

# KNOX COUNTY COMMISSION

**Regular Meeting**

**Tuesday – April 13, 2010 – 2:00 p.m.**

The regular meeting of the Knox County Commission was held on Tuesday, April 13, 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, Sheriff Donna Dennison, Finance Director Kathy Robinson, Airport Manager Jeff Northgraves, Jail Administrator John Hinkley, EMA Director Ray Sisk, and Executive Assistant Constance Johanson.

Also present were: Kevin Waters of Penobscot Island Air and Ted Berry of Rockland.

## **Regular Meeting – Agenda Tuesday – April 13, 2010 – 2:00 p.m.**

- I. 2:00 Meeting Called To Order**
- II. 2:01 Executive Session**
  - 1. Convene in Executive Session to Discuss Acquisition of Real Property Pursuant to 1 M.R.S.A. §405(6)(C).
- III. 2:30 Public Comment - Public Comment during other portions of the meeting will only be granted by permission of the chair.**
- IV. 2:45 Consent Items**
  - 1. Approve Consent Items as Presented:
    - a. Approve Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
    - b. Approve Minutes of Special Meeting – Work Session of October 1, 2009.
    - c. Approve Minutes of Regular Meeting of December 8, 2009.
    - d. Approve Minutes of Special Meeting – Work Session of December 22, 2009.
    - e. Approve Minutes of Regular Meeting of January 12, 2010.
    - f. Approve Minutes of Regular Meeting of February 9, 2010.
    - g. Approve Minutes of Special Meeting of February 11, 2010.
    - h. Approve Minutes of Regular Meeting of March 9, 2010.
    - i. Approve Minutes of Special Meeting of March 23, 2010
    - j. Accept Monthly Written Departmental Reports.
    - k. Approve Reserve Withdrawals.
- V. 2:50 Action Items**
  - 1. Act on Downeast Air New Lease Agreement (J. Northgraves).
  - 2. Act on Appointments to the Airport Public Advisory Committee (J. Northgraves).
  - 3. Act to Approve a Jail Temporary Full-time Employee (J. Hinkley, A. Hart).
  - 4. Act on Approval of Reclassification of the Assistant Programs/Classifications Coordinator from Exempt to Non-Exempt, and Approve the Updated Job Description to Reflect that Change (A. Hart).
- VI. 3:10 Discussion Items**
  - 1. Update on Penobscot Island Air (K. Waters)
  - 2. Update on Organizational Study RFP (A. Hart)
- VII. 3:30 Other Business**
- VIII. 3:35 Adjourn**

### **I. Meeting Called to Order**

Commission Chair Anne Beebe-Center called the April 13, 2010 regular meeting of the Knox County Commission to order at 2:00 p.m.

### **II. Executive Session**

- 1. Convene in Executive Session to discuss an Acquisition of Real Property Pursuant to 1 M.R.S.A. §405(6) (C).

- A motion was made by Commissioner Roger Moody 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 2:02 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 2:25 p.m.

**III. Public Comment**

Commission Chair Anne Beebe-Center asked for public comment. There was none.

**IV. Consent Items**

1. Approve Items as Presented:

- Approve Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
- Approve Minutes of Special Meeting with Municipalities of October 1, 2009.
- Approve Minutes of Regular Meeting of December 8, 2009.
- Approve Minutes of Special Meeting – Work Session of December 22, 2009.
- Approve Minutes of Regular Meeting of January 12, 2010.
- Approve Minutes of Regular Meeting of February 9, 2010.
- Approve Minutes of Special Meeting of February 11, 2010.
- Approve Minutes of Regular Meeting of March 9, 2010.
- Approve Minutes of Special Meeting of March 23, 2010.
- Accept Monthly Written Departmental Reports.
- Approve Reserve Withdrawals.

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

Reserve Withdrawals (2010 expenses):

Courthouse Computer	20000812660	\$1,421.74
Legal Expense	20000812650	\$10,753.74
Matching Funds	20000810085	\$14,010.78
Sheriff's Vehicles	20000812770	\$1,362.00
	Total	\$27,548.26

Commissioner Anne Beebe-Center asked if there was any discussion.

Commissioner Roger Moody said he wanted to thank the administrative staff for their hard work. The minutes read very well and were appreciated.

**V. Action Items**

1. Act on Downeast Air New Lease Agreement (J. Northgraves).

Commissioner Anne Beebe-Center called for a motion to act on the amendment to terminate the Downeast Air lease.

