

KNOX COUNTY COMMISSION

Special Meeting

Tuesday – March 23, 2010 – 2:00 p.m.

A special meeting of the Knox County Commission was held on Tuesday, March 23, 2010, at 2:00 p.m., at the county courthouse, 62 Union Street, Rockland, Maine. Executive Assistant Constance Johanson was present to record the minutes of the meeting.

Commission members present were: Anne 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, Jail Administrator John Hinkley, Airport Manager Jeff Northgraves, Finance Director Kathy Robinson, and Executive Assistant Constance Johanson.

Also present were: Ann Matlack, chair of the Knox County Budget Committee, J. Michael Loewe of Lion Mobility Consulting Services, and Steve Betts of *The Herald Gazette*.

Special Meeting – Agenda Tuesday – March 23, 2010 – 2:00 p.m.

- I. 2:00 Meeting Called To Order**
- II. 2:01 Action Items**
 - 1. Act on Approval of Organizational Study RFP (A. Hart, M. Loewe).
 - 2. Act on Approval of Maine Pretrial Services Contract Renewal and Authorize the County Administrator to Sign (J. Hinkley, A. Hart)
 - 3. Act on Approval of ARCH Medical Services Contract Renewal and Authorize the County Administrator to Sign (J. Hinkley, A. Hart)
 - 4. Act to Award Superior Court Painting and Electrical Bids (A. Hart)
 - 5. Act on Consideration of Payment of Membership Fee to EMDC (A. Hart, R. Moody)
 - 6. Act on Easement for Aqua Maine (A. Hart, J. Northgraves)
- III. 2:50 Executive Session**
 - 1. Convene in Executive Session to discuss Acquisition of Real Property Pursuant to 1 M.R.S.A. §405(6)(C).
 - 2. Convene in Executive Session to discuss a Personnel Matter Pursuant to 1 M.R.S.A. §405(6)(A).
- IV. Adjourn**

I. Meeting Called to Order

Commission Chair Anne Beebe-Center called the March 23, 2010 special meeting of the Knox County Commission to order at 2:00 p.m.

II. Action Items

1. Act on Approval of Organization Study RFP (A. Hart, M. Loewe).

County Administrator Andrew Hart reported that the Request for Proposal (RFP) regarding the Organizational Study was finished. This matter was discussed at three previous meetings. There was a draft of an RFP that was distributed to the commissioners prior to the March 9, 2010 meeting, which was developed by the county administrator, the finance director, and the IT director.

Mr. Hart explained that he had e-mailed five consulting firms seeking their assistance with further developing the draft RFP for the organizational study. Michael Loewe of Lion Mobility Consulting Services of Boothbay was the only consultant who responded. It was noted that the e-mail specified that anyone hired to assist with the RFP would not be eligible to bid on the organizational study project.

The county administrator and IT Director Jeff Lake met with Mr. Loewe. A number of suggestions were made to clarify portions of the RFP. Mr. Loewe was hired to provide professional assistance with the development the final draft of the RFP for the organizational study. The final draft of the RFP was distributed to the commissioners prior to today's meeting.

County Administrator Andrew Hart offered to highlight some areas in the final draft of the RFP before the commission considered approving the document. The first page is a notice to the bidders explaining that the project was to be done in three phases, with a due date of April 21, 2010. The timeline for the project begins with approving the RFP for the organizational study at today's

meeting, then mailing the document to prospective bidders by April 1st, then having the proposals submitted by April 21st, and then interviewing qualified bidders.

The second page is a list of nine proposal requirements with the notation that submitted proposals are expected to follow the points in the same order as listed on this page.

The third page addresses the evaluation criteria. Evaluations will be based on the following criteria: project cost; understanding the requirements and the organization's approach to deliver required services; the ability to deliver services as required based on the firm's experience with identifying problems and developing reasonable and cost effective solutions for similar projects; experience of the staff to be assigned to the county; and references. It was noted that it was very important to be able to interview the actual staff of the selected consulting firm(s) who would be conducting the organizational study.

The next page is the response to the county's proposed departmental study and review of county services. The following two pages are the actual proposal with places to write in the bid for each phase. It was noted that the titles of "Phase 1" and "Phase 2" on this page need to be switched. Phase 1 is the "Review and Comparison of County Services" and Phase 2 is the "Department Organizational Study". Phase 3 is the "Review of the Sheriff's Department Services".

Pages 7 through 11 lists the instructions, both general and specific, to bidders and includes the general outline and scope of the RFP.

