

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – September 8, 2015 – 2:00 p.m.

The regular monthly meeting of the Knox County Commission was held on Tuesday, September 8, 2015, at 2:00 p.m., at the county courthouse, 62 Union Street, Rockland, Maine.

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

County staff present included: County Administrator Andrew Hart, Administrative Assistant Candice Richards, Communications Director Linwood Lothrop (*left at 3:48 p.m.*), Chief Deputy Tim Carroll (*left at 3:54 p.m.*), Sheriff Donna Dennison (*left at 2:57 p.m.*), Jail Administrator John Hinkley (*left at 2:57 p.m.*), Airport Manager Jeff Northgraves (*left at 3:51 p.m.*), and Finance Director Kathy Robinson (*left at 3:51 p.m.*).

Others present: HR Consultant Laurie Bouchard (*Executive Session only*); Knox County Budget Committee member Nicholas Lapham (*left at 3:54 p.m.*); and Free Press reporter Christine Parrish (*left at 2:59 p.m.*).

Regular Meeting – Agenda Tuesday – September 8, 2015 – 1:00 p.m.

- I. 1:00 Meeting Called To Order**
- II. 1:01 Executive Session**
 - 1. Convene in Executive Session to Discuss a Personnel Matter Pursuant to 1 M.R.S.A. §405(6)(A).
- III. 2:00 Public Comment - Public Comment during other portions of the meeting will only be granted by permission of the chair.**
- IV. 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 August 11, 2015.
 - iii. Minutes of Joint Quarterly Budget Meeting of August 27, 2015.
 - iv. Monthly Written Departmental Reports.
 - v. Reserve Withdrawals.
- V. 2:20 Action Items**
 - 1. Act on Request of Payment to MCEDD/MCOG.
 - 2. Act on How to Proceed With Phases 2-4 for the Building Envelope Project.
 - 3. Act to Approve to Join the Maine Public Employees Retirement System (MPERS) as a New Participating Local District for the Sheriff's Department Law Enforcement Officers.
 - 4. Act to Approve and Sign Union Contract with the Fraternal Order of Police.
 - 5. Act to Approve and Sign Union Contract with the National Correctional Employees Union.
 - 6. Act to Approve the 2015 Jail Budget.
 - 7. Act to Approve Funding for a Building Assessment for the Knox County Jail.
 - 8. Act to Approve the Press Release and Call for Nominations to Fill the District #2 Seat on the APAC.
- VI. 2:30 Discussion Items**
 - 1. Discussion of the Patrol Administrator's Position - Knox County Sheriffs' Office
 - 2. Discussion of Date & Time for Presentation of the Knox County Audit for the Year Ending 12/31/2014.
 - 3. Discussion of Video Streaming Meetings.
- VII. 2:45 Other Business**
- 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. 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 Richard Parent 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 Carol Maines. A vote was taken with all in favor.

The executive session convened at 1:00 p.m.

Meeting attendees: Commissioners Moody, Maines, and Parent, Administrator Hart, Finance Director Robinson, and HR Consultant Bouchard.

The executive session concluded at 1:33 p.m.

The regular portion of the meeting reconvened at 2:00 p.m.

III. Public Comment

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

IV. 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 August 11, 2015.
- iii. Minutes of Joint Quarterly Budget Meeting of August 27, 2015.
- iv. Monthly Written Departmental Reports.
- v. Reserve Withdrawals

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

Commissioner Maines asked Communications Director Linwood Lothrop about his monthly report mentioning FairPoint Communications conducting an upgrade at the Communications Center and the fact that it was indefinitely postponed because of issues with the installation. Director Lothrop explained that the software upgrades were being made so that PSAP's in Maine could receive texts instead of just phone calls. In the time frame between when he had written his report and today's meeting, the upgrade was completed successfully.

Commissioner Maines asked Communications Director Lothrop which official had apologized for not notifying the KRCC about the planned explosion in Rockland that was mentioned in his monthly report. Director Lothrop explained that someone from the State Police Bomb Squad was the one to apologize after being contacted by EMA Director Ray Sisk and Chief Deputy Tim Carroll in an effort to find out what was going on. He said that no one had told the KRCC that something was going to be blown up until *after* the explosion went off, which ended up setting the grass on fire not far from the KRCC in Rockland. In fact, staff at the KRCC actually heard the blast. He said that he did not know what the exploded item was; only that it was something that the Coast Guard had wanted to get rid of, so the State Police Bomb Squad blew it up for them.

