjourn**

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

The meeting adjourned at 3:23 p.m.

Respectfully submitted,

Candice Richards  
Administrative Assistant

**The Knox County Commission approved these minutes at their regular meeting held on September 9, 2014.**