County Administrator Andrew Hart explained that Phase 3, the review of the sheriff's office, was separated from the other departments, but would follow the same guidelines as Phase 1 and 2 for the other departments and would run concurrently.

Commissioner Anne Beebe-Center asked if a different consultant would be hired to conduct the sheriff's office review, while the other consultant conducted Phase 1 and Phase 2 since the studies would run concurrently.

County Administrator Andrew Hart responded that there were several bid options. A company could bid on all three phases, bid on Phase 1 and Phase 2, or bid on Phase 3 alone. It was suggested that there might be an experienced consultant who would be willing to do all three phases or there might be some specialized firms that would only want to review the sheriff's office.

County Administrator Andrew Hart explained that one item that was discussed at a previous commission meeting regarding the RFP was that the jail and D.A.'s office would not be included in the study because of their association with the state. After discussing the RFP at the staff meeting on March 2nd and with Mr. Loewe, it was decided that the jail and the D.A.'s office would only be included in Phase 1 of the study.

The section after Phase 3 outlines the requirements for the reports to be completed at the conclusion of each of the phases. The summaries would be presented to the commissioners at one of their meetings.

The work process explains that there are three county facilities to be visited, and the department heads and elected officials, at a minimum, will be interviewed. It notes that the gathering of information through interviews should be supplemented by reviewing and analyzing current information, as well as past available information up to five years. The information that should be provided to the consultant will include, but is not limited to the following: County Charter; budget reports; audit reports; county budgets and capital improvement plans; personnel policy; union contract; policies and procedures; job descriptions; wage plans; uniform crime reports; interlocal agreements; mutual aid agreements; Airport Master Plan; county commission meeting minutes; organizational charts; and any other material requested by the consultant.

The last page is an overview of the county including the number of employees and the form of county government. It also explains the county's budget cycle and the amount of funds to be raised by taxation.

Commissioner Anne Beebe-Center commented that she understood that department heads, at a minimum, would be interviewed and suggested that county employees should also be interviewed.

Mr. Loewe commented that a consultant in his line of work would interview both department heads and employees. It was noted that it was not a question of being right or wrong, but rather that the employees and the department heads usually have different perspectives regarding the workplace. It is important, in conducting an analysis of an organization, to have conversations with both employees and department heads in order to obtain a true picture of the organization.

Commissioner Richard Parent commented that it appeared that the RFP was asking for a large amount of information to be gathered. He expressed his concern that this study should not mirror the space study, which was overwhelming. His only question was “when would the salary study take place?”

County Administrator Andrew Hart explained that the proposed budget for 2010 had funding for both the organizational study and a wage and benefit study. The pay classification study was eliminated from the final approved budget for 2010. There is currently no money in the budget for a pay study, but if the commissioners still want to have the study done, it would either have to be budgeted for in 2011 or the funds could possibly be found after the organizational study is completed in August. Based on the summaries presented at the conclusion of the organizational study, the recommendations from the study could be implemented in 2010. Some recommendations may not be implemented until 2011, especially if the recommendation(s) required funding through the budget process.

Commissioner Roger Moody suggested that the space needs study should be included in the list of documents to be reviewed, which are listed under the Work Process portion of the RFP. He recommended including provisions for the concept of progress payments. As in many studies, the progress of the project should be carefully monitored and one method is to set up progress payments for each portion of the project completed. One payment would be after the completion of Phase 1 when the commissioners were assured that the project was proceeding according to their direction. Written approval of the commission would be required before moving on to Phase 2.

Mr. Loewe remarked that it was not necessary to have progress payments scheduled, especially not on a project that is of this length. He said he understood the reason behind the suggestion, but it was really a matter of the commission being satisfied with the end product. He suggested that if he were the consultant, that he would not expect a schedule of progress payments.

Mr. Loewe suggested that in terms of efficiency of conducting the study, it was necessary for the contracted consultant to follow the proposal’s requirements in the exact order as listed in the RFP. Mr. Loewe recommended keeping the review process as simple as possible by choosing the two best candidates. He suggested that if neither of them is qualified, then the commissioners could interview another bidder. The objective is to select the best consultant to complete the study.

Commissioner Roger Moody suggested that the point of his comments on having a schedule of progress payments was to insure that the commission was satisfied with the job being done before it concluded. It was a method controlling the progress. If the commission was not satisfied with the direction that the study was taking or any other issue with the study, then the commission would be able to discontinue the study or redirect the consultant(s).