Commissioner Maines asked Airport Manager Jeff Northgraves about why the number of Cape Air flights cancelled this year is significantly higher than last year (31 in 2015 vs. 4 in 2014). Manager Northgraves explained that it is a combination of both weather issues and maintenance on the planes because Cape Air's fleet is getting older. Weather on the Boston end can cause problems with flights out of Owls Head even when the weather up here is perfect. The situation probably won't improve until Cape Air gets new aircraft, but they haven't even made up their minds about which plane to go with.

Commissioner Maines read aloud from Manager Northgraves' report about the Runway 13 extension: "*On August 24th, FAA provided correspondence regarding their non-concurrence with the draft Airport Layout Plan specifically with the Runway 13 extension and the EMAS depicted for the Runway 13 end. As part of this, the FAA is requiring the airport to conduct an Environmental Assessment to determine the best configuration of C-II compliant safety areas.*" She asked if

Manager Northgraves had been expecting the FAA to do this. Manager Northgraves said that he was not expecting it. He added that the County had completed an Environmental Assessment at the airport in 2012 and nothing has changed since, so he had no idea why the FAA was asking for another one to be done now. He said that the runway will still get paved this year, but the runway extension will now have to wait until next year because of this.

When asked about the Maine Historic Preservation Commission problem relating to the SRE building demolition and whether that had been resolved, Manager Northgraves said that he was just waiting to receive the final signed memorandum from them. He said the issue is not going away yet because now the MHPC is looking at the pump house, the tower, and the “boys club” on Benner Lane.

- A vote was taken with all in favor.

Reserve Withdrawals:

Airport Equipment	4616008-14610	\$23.46
	Total	\$23.46

V. Action Items

1. Act on Request of Payment to MCEDD/MCOG.

The 2015 budget included \$10,000 in funding for the Mid-Coast Economic Development District (MCEDD), but MCEDD has since dissolved into the Midcoast Council of Governments (MCOG). MCOG intends to change its name to MCEDD, but has not done so yet. To buy in to MCOG for the remainder of 2015 would cost the County an additional \$3,047 over the amount budgeted. The other issue is that MCEDD does not currently exist, but the funds in the budget were allocated to MCEDD, not MCOG. MCOG Chair John Shattuck has asked that the funds be redirected to MCOG.

There was a discussion about whether the County should either pay the \$5,000 plus the additional \$3,047 for a total of \$8, 037, or pay nothing at all since MCOG will not accept an amount less than \$8,047 to cover the last four months of the year. Rather than really discussing where the additional funds might be taken from to meet the \$8,037 request, the discussion was more about whether it was worth spending the money for the last four months of the year without knowing if there was even any real benefit. Sending more money than what was approved in the 2015 budget overrides not only the Budget Committee, but also the Commission’s own vote.

Commissioner Moody was asked for his opinion since he has been a strong supporter of economic development and had initiated the vote during the 2015 budget process that ultimately led to MCEDD being allocated \$10,000 after the Budget Committee had voted to give MCEDD no funding. Commissioner Moody said that in general he believes that counties should support economic development, but he was not sure that paying the extra amount for the remaining 4 months of the year would actually result in any benefit for the towns. The four larger municipalities saw an advantage to them but he didn’t know if there were even any grants available to the smaller towns during that time frame. Commissioner Moody said that he was cognizant of the Budget Committee’s concerns, and although the Commission overruled the Committee in a small way during the last budget season, he was not eager to do it again. He noted that since MCOG is run differently than MCEDD, even he did not know how the new organization will do in Knox County.

The discussion included considering putting the \$5,000 remaining that had been originally allocated to MCEDD into a reserve fund to use towards economic development in the 2016 budget rather than sending the \$5,000 to MCOG along with the extra \$3,047 requested. Commissioners felt like the County was being put in a hard position, or strong-armed, at a difficult time in the year when the County is already struggling with a cash flow problem. Commissioner Parent noted that all of the towns that he represents do not have any representation or help from MCOG if the County does not pay the extra \$3,047. Commissioner Moody said that his preference would be to put money in the budget

draft for 2016 and let that be discussed then with both the Commission and Budget Committee. Administrator Hart noted that the County has not yet received MCOG’s budget request for 2016.

