

KNOX COUNTY COMMISSION

Regular Meeting

Monday – November 10, 2014 – 2:00 p.m.

The regular monthly meeting of the Knox County Commission was held on Monday, November 10, 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 (*arrived at 2:28 p.m., left at 2:53 p.m.*), Chief Deputy Tim Carroll (*left at 2:53 p.m.*), Finance Director Kathy Robinson (*left at 3:18 p.m.*), and Building Maintenance Supervisor Don Decker (*arrived at 3:04 p.m.*).

Others in attendance: Owls Head resident Ken Wexler (*left at 2:30 p.m.*).

Regular Meeting – Agenda Monday – November 10, 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 Special Commission Meeting of October 3, 2014.
 - iii. Minutes of Special Commission Meeting of October 9, 2014.
 - iv. Minutes of Regular Commission Meeting of October 14, 2014.
 - v. Monthly Written Departmental Reports.
 - vi. Reserve Withdrawals.
- IV. 2:20 Action Items**
 - 1. Act to Establish a Reserve Account for Retirement Reserve Funds.
 - 2. Act to Award Bid for New 2015 Vehicle for Use by the Sheriff's Department.
 - 3. Act to Approve Agreement Between the 16 Sheriff's Offices of Maine to Provide Mutual Aid.
 - 4. Act on Approval of the Transfer of Forfeited Assets of \$1,167.60 (or any portion thereof) to Knox County in the *State of Maine v. Daeshawn McDonald*.
 - 5. Act on Approval of the Transfer of Forfeited Assets of \$1,148.00 (or any portion thereof) to Knox County in the *State of Maine v. Daniel Williams*.
 - 6. Act on Approval of the Transfer of Forfeited Assets in the form of One 1990 Chevy K2500 VIN# 1GCGK24K5LE107925 to Knox County in the *State of Maine v. Zachary Barnes*.
 - 7. Act to Authorize the County Administrator to Negotiate and Authorize the Chair to Sign the Revised Agreement by and between Knox, Lincoln, Sagadahoc, Waldo Counties and Maine Pretrial Services, Home Release, Monitoring, & Diversion Services in District 6.
 - 8. Act to Authorize the County Administrator to Negotiate and Sign a Separate Lease Agreement By and Between Knox County and Maine Pretrial Services for Space at the Knox County Courthouse.
 - 9. Act on Re-Appointment to the Knox County Board of Assessment Review.
 - 10. Act to Appoint a Commissioner to Serve as Commission Representative to the MCCA Board and MCCA Risk Pool for 2015.
 - 11. Act on Next Steps for Moving Forward with Building Envelope/Masonry Project.
- V. 2:50 Discussion Items**
 - 1. Update on Placement of Memorial Stone in Front of Courthouse.
- VI. 3:00 Other Business**
- 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.

Owls Head Resident Ken Wexler

Mr. Wexler thanked the Commission for allowing him to speak. He made the following statement:

“I know there are a lot of issues...pending...before the commissioners...having to do with the airport...[unintelligible] matters...I wanted to... address one issue, which is the whole issue community involvement, or lack of it, in the Master Plan. And, I’ve always come here conservatory and I always leave here conservatory...and...the...I’m afraid to say that what...what we talk about doesn’t seem to pass. I was here at a meeting in January when, um, it was...it was rush rush rush we gotta get this master plan through...the airport manager couldn’t give us another moment...for us to have a chance to address...um...commissioners...and we talked about it a little bit and it turned out that it was being held up by the FFA...FAA...and we agreed that, well, maybe it wouldn’t be a bad idea if we have a chance to talk to you...by meaning “we”...the OHAC, the Town committee, and just one on one...just to talk about it and tell you our concerns...and I thought that that was agreed upon...where there was a discussion about...well, maybe we’ll need a bigger room if there’s going to be a lot of people...uh...that was said...it’s in your minutes...and I’ve seen ‘em. Uh...and I told you, Commissioner Maines, sometime just after that, we didn’t need a bigger room...it’s just a few of us from OHAC going to...going to speak...well...lo and behold...the fall turned into spring, summer...time goes back, I’m inquiring “when is the master plan comin’ out? When’s it comin’ out?” “oh, it’s held up by the FAA. The town can’t seem to find out...there’s all different stories...On Friday afternoon, before Columbus Day weekend, at 3 o’clock in the afternoon...I...I see agenda...a corrected agenda...that now shows the APAC is going to be addressing the commissioners...addressing the master plan...and then it was going to go to the commissioners on the following Tuesday. Now, I don’t think I’m a conspiracy nut, but that agenda came out from the airport manager on Tuesday, and a totally different agenda...that wasn’t on it...you know...he said it was a mistake...but who knows. Friday afternoon, there wasn’t much to do...I tried to reach you, Commissioner Maines...I wrote to the commissioner...uh...for a chance to talk to you before you voted. Um...that didn’t happen. You voted. Roger Moody...um...was nice enough to call me and reach out back to me...and gave me a chance to talk to him. I know that in your minds...that you were just voting to move it along...but you have a community who says that the commissioners have voted for it twice. Who do you think is going to be protesting next Monday, or speaking out against it, when you guys have approved it...with all due respect...twice already! I mean, that’s what it says in the...[unintelligible]...it’s a fine, fine point that the...that the airport manager’s making, “well, they didn’t really approve it.” Um...at any rate, if...if I...uh...if I have to say something, I would just say that...I...I think...um...the whole operation is a sham...that...in terms of the public information...and just to add insult to injury...I just get a copy of...of a press release that Jeff dropped off at the town hall...I just happened to be there...and...he, you know, there’s nothing like really going for it...the County has elected to exceed the FAA requirements...without public participation...I would hate to see non-public participation...and see what that’s all about. But I complained a little bit that we didn’t know...um...Jeff wrote an email...well...um...one of the OHAC members knew...um...he should have told you...but that OHAC member was in the hospital with pneumonia and...and had no way of...of knowing about it. Um...so...that’s the level of frustration that we feel that...that this happening with this process. I was at the...Roger wrote a letter...an email...and somebody mentioned that we were going to get the master plan right after you voted on it...but I was just at the town hall...it was just delivered...today. It’s been quite a ways since your last meeting...I happened to be there...um...a couple things I don’t know if you know or not...that the master plan subcommittee has never voted on this...and strangely enough, there’s no meetings notes...the master plan subcommittee..that’s a very important thing...doesn’t have to do meeting notes. I was sitting there when Jeff realized that he had three no-votes on the sub-committee...and I know who the three people were because we’ve talked about it, and they didn’t vote...they were, “well, we don’t need to vote...that’s not how we’re going to do it.” APAC has never voted on it. It comes to people make the comments on the master plan...to the...uh, Stantec, whose interest is all about having this done...Stantec’s put this all together...and then that gets

submitted to you. Um...I think that that is...is...is not proper...it isn't proper notice. Um...John Newcomb's famous email...before they came here for the first time... admitted he would be a major beneficiary because they were going to sell more gas. Well, I don't know how you can even know it, but...but the letter that Jeff wrote...that John Newcomb wrote...a public employee...Jeff Northgraves...helped him write it...and I have the emails, back and forth. "Should I put this in Jeff? What about that? Should I put in the thing about the organ transplant? How about this? How about that?" Clearly, okay...you've got the airport and the airport officiant working to get this master...to get this...this runway extension...through. That was what...one of the main things...were...were about. I don't think that's proper. I think, and I've said this before, the opponent...the proponents have access to the master plan before the community...uh...did...and whatever...whenever we...have some questions...and whenever we want to talk about it, well...and you saw it at that first public hearing...well, there's a small group at Owls Head that wants to close the thing down...the airport down...that...that happens to be what John Newcomb said in his email, so there's really not...uh...enlightened communication. Uh...just to conclude...and just to get to the point...the...um...there's no landing fees up at the airport...and for years and years, the community's been trying to get landing fees, and the airport manager always came up with a reason we couldn't have them...and all the different ways that it wouldn't make sense...it costs them money...this and that...at one point...at the business plan subcommittee meeting where I was, somebody said, "oh, you know, this is mostly Jeff's"...John Newcomb was on this committee...you wouldn't know when the plans are here...you wouldn't know what the landing fees are...he never suggested landing fees...from...from the fixed base planes that are here all the time...just then Jeff came up...and Jeff...John Newcomb publicly announced that he would never ever collect landing fees. He said it...people remember him saying it...and...that's what he said. Now this guy wants a favor done...increase the runways with public money so he can sell more gas. Uh...what we're concerned with...with no landing fees, is, what if we say, "okay, planes can come in here...no landing fees...let's drop the price of our gas...and we'll see a lot more gas...because these planes can...can come here for free!" So...that...you know...again...call me a conspiracy theorist...but...it's out there...and people...people are concerned about it. Lastly, the hangars. The...oh...everyone says hangars are way out in the future...this is not a commitment...this is not going to do it...that...that doesn't mean it's going to happen...it's not going to happen right away. You're approving 21 hangars on Ash Point Road...um...and that's closer to the neighborhood than anything...it's closer to the Ash Point neighborhood. Go look how big the hangars are...okay...they're built out behind the airport...and you'll see...imagine 21 of them sitting along there at Ash Point Road. Um...it...it's...it's a lot...and I was at a meeting also and they were talking about it, and people were objecting to it...and Stantec said...I was told...I was sitting there...don't do any elevations...if you'll notice...you don't have any elevations in any plan of what the...uh...um...those hangars would look like, because you see these things looming...on Ash Point Road. Lastly...I don't want to take any more of my time...this...I know there's a lot of controversy...and...and everybody talks about "oh, this will make things safer...and this is so green...and planes are going to fly all the way across the country, and they won't have to land." I will tell you what the FAA says...in a public document: "*The issue of runway length being examined in this study is primarily a concern about allowing aircraft, currently using this airport, to depart with more fuel on board.*" They're...this is the FAA...they're paying for it...and it's nothing more, than to sell more fuel...and I think that...with this kind of concern...that the community needs to have...a fair time to have themselves heard...and...and to have an understanding...and the commissioners will listen to the community...and not be in a situation where...uh...it's November the 18th...um...you know...here it is...come to the Owls Head Museum...and uh...it's another public hearing...and, uh...but...you know...maybe...uh...you know...but don't worry about it. So, sorry if I'm a little worked up about it. I've come here with all good intentions, but I think the fact that we didn't have a chance to talk to you...before you voted...um...contrary to what we've said before...I...I think it was a disservice to the community."