- A motion was made by Commissioner Roger Moody to approve the agreement to terminate the amendment to the current lease agreement and approve a new agreement with Downeast Air relative to property and hangar buildings at the Knox County Regional Airport. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

2. Act on Appointment to the Airport Public Advisory Committee (J. Northgraves).

Airport Manager Jeff Northgraves explained that there were two names proposed; Gray Smith to represent District #1, and Kevin Waters to represent the Commercial Pilot's seat. Both are willing to serve a second term, which is allowed by the by-laws allow. The third seat to be filled is that of the Flying Club. There has been some reorganization of the Flying Club recently. The Flying Club has proposed Dave Miramant, President of the Flying Club, to serve as their representative.

- A motion was made by Commissioner Richard Parent to approve the nominations as proposed to the Knox County Public Advisory Committee. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

Mr. Northgraves explained that he needed another motion and the commissioners' approval to change the Airport Public Advisory Committee's annual business meeting. According to the by-laws, the annual business meeting is scheduled for the second Monday of the month. The airport manager asked that the meeting be changed to the third Monday of the month so that the nominations could be approved in the same month (April). He is asking that the meeting be approved to take place on April 19, 2010 at 4:00 p.m. to be held at the airport manager's office.

- A motion was made by Commissioner Richard Parent to approve the annual APAC business meeting to April 19, 2010 at 4:00 p.m. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

3. Act to Approve a Jail Temporary Full-time Employee (J. Hinkley, A. Hart).

County Administrator Andrew Hart explained that the commissioners had discussed temporary full-time employees during the December 22, 2009 meeting. The discussion centered on patrol vacancies. The Personnel Policy was amended at the March 9, 2010 meeting to address the issue of temporary full-time employees and the benefits provided to those employees. The language allows the commissioners to review the benefits of temporary full-time employees on a case-by case basis.

The jail administrator has requested that a part-time corrections officer be appointed as a temporary full-time employee to fill in for a jail employee who is out on medical leave. It is hoped that the regular full-time employee will be able to return in September.

- A motion was made by Commissioner Roger Moody to approve the request for a temporary full-time jail employee. The motion was seconded by Commissioner Richard Parent.

Commissioner Anne Beebe-Center asked if the health insurance should be provided as a benefit.

County Administrator Andrew Hart recommended not offering health insurance to this individual because he has health insurance through his wife who is employed by Knox County. This position was not advertised and therefore differs from the patrol vacancies created by military leave. The jail administrator was requesting that a part-time corrections officer, one that works on an as needed basis, be hired a temporary full-time employee.

Commissioner Anne Beebe-Center asked about the health insurance stipend for employees who have health insurance elsewhere. The response was that it only applied to those employees whose spouse works for another employer and who can show proof of insurance through that company for the previous year. It would not apply in this case (*Personnel Policy – page 44*).

There was a discussion on what benefits would be offered to this employee. It was noted that the position was a union position, but employees filling union positions are not covered by the union contract for the first six months while they are on probation. Full-time employees on probation for the first six months after their hire date may earn sick and vacation leave time, but may not use it. Part-time employees do not earn vacation or sick leave.

It is anticipated that the temporary full-time employee will only work six months until the regular employee returns, in which case the earning of sick and vacation time would not benefit the employee (*Personnel Policy 4.51*). One suggestion was not to allow the accumulation of sick and vacation leave at this time and revisit this matter if the commissioners approve extending this appointment past the anticipated six months.

The other option was to allow the accumulation of vacation and sick leave, but not allow it to be used until after the person works six months. Regarding holiday time, it was noted that if the person worked on a holiday, then he would get paid time and a half for those hours worked.

It was noted that in the past, temporary full-time employees were not given any benefits. If the person earns sick and vacation leave and works past the six months, then a determination would have to be made as to whether or not the individual was entitled to termination benefits.

Jail Administrator John Hinkley commented that he thought temporary full-time employees should be treated the same as full-time employees because they had to perform the same duties as a full-time employee. The temporary full-time employees should earn vacation and sick leave the same as full-time officers.

Commissioner Roger Moody commented that he was comfortable with allowing temporary full-time employee to earn sick and vacation leave during the first six months of employment and if the person works beyond the six month period then they could use the leave or get paid for it in terms of current policy. Commissioner Richard Parent commented that he agreed.

Commissioner Richard Parent asked if there were any constraints on the number of hours allowed to be worked by a temporary full-time employee. Mr. Hart responded in the negative.

The concern appeared to be what the benefits would be for the person if they should continue to work for the county past the six months. Accrued compensatory time and vacation time would have to be paid to the person when they either left the county's employ or returned to part-time status after the six month period. Reference was made to page 13 of the Personnel Policy for those employees leaving before the six month period.