- A motion was made by Commissioner Carol Maines that the remaining \$5,000 appropriated to MCEDD in the 2015 Knox County Budget be redirected from MCEDD to MCOG, and that a check for \$5,000 be sent to MCOG. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

Commissioner Maines asked that the Commission be notified if MCOG sends the check back.

2. Act on How to Proceed with Phases 2-4 for the Building Envelope Project.

Administrator Hart explained that Building Envelope Specialists (BES) had provided estimates to help the County figure out what to budget if Phases II – IV, as well as the remainder of the window replacement project, were all completed at the same time. He explained that the building movement monitoring piece is in the estimate because a section near the finance office is moving. If the Commission approves the \$9,500 for the movement monitoring, the sensors would be put in now and left on for one year. Phases II and III could be done during that year and Phase IV would be done after the data from the sensors is collected next year. *The following information from Building Envelope Specialists was reviewed with the Commission:*

Budget Estimates for the remaining Exterior Envelope Repairs on the Knox County Courthouse.

September 4, 2015

The following project budget is based upon contractor pricing on projects of a similar nature in BES archives. The budget estimate for this project is in the standard General Consulting (GC) format and is not intended to be a proposal to complete the defined tasks. This budget is furnished as reference to prepare for funding in future fiscal years.

Budget Estimates for a 1-year Construction Schedule

Professional Services:

- Construction Admin. services during envelope repairs: \$17,000.00
 - Revise plan documents for window installation: \$ 6,500.00
- Total for Professional Services: \$23,500.00**

Construction Phase (12 weeks):

- Remaining masonry envelope repairs: \$312,444.00
 - Purchase and installation of approximately 45 window units: \$260,350.00
- Total Construction Costs: \$572,794.00**

Contingencies:

- 10% Project Contingency: \$59,629.00

Total Budget for a 1-year construction schedule \$655,923.00

Budget Exclusions:

- Hazardous materials assignment, planning and abatement. (Client to furnish any information.)
- Subsurface investigations and repair documents.
- Roof assessment and repair documents.

Building Movement Monitoring:

It is BES’s understanding that it is the desire of the client to understand if the back wing (identified under Phase #4 work) is still moving. We recommend a phased approach to understanding this movement problem. The initial phase would be monitoring the building separations in the masonry at the area of concern. This would occur by BES installing multiple HC-2956 wireless crack data loggers in key locations of the building. The monitoring period would be one year. If the monitoring activity indicated the building is settling, building stabilization options will be required.

Budget price to complete building monitoring: \$9,500.00

Administrator Hart stated that the County needs to determine if all 45 windows actually need to be replaced. If not, the amount of money the County would need for the project would be less. Bidding the project out will also provide actual costs to work with. The one-page document from BES is just an estimate based on some of their past projects of a similar size. The County has already sent out an RFP to eight banking institutions to get actual costs for doing a lease/purchase. The information on bids received will be ready for the Commission to look at on October 2nd when reviewing the budget draft with department managers. Administrator Hart was asked to check with BES about whether windows could be installed with the scaffolding there since a lift is needed to hoist the windows into position. Administrator Hart said that he would also try to get updated prices for windows.

- A motion was made by Commissioner Carol Maines to approve funding for building monitoring and updating the specifications for an amount up to and not to exceed \$25,000 from contingency first, and then surplus after if there is not enough funding in contingency, and to revise the project specifications to include the windows being done. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

3. Act to Approve to Join the Maine Public Employees Retirement System (MPERS) as a New Participating Local District for the Sheriff's Department Law Enforcement Officers.

Administrator Hart explained that the approval of joining MPERS only applies to the Sheriff's Department Patrol Division, which includes all deputies, sergeants, detectives, the detective supervisor, patrol administrator, chief deputy, and sheriff. The administrative assistant to the sheriff's position was not included because it is not a law enforcement position and cannot be included in this plan. Participation in the plan would be effective January 1, 2016. When asked if the employees know what their buy-back amount would be, Administrator Hart explained that the County had provided the employees buy-out information back when the Fraternal Order of Police union was looking at a different plan. To find out the buy-out information on this new plan would cost money – only the first request was free. The union has been told that the County would not pay for it, so if the Union wants the information, they will have to make the request and pay for it. Employees will only have one chance to sign up for MPERS and will have to do so within a certain timeframe.

