

KNOX COUNTY COMMISSION

Special Meeting

Tuesday – December 28, 2010 - 2:00 p.m.

A special meeting of the Knox County Commission was held on Tuesday, December 28, 2010, at 2:00 p.m., at the county courthouse, 62 Union Street, Rockland, Maine.

Commission members present were: Anne H. Beebe-Center, 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.

Others in attendance: Paul Gibbons, Attorney for the Town of Thomaston; and David Martucci, Assessor's Agent for the Town of Thomaston.

Special Meeting – Agenda Tuesday – December 28, 2010 – 2:00 p.m.

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| I. | 2:00 | Meeting Called To Order |
| II. | 2:01 | Action Items <ol style="list-style-type: none">1. Approve Commission Minutes of the Special Meeting on November 2, 2010 and the Regular Meeting on December 14, 2010.2. Act on Actual Consideration of the Appeal on Remand from Superior Court RE: Thomaston Auction Properties, LLC Tax Abatement Request.3. Act to Approve Transfer 2010 Capital Funds to Reserves.4. Act on Approval of the Knox County Commission Certificate For Recover Zone Facility Bonds.5. Act on Amendment of Section 2.5.1 Temporary Employees (Grant Funded) to the Personnel Policy. |
| III. | 3:00 | Executive Session <ol style="list-style-type: none">1. Convene in Executive Session to discuss Acquisition of Real Property pursuant to 1 M.R.S.A. §405(6)(C). |
| IV. | | Adjourn |

I. Meeting Called to Order

Commission Chair Anne Beebe-Center called the December 28, 2010 special meeting of the Knox County Commission to order at 2:00 p.m.

II. Action Items

1. Approve Commission Minutes of the Special Meeting on November 2, 2010 and the Regular Meeting on December 14, 2010.

- A motion was made by Commissioner Richard Parent to approve the Commission minutes as presented. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

2. Act on Actual Consideration of the Appeal on Remand from Superior Court RE: Thomaston Auction Properties, LLC Tax Abatement Request.

Commissioner Roger Moody reminded everyone present that the Commission could not ask any questions of the two parties and that the only information the Commission could refer to is the existing record. No new documentation or information could be accepted.

The Commission discussed needing to determine whether the Town of Thomaston's assessment of the property in question was "manifestly wrong". They discussed the various pieces of documentation or evidence supplied by both parties. Commissioner Roger Moody had generated a spreadsheet for his own use to try to follow some of the data. He supplied copies to the other commissioners and to the other meeting attendees.

After a lengthy discussion of the various points made by both parties in the current record (with no new testimony being accepted), the Commission took a vote.

- A motion was made by Commissioner Roger Moody for the Knox County Commission to support the Thomaston assessor's value for the Thomaston Auction Properties, LLC. for the following reasons:

1. The Thomaston assessor revaluated using three methods/approaches: Replacement Cost method, Income method, and Sales Cost method; the Commission finds a consistency of value among those three methods.

2. The Commission notes that the Washington valuation appraisals did not include the value of the residential structure and the garage. If the appellant’s valuation for those two structures, which was \$125,000, is added back in, that brings the total assessment done by Washington Appraisal’s valuation to \$743,000, which is near the Town of Thomaston’s assessment of \$773,404.
3. The replacement cost approach by Laukka Construction yielded values on the high end, of \$856,784 if the land value and the house and garage values added back in. There was a second approach done using the replacement cost method and if the values from the land, house and garage are added back in, the total is \$803,757. Therefore, both valuations by Laukka Construction exceeded the Town of Thomaston’s final valuation.
4. The Pine Tree Appraisal approach included both the replacement costs and sales cost methods. The Commission is uncertain concerning the land value of \$75,000 and whether that is included in the sales comp calculation. It is the Commission’s opinion and judgment that neither set of data from Pine Tree Appraisal, which was submitted to the Commission by Thomaston Auction Properties, LLC., was comparable.

These are the major points discussed by the Commission which will be elaborated upon in a written decision to the Justice of Superior Court. A copy of the spreadsheet created by Commission Moody would be included with the written decision.

- The motion was seconded by Commissioner Richard Parent.
 - A vote was taken with two in favor (Commissioner Roger Moody and Commissioner Anne Beebe-Center) and one opposed (Commissioner Richard Parent).
3. Act to Approve Transfer 2010 Capital Funds to Reserves.
 - A motion was made by Commissioner Richard Parent to approve the transfer of 2010 Capital Funds to Reserves. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

Capital Available Balances from the 2010 budget

Transfer from:		Transfer to:		
Department:	Account:	Reserve Acct.		
Sheriff	Vehicles 011007-57346	Vehicles	200008-12690	\$26,000
Build. Maint.	Building Upgrades 006007-57390	Courthouse Maintenance	200008-12680	\$16,193
Dispatch	Equipment 518007-57335	Equipment	561800-12625	\$44,950
			Total:	\$87,143

4. Act on Approval of the Knox County Commission Certificate For Recovery Zone Facility Bonds.
 - A motion was made by Commissioner Richard Parent to approve the Knox County Commission Certificate for Recovery Zone Facility Bonds. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.
5. Act on Amendment of Section 2.5.1 Temporary Employees (Grant Funded) to the Personnel Policy. The Commission questioned why the administrator wanted to remove the wording about weekend hours when EMA has emergencies on the weekend. It was noted that some grants have their own rules or policies in how they are implemented.

County Administrator Andrew Hart explained that with the current wording, if a grant employee works on the weekend but has not worked 40 hours during the week, they’ll still get overtime. That would mean that a grant-funded employee could work just a handful of hours during the regular work week, and still get time and a half on the weekend even though they didn’t work 40 hours during the regular work week. This is different from all other County employees. Leaving the wording in would cause problems because employees would be getting treated differently. When asked if perhaps the paragraph should be rewritten, Administrator Hart responded that it is just easier and less confusing to remove the wording.

 - A motion was made by Commissioner Richard Parent to approve the amendment of Section 2.5.1 Temporary Employees (Grant Funded) to the Personnel Policy. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

III. Executive Session

1. Convene in Executive Session to Discuss Acquisition of Real Property pursuant to 1 M.R.S.A. §405(6)(C).

- A motion was made by Commissioner Roger Moody to go into executive session pursuant to 1 M.R.S.A. §405(6)(C) to discuss Acquisition of Real Property. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The executive session convened at 3:09 p.m.

The executive session concluded at 4:09 p.m.

IV. 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 4:09 p.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on February 9, 2011.