Commissioner Moody asked Mr. Wexler if he was representing the Owls Head Airport Committee (OHAC) whether he had been asked to represent them. Mr. Wexler stated that he is the Chair of the OHAC.

Commissioner Maines stated that the person that Mr. Wexler had said was in the hospital with pneumonia and couldn't attend a past Commission meeting *was* at that Commission meeting. Mr. Wexler countered that Charles Siletti wasn't at the APAC meeting. Commissioner Maines disagreed and said that she was thought that Mr. Siletti was at that meeting as well because she was pretty sure that she had sat right next to him. It was noted that Mr. Wexler had attended neither meeting, even though he had been invited.

Airport Manager Jeff Northgraves commented that the subcommittee *did* vote to approve the master plan at their last meeting. He noted that there have been multiple opportunities for the OHAC to attend APAC meetings. He added that he didn't know if the OHAC has met in the last couple of months because Mr. Wexler had not notified him of when the OHAC was going to meet, even though Mr. Wexler had promised to do so. Manager Northgraves stated that at least half of what Mr. Wexler had said in his statement was just plain wrong.

Commissioner Maines asked Mr. Wexler if he intended to attend the public hearing on November 18th because that is the public meeting for both sides to have their say. Mr. Wexler responded that he didn't know yet. Commissioner Maines reminded Mr. Wexler that the public can continue to comment 30 days after the public meeting. Mr. Wexler responded by saying that the comments the Commission received last time came through Stantec so he didn't know how that worked. He said that he just thought that it's important for the Commission to hear the other side. He added that he didn't want the airport to be a gas station; that he didn't want aircraft coming here just to buy gas.

Commissioner Maines told Mr. Wexler that she hoped he would attend the November 18th meeting, which *is* a Commission meeting and an opportunity for all sides to be heard. She advised Mr. Wexler to attend the meeting so he could come make his comments, and then submit his written comments to the Commission within the 30 days. Mr. Wexler said that written comments are not very conducive when people are accusing you of wanting to close the airport. He said that it sounds like people can appeal directly to the director of the FAA so they likely will.

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 the Special Commission Meeting of October 3, 2014.
- iii. Minutes of the Special Commission Meeting of October 9, 2014.
- iv. Minutes of Regular Commission Meeting of October 14, 2014.
- v. Monthly Written Departmental Reports.
- vi. Reserve Withdrawals

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

Commissioner Moody suggested to Administrator Hart that he likes seeing statistical reports from the departments but they're only giving one month at a time, which isn't much help. It would be nice to see how the stats evolve. It would be helpful in seeing trends.