To vote to join the Maine Public Employees Retirement System as a new Participating Local District for the Sheriff Department Law Enforcement Officers effective January 1, 2016, and:

- a.) Knox County votes to offer Special Plan 3N to its law enforcement officers.
 - b.) The County authorizes the County Administrator to sign the contract between the Knox County Sheriffs PLD, and the Maine Public Employees Retirement System;
 - c.) The County elects to exclude less than full-time officers from the plan.
 - d.) The County will allow employees to purchase service rendered prior to January 1, 2016 with the County, under plan 3N. The County will not participate in the purchase of the prior service; employees are responsible for paying the full liability associated with this service.
- A motion was made by Commissioner Carol Maines to approve joining the Maine Public Employees Retirement System (MPERS) as a new participating local district for the Sheriff's Department law enforcement officers effective January 1, 2016. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

4. Act to Approve and Sign Union Contract with the Fraternal Order of Police.

Union negotiation sessions were completed in late July. Both sides agreed on the Special Plan 3N for MPERS. The County's share of that plan is 7.0% for July 1, 2015 - June 30, 2016. The Employee share is 9.5%. The term of the contract is January 1, 2015 - December 31, 2017. The Union hasn't had their membership meeting yet this week to vote on it. Every indication is that the union membership will approve the contract. The Commission and the Sheriff would need to sign it once the Commission approves the contract.

- A motion was made by Commissioner Richard Parent to approve and sign the union contract with the Fraternal Order of Police. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

5. Act to Approve and Sign Union Contract with the National Correctional Employees Union.

Knox County and the National Correctional Employees Union management had originally agreed on a contract in October of 2014, but then it was voted down by the NCEU membership in November of 2014. After one fact-finding session earlier this year, the County received word from NCEU Representative Bill Doyle on August 18th indicating that the NCEU membership had ratified the contract. Bill Doyle and the two shop stewards, Bob Wood and John Gamage, signed the contract on September 2nd. The term of the contract is January 1, 2015 - December 31, 2017. The Commission and the Sheriff would need to sign it once the Commission approves the contract. There were only three changes over the prior contract: updating the signature pages, updating the seniority lists, and putting the 2014 wage scale in just because the jail staff is still operating on the 2014 wage scale.

Commissioner Maines asked why there is no form for Step 5 in the grievance process. Administrator Hart explained that it was because that step is not done though the County. The employee has to request that step through the Maine Labor Relations Board. It's the same for both union contracts.

- A motion was made by Commissioner Richard Parent to approve and sign the union contract with the National Correctional Employees Union (NCEU). The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

6. Act to Approve the 2015 Jail Budget.

The Commission had asked to have this put back on the agenda for this meeting. Jail Administrator John Hinkley and Finance Director Kathy Robinson developed a 2015 Jail Budget projection through December 31, 2015. The County still does not know exactly what funding will be received from the State. If the County does not receive any funding from the State at all, the jail will end up going over budget. Even laying people off wouldn't cover the deficit. Administrator Hart stated that the Appropriations Committee is meeting next week and PL235 is on the agenda to be discussed but no one knows what exactly will be discussed.

It was noted that this budget was being approved because right now the jail has no approved budget to work from, but if the figures change based on what funding is or is not received from the State, the budget can be brought back to the Commission for another vote.

- A motion was made by Commissioner Carol Maines to approve the interim 2015 Jail budget as presented on September 8, 2015 with expenditures of \$3,613,581, anticipated revenues of \$3,188,700 and a shortfall of \$365,385. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

7. Act to Approve Funding for a Building Assessment for the Knox County Jail.

As part of preliminary discussions with Two Bridges Regional Jail (TBRJ) to look at options, it was agreed that a building assessment of the Knox County Jail needed to be done to determine the structural condition of the jail. This will determine the operational life of the existing jail. If major repairs or renovations are necessary they are likely to exceed the cap but may extend the operational life of the Knox County Jail. Knox County is looking at possibly doing a regional jail authority with Waldo, Lincoln, and Sagadahoc Counties. Administrator Hart said that he had spoken with Arthur Thompson at SMRT about doing the assessment, in part because SMRT had designed the jail when it was built in 1991 and has done a couple assessments of the building since then. Mr. Thompson was proposing that SMRT conduct an assessment of the jail and then provide the County with a summary of the conditions of the existing systems and recommendations for maintenance and replacement. The cost of the assessment is \$15,000, which also includes one presentation of the information to the County, and

should take about three months to complete. Administrator Hart recommended taking the \$15,000 out of the jail's professional services reserve account.