It was noted that the temporary full-time employees hired in the patrol division were to fill positions vacated by those going on military leave. The benefits were to attract qualified candidates to fill vacancies on a temporary basis. This request is for filling a jail position that is vacant due to medical leave. There is no specified time that the person is known to be on leave. There are no special qualifications or licensing needed to fill the position by a part-time person on a temporary basis. It was suggested that all long term vacancies being filled by temporary full-time personnel should be treated the same.

County Administrator Andrew Hart commented that the hiring of all temporary full-time employees have to be approved by the commissioners on a case-by-case basis. This is a case of a part-time employee being approved to fill a key jail position vacated by someone on medical leave. It was noted that the position was generally scheduled to be worked the five business days.

Commissioner Anne Beebe-Center referred to the motion on the floor and asked if the benefits should be included in the motion.

- A motion was made by Commissioner Roger Moody to approve the request for a temporary full-time jail employee. That individual will accumulate sick and vacation leave time monthly, but following policy leave will not be used or paid out until after six months. The motion was seconded by Commissioner Richard Parent.

Commissioner Roger Moody commented that this motion left out any reference to holiday pay. The Personnel Policy addressed part-time and temporary full-time employees' compensation for working a holiday, but there remained the issue of paying "a holiday" not worked.

Jail Administrator John Hinkley said the employee would be working 40 hours per week with a schedule of Monday through Friday. Holidays falling during the work scheduled would be paid as holidays worked.

Finance Director Kathy Robinson suggested that holiday pay (not worked) follows along with vacation and sick leave benefits and should be included for consistency. This would set the standard that these three benefits go together.

Several suggestions were made to amend the motion on the floor. The language for the motion that was agreed to is as follows:

- A motion was made by Commissioner Roger Moody to approve the request for a temporary full-time jail employee. That individual will accumulate sick time, vacation time, and receive holiday pay. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

Commissioner Roger Moody commented that it appears that the commission needs to move toward adopting a policy regarding personnel issues such as this one.

4. Act on Approval of Reclassification of the Assistant Programs/Classifications Coordinator from Exempt to Non-Exempt, and Approve the Updated Job Description to Reflect that Change (A. Hart).

County Administrator Andrew Hart explained that this was the third of three job descriptions that have been reviewed in terms of reclassifying the jobs from exempt to non-exempt. Mr. Hart recommended reclassifying the job and approving the job description to reflect that change. The rate of pay does not change. It was noted that the employee can earn overtime with the approval of the reclassification.

It was noted that this position did not meet the criteria set for an exempt position. The person is under the supervision of another person. The only change is designating the position from a salaried position to an hourly one.

- A motion was made by Commissioner Roger Moody to approve the reclassification of the Assistant Programs/Classifications Coordinator from exempt to non-exempt and approve the

updated job description to reflect that change. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

Commissioner Roger Moody commented that it appeared this position is structured so that the employee is scheduled to work 40 hours per week. There is no built in overtime, but the person can, as a non-exempt employee, earn overtime if necessary.

## VI. Discussion Items

### 1. Update on Penobscot Island Air (K. Waters).

Kevin Waters of Penobscot Island Air said he wanted to take the opportunity to introduce himself to the commissioners. He explained that his operation at the airport is one of an air taxi on-demand service that started almost five years ago and provides air service to the islands. The company started with one aircraft and then added to the fleet. Penobscot Island Air (PIA) has developed into one of the main users at the airport and moves mail and freight as well as providing medical evacuation service when needed. The county has supported PIA since its inception as way of providing essential air service to the island communities.

Running an on-demand taxi service is more of a challenge than a regular air service business. The business started at a grass-roots level of operation to provide an air taxi service. This type of business benefits a rural state by being able to provide multiple services as needed. There are 50 to 60 flights a day during the summer and employs 20 people with a payroll of \$275,000.00. Approximately 9,000 people are transported to the islands as well as other destinations within the state. PIA operates out of a small facility that has a certain unique character and is not subsidized. Every effort is made to keep ticket prices affordable.

Currently PIA has four single-engine piston aircraft and leases four hangars. The operations' buildings are near the new terminal building, but PIA is not scheduled to be moved into the terminal building. The operation is a unique one with a large amount of freight and passengers being moved by PIA. TSA is not involved in PIA's operations. Mr. Waters said he would like to work with the airport manager on the issue of access because there is not a lot of room where his buildings are situated.

Commissioner Anne Beebe-Center remarked that she thought PIA buildings were temporary structures.

Kevin Waters commented that the buildings could be moved, but there was no room in new terminal building for his air taxi service. The terminal building was setup for airline operations. One of the reasons for this conversation today was to discuss the possible need or plan to move PIA's structures for better access to his area of business operations.