Commissioner Maines asked Administrator Hart about Communications Director Lothrop's monthly report mentioning that communications staff from around the state are having trouble with FairPoint. She asked if there was anything that the Commission could do to help. She noted that Director Lothrop's report said that when the communications directors met with the Public Utilities Commission (PUC), the PUC didn't seem very concerned about the issues. Administrator Hart said that he would check with Director Lothrop and find out if the Commission might be able to help in some way.

- A vote was taken with all in favor.

2014 Reserve Withdrawals:

Courthouse Renovations & Maintenance	200008-12680	\$9,103.20
	Total	\$9,103.20

IV. Action Items

1. Act to Establish a Reserve Account for Retirement Reserve Funds.

Administrator Hart explained that the finance office needed to establish a new reserve account for the retirement reserve funds. The amount as of the end of last week was \$25,923. The amount comes from County contributions to ICMA (the County contributes 7% and the employee puts in 3%) for employees who left their employment with the County before becoming fully vested and therefore were not entitled to the money that the County had contributed. Right now the money is not sitting in an investment account so it's not earning any money. It's just sitting there. After the Commission approves the creation of reserve accounts, a letter is sent to the Maine Department of Audit to update the State Auditor.

- A motion was made by Commissioner Richard Parent to establish a reserve account for retirement funds. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

2. Act to Award Bid for New 2015 Vehicle for Use by the Sheriff's Department.

Chief Deputy Carroll recommended awarding the bid to Quirk Motors for the 2015 Ford Sedan Police Interceptor for \$25,049.00. The vehicle is currently in stock, whereas the other vehicles wouldn't be available until next year, which causes issues with the budget. The Ford Police Interceptors work really well in inclement weather. The State Police are still using them as well.

- A motion was made by Commissioner Richard Parent to award the bid for one new 2015 Ford Sedan Police Interceptor to Quirk Auto for a bid total of \$25,059.00. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

3. Act to Approve Agreement Between the 16 Sheriff's Offices of Maine to Provide Mutual Aid.

Administrator Hart explained that the Agreement had been drafted by the Maine Sheriff's Association (MSA). The Agreement will formalize a mutual aid agreement that has already been in existence. Kennebec and Franklin Counties have both signed, and there are two other counties that have it on their agenda's for upcoming Commission meetings.

Chief Deputy Carroll explained that the agreement more clearly defines liability issues and spells out services that Knox County can use from other counties. The Agreement has had legal review by MMA's Heidi Swiderek, who specializes in MOU's and Worker's Compensation related issues. Malcolm Ulmer from the MCCA Risk Pool has also reviewed the agreement and feels that it protects all parties who may be involved. When asked if the agreement meant that the counties won't charge each other for the help, Chief Deputy Carroll said that was correct. This agreement is patrol based, but somewhere during the discussions between counties it was brought up what about doing something similar for corrections - sharing resources, etc. It took a year to get the patrol one going, however, so it could be a while before getting one up and going for corrections.

- A motion was made by Commissioner Roger Moody to approve the agreement between the 16 Sheriff's Offices of Maine to provide mutual aid. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