When asked for her opinion, Sheriff Dennison stated that Arthur Thompson does good work and he would provide a true report of what needs to be done with the jail. She agreed that the assessment needed to be done and noted that the jail's control system is failing and there are other things that need to either be repaired or replaced. Major Hinkley commented that the County needs to know the structural status of the building, especially if anyone is to do future planning for the jail.

- A motion was made by Commissioner Richard Parent to approve a jail building assessment in the amount of up to \$15,000 from the Professional Services Reserve Account. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

8. Act to Approve the Press Release and Call for Nominations to Fill the District #2 Seat on the APAC.

Airport Manager Northgraves explained that Elaine Clark (representing the Town of Warren) has resigned from the APAC because she has relocated to Portland and will not be able to attend meetings anymore. Each of the District #2 towns (Cushing, Friendship, St. George, Union, Warren and Washington) have all been asked to provide nominations by October 8. Warren has already nominated Roger Peabody.

- A motion was made by Commissioner Carol Maines to approve the press release and call for nominations to fill the District #2 seat on the Airport Public Advisory Committee (APAC). The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

VI. Discussion Items

1. Discussion of the Patrol Administrator's Position - Knox County Sheriffs' Office.

Chief Deputy Tim Carroll explained that the patrol administrator position, which is the supervisor over the sergeants, has been vacant since the end of March. Rather than hiring someone for that position or doing away with it, the Sheriff's Office wanted to try having a 4th supervisor (sergeant) for the remainder of this year and in 2016. It would be done on a trial basis to see if that would work better for the department than 3 supervisors and 1 patrol administrator. Having 4 sergeants is cheaper than filling the patrol administrator position because it is a lower pay grade. Sergeants are out on the road with the patrol deputies while the patrol administrator is administration, and Chief Deputy Carroll felt that the department really needed that extra supervisor out on the road. If it works out, he said he might consider recommending keeping it that way. He noted that other departments have tried it out and it worked well for them because it means more staff on the roads all the time instead of needing to use administration to be road supervisors. The three current sergeants have taken on extra duties with the patrol administrator position being empty and so far things are going well. He said that he would work with Administrator Hart on job description changes to match what the sergeants are actually doing.

Chief Deputy Carroll said that he was not asking the Commission to make a decision but he just wanted to let them know what the administration wanted to do to see if the commissioners agree with the approach before it gets brought up during the budget process.

Commissioner Moody applauded Chief Deputy Carroll for looking for positive changes and encouraged him to proceed.

2. Discussion of Date & Time for Presentation of the Knox County Audit for the Year Ending 12/31/2014.

Administrator Hart explained that the County's auditor will be in Rockland conducting the City's audit on November 10th, which happens to be the Commission's regular meeting date that month. He

recommended that the Commission meet with the auditors on November 10th at 2:00 p.m. to review the Knox County Audit for the year ending December 31, 2014. The Commission agreed.

3. Discussion of Video Streaming Meetings.

Administrator Hart stated that he had contacted Townhall Streams again to find out the answers to some questions that the Commission had asked. He said that Townhall Streams can see how many people look at the videos, but not which ones. The County will be able to download a copy of all videos to keep. If the County wanted a multi-camera system, there would need to be a person running the cameras, to zoom in or switch between cameras during meetings. The Town of Camden has 2 cameras and someone operates the toggle switch that switches between the two. Camden pays someone \$12 an hour to do that. The town pays \$250 per month to Townhall Streams to stream their meetings. He noted that Administrative Assistant Candice Richards had called Seacoast Security since they were the ones to install Camden's equipment a long time ago but it was pretty obvious they just weren't interested in providing any quotes and never called back. It was suggested that the County could try contacting Harbor Digital in Camden; Administrator Hart said that he could do that.

It was briefly discussed not having any of the budget meetings upstairs since not only do not enough people come to those meetings anyway, but the equipment can only be installed in one room, so any meetings held upstairs wouldn't be streamed. Administrator Hart said that he'd try to have the owner come in to look at the room since they have only talked on the phone.

VII. Other Business

2016 Budget Draft Review

The Commission will be reviewing the draft of the 2016 County budget with all County department managers on October 2nd at 9 a.m. in the Commission Hearing room.

VIII. Adjourn

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

The meeting adjourned at 4:04 p.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on October 13, 2015.