Commissioner Roger Moody commented that he struggled with the inclusion of the sheriff’s office within the study. There is the possibility of finding a consultant who has experience in all areas, but because of the nature of public safety, the preferred method would be to find a consultant who would only conduct the study of the sheriff’s office. He suggested that the opportunity to bid on only on the sheriff’s office portion of the study should be made clear in the RFP.

County Administrator Andrew Hart reported that he asked Mr. Loewe if the county had budgeted enough for the project. The response was that the amount budgeted for the project was probably adequate. Another concern was the cost for the project if two consultants were hired; one for the sheriff’s office and the other for the other departments. It was noted that the issue of the cost for two consultants will remain an unknown until the bids are received.

Commissioner Anne Beebe-Center suggested that there needs to be communication between the two consultants if that is the way the project ends up being bid.

It was noted that the overall project is challenging, but should be successful as long as everyone is aware of the challenges. The separation of the sheriff’s office is clearly outlined in the RFP. The successful bidder will have to be aware of the specific nature of the sheriff’s office. One suggestion was that the commissioners interview the consultant as well as the staff that will actually conduct the interviews and summarize the outcome of the project.

- A motion was made by Commissioner Roger Moody to approve the final draft of the Organizational Study RFP as presented. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

Steve Betts of The Herald Gazette left the meeting at 2:25 p.m.

2. Act on Approval of Maine Pretrial Services Contract Renewal and Authorize the County Administrator to Sign (J. Hinkley, A. Hart).

County Administrator Andrew Hart explained that the contract with Maine Pretrial Services expired on November 30, 2009. Elizabeth Simoni, of Maine Pretrial Services, has agreed to renew the contract for a 19-month period at the same cost as the expired contract. The commissioners are being asked to authorize the county administrator to sign the new contract.

Mr. Hart reported that the Board of Corrections (BOC) was looking at regionalizing pretrial services. The Corrections Working Group is meeting on March 25, 2010. There is also a Pretrial Focus Group that is working on the regionalization of pretrial services. Ms. Simoni has been working with this group and the group currently is working on designating regions and defining their structure and composition. It was noted that if there is a regionalization plan put into effect by the state, then Knox County's contract with Maine Pretrial Services can be amended.

It was noted that Knox County contracts with Maine Pretrial Services for pretrial services, but there are a number of other services that are provided including home release monitoring and diversion services. It is expected that the BOC will be discussing the inclusion of additional services that relate to pretrial services.

Jail Administrator John Hinkley commented that if and when the regionalization of pretrial services is implemented, the state will want to have an expanded plan similar to the services provided to Knox County by Maine Pretrial Services. It makes sense to have a plan with the optimum number of services that can be provided.

Commissioner Anne Beebe-Center asked if the BOC hired someone to oversee pretrial services. Jail Administrator Hinkley reported that there is a person from Maine Pretrial services that works for the BOC and is heading up the group to do the study on pretrial services.

Commissioner Anne Beebe-Center asked where Volunteers of America stood in the regionalization discussion. Major Hinkley reported that Volunteers of American was involved with the discussions as well.

- A motion was made by Commissioner Richard Parent to approve the Maine Pretrial Services Contract renewal and authorize the county administrator to sign the contract. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

Commissioner Roger Moody, noting that Maine Pretrial Services was not a state agency, asked if the agency provided services to a number of county jails throughout the state. Jail Administrator John Hinkley explained that although it was not a state agency, Maine Pretrial Services provided services to a number of county jails. There are a few county jails that do not contract for pretrial services. The other approved agency is Volunteers of America, which also provides services to some of the county jails.

3. Act on Approval of ARCH Medical Service Contract Renewal and Authorize the County Administrator to Sign (J. Hinkley, A. Hart).

County Administrator Andrew Hart reported that the medical services contract with Allied Resources for Correctional Health (ARCH) expired on December 31, 2009. The recommendation is to approve the 6-month ARCH medical service contract renewal and authorize the county administrator to sign the contract. The contract agreement may be extended for two (2) additional one-year periods at a cost to be negotiated.

The BOC is exploring the possibility of have a statewide medical contract. Major Hinkley has been serving on a committee that is involved with this issue. The concept of a statewide medical contract will be discussed and reviewed by the jail and sheriffs' associations. Funding is being sought to hire a consultant to develop the RFP for a statewide medical contract. The plan is to have the RFP ready to send out in October 2011.