Commissioner Anne Beebe-Center asked Mr. Waters what his thoughts or plans were for getting into permanent arrangements for PIA's operations.

Kevin Waters commented that there have been many changes at the airport over the past few years. One of his concerns was how to stay competitive without taking on a lot of overhead and expense. The FAA focuses on the airline industry and its needs; not on air taxi service. Air taxi service is not included in the Master Plan and does not have to operate within security restrictions. There are several other areas or sites that might be available, but are not necessarily suitable to the needs of an air taxi service.

Commissioner Richard Parent asked if PIA was required to provide security or screening at their facility. Mr. Waters responded in the negative and commented that security may be an issue at some point in the future, but if the aircraft flying is less than 6,000 pounds, which PIA does, then basically the aircraft does not exist; meaning it is not subject to regulation.

PIA flew 183 times either for or in support of emergency services. PIA flies backup for Life Flight and other public safety agencies. There are no grants or funding available to assist with the costs of flying these missions because PIA flies single-engine piston aircraft. PIA applied for a \$6,000.00 grant for upgrades and was turned down. Air taxi service does not fit the model for applying for grants.

Commissioner Anne Beebe-Center asked if some of the stimulus money was set aside to upgrade island runways.

Kevin Waters reported that there was \$400,000 set aside for island infrastructure. The county airport has 10,000 enplanements each year which entitles the county to receive a million dollars in support of the airport. An air taxi services does not receive any of this funding, even though PIA moves 70 percent of the passengers (enplanements) to the island communities. The state is

recognizing there is an issue with the condition of the island runways. The challenge for the islands is the funding formula with a 20/80 split. The municipality/island community has to come up with 20 percent of the cost, which for Matinicus is \$65,000.00. The success of the runway improvement program depends on whether or not the islands can pay their share of the costs. Upgrading the island runways will help PIA keep their aircraft maintenance costs down as well as providing safer landing strips.

The airport facility is airline service based with FAA regulations and funding. Without anyone lobbying for the air taxi service, there is little monetary support for this type of service. The air taxi service provides service to the islands and could use state funding or subsidies. There are challenges to providing air taxi service at reasonable costs. Mr. Waters invited the commissioners to visit and see the operations first hand.

Airport Manager Jeff Northgraves said he wanted to point out that there are still some issues to discuss regarding the island runway upgrades. When an island community accepts funding from the state in the form of a grant, there are two things to consider: one is coming up with the 20 percent share of the cost of the project; the other is providing grant assurances such as assuring the airport is open to the public. Accepting the funds does away with the ability to close the airport to night time traffic. The Department of Transportation (DOT) is working closely with the island communities, but it is not a “done deal”

Mr. Northgraves reported that since the terminal building project has gotten underway, there have been many positive comments on PIA’s facility. People like the unique operation and the service provided. Some comments have been along the lines of “don’t make Kevin move into the new terminal building – we like it down here”. When PIA’s operations started, the buildings were considered temporary and it was thought that at some point in the future a permanent facility would be built. The airport manager explained that the buildings can be moved, but they are the right size and fit PIA’s needs. He recommended that the commissioners look at how the county could help support or aid PIA’s operations, which serves the island communities well. Originally there was a three-year grant that helped with the start-up of the air taxi service to the islands and the county served as its financial agent. The grant was not renewed and he is facing tough times in this downward economy.

Commissioner Anne Beebe-Center asked if there is funding available. Mr. Waters responded that with more people discussing the issue of providing island air service in a cost effective manner, there may be some solutions. It was noted that sometimes assistance comes by way of educating people on the need to provide air island service, which is a unique service. The air taxi service is more like a bush operation found in Alaska and other rural states.

Sheriff Dennison commented that she would like to add her support for PIA and its operations because of the service and assistance they provide to law enforcement.

County Administrator Andrew Hart reported that he talked to Vinalhaven’s Town manager. Her concern was for all the islands and their ability to come up with their share of the cost of the runway upgrades. There may be further discussions on this issue and perhaps a request for county assistance.

Commissioner Anne Beebe-Center asked if the county had any non-federal money. The county receives federal and state funding for airport projects, both of which require grant assurances that tend to mirror each other.

Airport Manager Jeff Northgraves explained that this was the first he had heard of the 20/80 split. It was not in the original proposal when it was first advocated to obtain grant funding for island runway upgrade projects. It may have come about because of the state’s financial problems.

Air service for the islands is critical and the county may need to help support it or help find some creative ways to assure that the islands continue to have adequate air service.