4. Act on Approval of the Transfer of Forfeited Assets of \$1,167.60 (or any portion thereof) to Knox County in the *State of Maine v. Daeshawn McDonald*.
- A motion was made by Commissioner Richard Parent to approve the transfer of forfeited assets of \$1,167.60 or any portion thereof. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.
5. Act on Approval of the Transfer of Forfeited Assets of \$1,148.00 (or any portion thereof) to Knox County in the *State of Maine v. Daniel Williams*.
- A motion was made by Commissioner Roger Moody to approve the transfer of forfeited assets of \$1,148.00 or any portion thereof. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.
6. Act on Approval of the Transfer of Forfeited Assets in the form of One 1990 Chevy K2500 VIN# 1GCGK24K5LE107925 to Knox County in the *State of Maine v. Zachary Barnes*.
- A motion was made by Commissioner Richard Parent to approve the transfer of forfeited assets in the form of one 1990 Chevy K2500 two-door VIN#1GCGK24K5LE107925. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.
7. Act to Authorize the County Administrator to Negotiate and Authorize the Chair to Sign the Revised Agreement by and between Knox, Lincoln, Sagadahoc, Waldo Counties and Maine Pretrial Services, Home Release, Monitoring, & Diversion Services in District 6.
Administrator Hart reminded everyone that at the October 14th Regular Commission Meeting, the Commission had voted to authorize the Chair to sign the 4-County Maine Pretrial Services contract. After that, the contract was reviewed by County Attorney Peter Marchesi, who made some changes to the contract. Administrator Hart asked to be authorized by the Commission to negotiate any further changes, and also asked that the Chair be authorized to sign the agreement so that it wouldn't need to wait for another Commission meeting to be signed.
- Commissioner Maines asked about the renewal clause being removed. Administrator Hart responded that Attorney Marchesi had said he doesn't like having that information in there. The contract should be self-renewing anyway and the two sides discuss terms for renewal. The Commission could override Attorney Marchesi on that if the commissioners wanted to do that.
- A motion was made by Commissioner Roger Moody to authorize the County Administrator to negotiate and authorize the Chair to sign the revised agreement by and between Knox, Lincoln, Sagadahoc, and Waldo Counties, and Maine Pretrial Services for pretrial, home release, monitoring, and diversion services in District 6. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.
8. Act to Authorize the County Administrator to Negotiate and Sign a Separate Lease Agreement By and Between Knox County and Maine Pretrial Services for Space at the Knox County Courthouse.
Administrator Hart explained that Attorney Marchesi is working on a draft agreement but he hasn't received it from him yet. Maine Pretrial Services won't be allowed to move in until the County has actually signed an agreement. Administrator Hart asked to be authorized to negotiate and sign a separate lease agreement between Knox County and MPS for use of the old EMA offices space so he won't need to schedule a special Commission meeting to get it approved. He said that once he has the lease he will get it to the commissioners.

- A motion was made by Commissioner Richard Parent to authorize the County Administrator to negotiate and sign a separate lease agreement between Knox County and Maine Pretrial Services for space in the Knox County Courthouse. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

9. Act on Re-Appointment to the Knox County Board of Assessment Review.

- A motion was made by Commissioner Richard Parent to reappoint James Murphy, Jr. to the Knox County Board of Assessment Review for another 3-year term. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

10. Act to Appoint a Commissioner to Serve as Commission Representative to the MCCA Board and MCCA Risk Pool for 2015.

Administrator Hart explained that the Commission has been asked by the Maine County Commissioners Association to appoint a commissioner to serve on the MCCA Board prior to the MCCA annual meeting in January. He suggested that it would make sense to also go ahead and appoint a Commissioner to the Risk Pool at the same time.

Commissioner Moody commented that he is currently filling both duties and would be happy to continue.

- A motion was made by Commissioner Richard Parent to appoint Commissioner Roger Moody to serve as Commission Representative to the MCCA Board and the MCCA Risk Pool for 2015. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

11. Act on Next Steps for Moving Forward with Building Envelope/Masonry Project.

Administrator Hart explained that Building Envelope Specialists President Scott Whitaker would be calling in via a conference call to provide an update and discuss the next steps in moving forward with this project.

Via conference call, Mr. Whitaker explained that Building Envelope Specialists had looked at areas of the courthouse where there were fractures or things coming loose. They found that overall the building is in pretty good shape for its age. He explained a few areas that were going to need some work and why. He said the next step is to make a priority list to spell out what should be done first, etc., and then go out to bid. BES will be doing some pre-release with vendors to get some idea of pricing before the County officially goes out to bid.

No action was taken.

V. Discussion Items

1. Update on Placement of a Memorial Stone in Front of the Courthouse.

This item was discussed at the last two regular meetings. Administrator Hart explained that he really didn't have a site plan or a sketch to show what the Committee was envisioning being done. He said that he had spoken to the Committee since then, and they will work to figure out what they want to do and get an actual plan developed before the Commission does anything. Administrator Hart asked the Commission to table the item until all of the information has been obtained, including location, sketch, cost of material and construction, etc.

There was a brief discussion about members of the Budget Committee members having voiced some negativity about the project. The possibility of costs rising rapidly because of maintenance on the project was also discussed.

VI. Other BusinessMeeting with Municipalities and Legislative Delegation

Administrator Hart noted that he had sent an email to the municipal administrators/selectmen to ask them to save the date of December 10th at 6:00 p.m. for a meeting with the Commission, Municipalities, and Legislative Delegation. The legislative delegation has not been notified yet because the election results weren't in yet.

VII. 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 3:24 p.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

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