One of the reasons for having a six month contract at this time is the possibility of having a statewide medical contract. The expired contract was signed in 2007 and it was first thought that it should be bid out, but a six month contract with a renewal option appeared to be a better plan in light of the BOC working on a statewide medical contract. The jail administrator commented that he was satisfied with the services provided by ARCH and he preferred to continue to contract with ARCH for medical services.

Commissioner Anne Beebe-Center asked if ARCH serves all the counties. Major Hinkley explained that the sheriff runs the jail and therefore it is the sheriff's decision as to the awarding of the medical contract. Sheriff Dennison is in favor of having ARCH provide medical services. It was noted that some sheriffs are not in favor of having ARCH provide medical services.

Commissioner Anne Beebe-Center asked what the alternative is to having ARCH provide medical services. Major Hinkley responded that it was still too early to say what will happen with the statewide proposal. It was noted that some jails have their own medical staff providing medical services. Having a six month contract with the option for renewal appears to be the best plan at this time.

- A motion was made by Commissioner Roger Moody to approve the ARCH Medical Services Contract renewal and authorize the county administrator to sign the contract. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

4. Act to Award Superior Court Painting and Electrical Bids (A. Hart).

On February 17, 2010, the painting RFP was sent out to six painting contractors and the electrical RFP was sent to five electrical contractors for the Superior Courtroom renovation project. A mandatory pre-bid meeting was held on March 5, 2010 to acquaint the contractors with the work area and to provide an opportunity for them to ask questions. One bid was received for the electrical portion of the project and two bids were received for the painting portion of the project.

The bids were received on March 12, 2010 and are inserted herein for informational purposes.

BID RESULTS
Superior Courtroom Lighting/Electrical Project
March 12, 2010

	Carney Electric (of Thomaston)
Letter of Transmittal	YES
Project Specifications	YES
Examples of prior similar work	YES
Costs – Itemized list and total	YES
Four References	YES
Payment Terms	YES
Insurance Docs	General Liability Workers Comp and Employer’s Liability Any Automobile Liability
BASE BID:	\$23,800
ALTERNATE BID:	\$28,000

BID RESULTS
Superior Courtroom Painting Project
March 12, 2010

	Anthony D’Agostino	Aurora Contracting, Inc.
Letter of Transmittal	NO	YES
Project Specifications	5-item list	YES
Examples of prior similar work	NO	YES
Costs – Itemized list and total	No itemized list – total only	YES
Four References	YES (incomplete – no addresses, some with no contact name)	YES
Payment Terms	YES	YES
Insurance Docs	None (Not requested to turn in with bid – just before any work begins)	Worker’s Comp General Liability
BID TOTAL:	\$50,880	\$47,500
Other Info:	BID INCOMPLETE	BID COMPLETE

Mr. Hart explained that the alternative bid from the electrical contractor was the updating the wiring in the courtroom. It appeared that the wiring may be original, in which case it would not meet today’s electrical code. The electrical bid was awarded to Carney Electric of Thomaston in the amount of \$28,000.00.

Jeff Henthorn, from the state, has been involved with the projects because the state has agreed to share the cost of the courtroom renovation project. The state has budgeted \$35,000.00 for its share and the county has budgeted \$30,000.00. Because the bids came in over the budgeted amount, the county administrator will be asking for a transfer of funds, not to exceed \$9,000.00, from either the

window replacement or the brick re-pointing project budget line to the Superior Courtroom renovation budget line.

The painting bid was awarded to Aurora Contracting in the amount of \$47,500.00 because the bid from Anthony D'Agostino was incomplete.

County Administrator Andrew Hart explained that, because of the court schedule, the time frame to complete the renovation project was short. The lights had to be special ordered because they fit up in the surrounding alcove and reflect up to the ceiling. The lights were expected to take up to 12 weeks for delivery, but it appears now that the lights will be delivered in four weeks. The staging will be set up during the last week of March.

It appears that the courtroom has not been painted in many years and is very dingy due to smoking in the courtroom years ago. The walls and ceiling will have to be cleaned, patched, and painted. The leaks have been fixed. The project has to be completed by May 9, 2010 because of the court schedule.

- A motion was made by Commissioner Richard Parent to award the Superior Court painting and electrical bids as recommended by the county administrator. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

5. Act on Consideration of Payment of Membership Fee to EMDC (A. Hart, R. Moody).

County Administrator Andrew Hart explained that the Knox-Waldo Regional Economic Development Council (KWRED) board met on March 11, 2010 and authorized paying \$2,500.00 to Knox County with the understanding that the county would use the funds to pay Eastern Maine Development Corporation (EMDC), which in turn would satisfy EMDC's membership fee requirement.