Commissioner Roger Moody suggested that The Island Institute may be of assistance, although there are the challenges present when a non profit organization works with and tries to assist a business for profit organization. This was one of the reasons that the county had to be the financial agent for PIA when the first grant was awarded to PIA.

2. Update on Organizational Study RFP (A. Hart).

County Administrator Andrew Hart commented that there was not much to report, other than that the Requests for Proposals were mailed to 17 consultants/companies on March 31, 2010. Three of the 17 would be conducting the organizational study of the sheriff’s office and the other 14 would be conducting the organizational study for the other departments. Two of the proposals were

returned as non deliverable. The bids are due on April 21, 2010 at 2:00 p.m. at which time the bids will be opened. The bids will be reviewed with Michael Loewe, the consultant who helped draft the RFP for the organizational study.

The county administrator said he will keep the commissioners informed of any new developments with this project. A letter was received from the Maine Chiefs of Police stating that they would not be submitting a bid. Mr. Hart commented he was confident that several bids would be returned. He expected to schedule a commissioners meeting to review the bids and award the bid after his review and discussions with Mr. Loewe. The project is expected to begin around June 1<sup>st</sup>, but could start as early as the middle of May.

## VII. Other Business

### 1. Space Needs Issue.

Commissioner Roger Moody brought up the space needs issue because the issue has not been addressed recently and it is possible that the needs of some of the departments have changed since it was last discussed. It was noted that several properties have been looked at since the decision was made not to enter into a lease/purchase agreement for the former DHS building on Old County Road. The state police barracks in Thomaston is scheduled to close and this could be a potential property for the county to look at as a solution to the space needs issue.

County Administrator Andrew Hart reported that he made several phone calls to find out more information on the barracks and what the state plans to do with the building and property. No meetings have been scheduled to discuss disposing of the property. It was noted that the Town of Thomaston appeared to be interested in the building. The legislature has the responsibility of disposing of state property and so far only a property list is available. Mr. Hart explained that he had spoken with Bill Lee of the state's property management division and there has been no decision on whether the property is to be sold or leased. Mr. Hart said also contacted Thomaston Town Manager Valmore Blastow and he is on vacation.

Commissioner Richard Parent commented that he thought there was some sort of pecking order for offering state property to interested parties. He suggested finding out who gets the first opportunity to look at the property and how the process works.

County Administrator Andrew Hart responded that he was not aware of any priority list in offering the property to interested parties. He was informed that meetings had to be scheduled to decide on a plan for the property's disposal, and a meeting needs to be set up with town officials to give them the opportunity to discuss any concerns that they might have regarding the disposal of the property.

Commissioner Anne Beebe-Center asked if it was appropriate to even discuss the matter if it is unknown whether or not it has a tower and can provide suitable space for the departments.

County Administrator Andrew Hart reported that he was told that the barracks is scheduled to close July 1, 2010. The process for disposing of the property would be the same process that was used to dispose of the deputy warden's house.

Commissioner Roger Moody reported that he had met with Senator Chris Rector and mentioned the property to him and his response was that Thomaston was interested in the property being part of the Thomaston Green Project and in terms of its concepts of redevelopment. He suggested that the county needs to know the size of the property as well as other specifics before discussing the property relative to the space needs issue.

Commissioner Richard Parent suggested having a work session on the space needs issue and talk to the department heads about any changes in their space requirements. It was noted that one problem is having an actual property to look at because at this time the state is only planning on meeting with Thomaston.

County Administrator Andrew Hart suggested that he should meet with Thomaston's town manager first and find out more information on the building and property. In light of school vacation and 9 or 10 other meetings in the next few weeks, it would be difficult to schedule a work session. There may not be sufficient time to gather enough information to discuss the property further.

Commissioner Roger Moody agreed there are still a lot of questions regarding the property and its suitability. He commented that his concern was that the opportunity to review a property as space needs solution might slip away. Not many properties are available and the county needs to know precisely what is needed in terms of space and also specific criteria for evaluating a property and its location such as; traffic volume, access, tower height, structure, and sprinkler system.

### 2. Work Session.

It was suggested that a work session could be scheduled to discuss the specifics of what is really needed at this time in terms square footage for departmental needs and geographic requirements for a location. No meeting was scheduled at this time.

**VIII. Adjourn**

Commissioner Anne Beebe-Center asked for a motion to 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 4:01 p.m.

Respectfully submitted,

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Constance W. Johanson  
Executive Assistant

**The Knox County Commission approved these minutes at their regular meeting held on May 11, 2010.**

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

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

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Roger A. Moody – Commissioner District #3