Commissioner Roger Moody reported that EMDC was scheduled to meet on Thursday, March 25, 2010 and the board will have to vote to accept this amount of money as the required membership fee. EMDC may or may not vote to accept the amount.

- A motion was made by Commissioner Roger Moody to accept the offer of \$2,500.00 from KWRED and, in turn, pay that amount to EMDC if EMDC will accept it as the required membership fee. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

6. Act on Easement for Aqua Maine (A. Hart, J. Northgraves).

Airport Manager Jeff Northgraves explained that during the process of running water for the new terminal building and a new hangar, it was discovered that there was a 3-way agreement between the county, SAD #5, and the Camden and Rockland Water Company, the predecessor of Aqua Maine, for running water lines to the school and to the airport property.

Knox County was supposed to initiate and issue an easement whereby the water company would run the lines, and then own the water lines. It appears that this was never done.

Commissioner Anne Beebe-Center asked if there was any reason that the county would not want to have the water company own the water lines.

Mr. Northgraves responded by saying that there did not seem to be any reason, although there is language used in agreements with the FAA that requires that the county not to give up any rights to airport property. Utility companies often have easements over property, but do not own the land. In this particular document, there is language that if there is anything that conflicts with the FAA's requirements, then those requirements take precedence.

Commissioner Richard Parent asked if the lines have to be relocated at some point in time, would the water company do the work and who would pay for the relocation work. Mr. Northgraves responded that the county would probably have to pay for relocating the lines. The easement gives ownership of the existing water lines and the new ones going to the terminal and the new hangar to the water company. It was noted that the easement may shift the location for the water lines, but does not address the issue of who will pay for any relocation.

Mr. Northgraves explained that any future relocation and associated costs would probably be determined by who was making the request and the reason for it. Something similar occurred in the Town of Thomaston and the cost of the project was negotiated. The easement basically says that if a water line breaks, the water company will fix it. There was a water line break near the hydrant on the airport property several years ago and the water company fixed it because it was believed that there was an easement in place.

This issue came up because Aqua Maine was looking for a valve that goes to the old Downeast hangar and the current terminal building. It was thought that the valve was installed about the time that the three-party agreement was signed. While researching old documents to determine when and where the valve was installed lead to the discovery that there was no easement in place. Airport Manager Northgraves recommended signing the easement and bill of sale.

Commissioner Roger Moody commented that he was looking at the water line agreement that states that there was a 4300 foot water line that was to be installed along Route #73 and Ash Point Road to the school and airport properties. The cost to the county was \$50,000.00. The school district was charged \$5,000.00 and the water company was responsible for the remaining \$30,000.00.

County Administrator Andrew Hart explained that he had spoken with Rick Knowlton, of Aqua Maine, in regards to the water line extension to the new terminal building. Aqua Maine could not find any evidence of the easement and bill of sale as referred to in the 1984 agreement to provide the extension and connection of the public water system to the airport system. Without the easement and bill of sale, the water system at the airport is considered to be private rather than public with county being responsible for maintaining the system. Aqua Maine is willing to take responsibility for the water system as specified in the 1984 agreement with the signing of the easement and bill of sale presented at this meeting.

Legal council assisted with the preparation of the easement and bill of sale. The airport manager included some language from the FAA.

Commissioner Roger Moody commented that this seemed unusual because a water line from the street to a house is considered private property and the owner's responsibility. It was noted that the school and the airport are public facilities and therefore the water lines can be part of the public system. Currently there are at least three water lines to various buildings on the airport property and one hydrant.

- A motion was made by Commissioner Richard Parent to approve the request to sign the easement deed and bill of sale. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

Break: Five minute recess.

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

The executive session convened at 3:00 p.m.

- A motion was made by Commissioner Richard Parent to come out of executive session. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

The executive session concluded at 3:58 p.m.

2. 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 Roger Moody 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 4:00 p.m.

- A motion was made by Commissioner Richard Parent to come out of executive session. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

The executive session concluded at 5:11 p.m.

IV. 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 5:12 p.m.

Respectfully submitted,

Constance W. Johanson
Executive Assistant

The Knox County Commission approved these minutes at their regular meeting held on April 13, 2010.

Anne H. Beebe-Center, Chair – Commissioner District #1

Richard L. Parent, Jr. – Commissioner District #2

Roger A. Moody – Commissioner District #3