

# KNOX COUNTY COMMISSION

**Regular Meeting**

**Tuesday – May 10, 2011 – 2:00 p.m.**

The regular monthly meeting of the Knox County Commission was held on Tuesday, May 10, 2011, at 2:00 p.m., at the county courthouse, 62 Union Street, Rockland, Maine. Administrative Assistant Candice Richards was present to record the minutes of the meeting.

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, Technical Support Specialist Mike Dean, Airport Manager Jeff Northgraves, EMA Director Ray Sisk (2:10 p.m.), Finance Director Kathy Robinson, Communications Director Linwood Lothrop, Sheriff Donna Dennison, Patrol Administrator Kirk Guerrette, Chief Deputy Tim Carroll, and Deputy John Palmer with his K-9 partner Jake.

Others in attendance: Paul Cook, Jesse McCue, and Don Decker from Maine Real Estate Management, LLC., Laurie Bouchard of LBouchard & Associates, and Heather Steeves from the *Bangor Daily News*.

## **Regular Meeting – Agenda** **Tuesday – May 10, 2011 – 2:00 p.m.**

- I. 2:00 Meeting Called To Order**
- II. 2:01 Short Demonstration** – Sheriff's Deputy John Palmer and his K-9 partner Jake will do a short demonstration.
- III. 2:05 Public Comment** - Public Comment during other portions of the meeting will only be granted by permission of the chair.
- IV. 2:20 Consent Items**
  1. Approve Consent Items as Presented:
    - i. Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
    - ii. Monthly Written Departmental Reports.
    - iii. Reserve Withdrawals.
    - iv. 2011 Budget Line Transfers.
- V. 2:25 Action Items**
  1. Act on Approval of the Transfer of Forfeited Assets of One Eastfield 12 Gauge shotgun Model 916, Serial #B29326 in the *State of Maine v. Christian Neils*.
  2. Act to Award Airport Pavement Maintenance Contract and Authorize Administrator to Execute the Contract.
  3. Act on Approval of Expenditures from Audited Fund Balances.
  4. Act to Authorize the County Administrator to Expend Funds from the Boiler Repair Reserve Account.
  5. Act to Award the IT Co-Sourcing Services Contract.
  6. Act to Award the Knox County Building Maintenance/Management Services Contract.
  7. Act to Award the Knox County Janitorial/Cleaning Services Contract.
  8. Act to Award the County of Knox Total Compensation/Job Classification Study Bid.
  9. Act to Award Bid for One New Patrol Vehicle.
  10. Act to Award Bid for One Used Patrol Vehicle.
  11. Act on Authorization of Additional Expenditures on the KRCC Simulcast Project.
  12. Act on Approval of the County of Knox Personnel Policy Handbook.
  13. Act to Accept Resignation from the Knox County Board of Assessment Review and Authorize the County Administrator to Solicit Interested Parties as a Replacement on the Board.
- VI. 2:50 Other Business**
- VII. 2:55 Executive Session**
  1. Convene in Executive Session to discuss Acquisition of Real Property pursuant to 1 M.R.S.A. §405(6)(C).
- VIII. Adjourn**

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

Commission Chair Roger Moody called the May 10, 2011 regular meeting of the Knox County Commission to order at 2:00 p.m.

### **II. Short Demonstration**

Sheriff Donna Dennison introduced Sheriff's Deputy John Palmer and his K-9 drug-dog partner Jake. A small tin filled with marijuana had been hidden in the room. Jake methodically worked his way through the room until he found it. Deputy Palmer explained that Jake will not ingest what he finds but will simply indicate through behavior that drugs have been found. Jake is three years and seven months old.

Jake will be certified as a drug dog next week. Chief Deputy Tim Carroll commented that businesses in the area have already asked that the County’s K-9 visit their business once he is certified.

**III. Public Comment**

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

**IV. Consent Items**

1. Approve Consent Items as Presented:

- i. Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
- ii. Monthly Written Departmental Reports.
- iii. Reserve Withdrawals.
- iv. 2011 Budget Line Transfers.

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

Citywide Community Emergency Notification System

Commissioner Maines asked about EMA Director Ray Sisk’s request in his monthly report to have the commissioners attend a demonstration of the Citywide Community Emergency Notification System. She asked if either of the other two commissioners were interested in doing that. Commissioner Moody asked Administrator Hart if it was possible to schedule that around upcoming Commission meetings, perhaps having the demonstration either before or after a commission meeting takes place. Administrator Hart replied that he could check with Director Sisk about that as Director Sisk had not yet arrived for the meeting.

Fire Services on Criehaven

Administrator Hart explained that Jeff Jones, a resident of Criehaven, had recently visited the courthouse and talked with himself and Director Sisk and submitted a request to the County to set up some kind of fire service. Criehaven currently has no fire services as they are an unorganized territory. Administrator Hart stated that he had requested something in writing from Mr. Jones but no written requests have been received yet. He stated that he had talked to Penobscot County Administrator Bill Collins because Penobscot has a pretty significant sized Unorganized Territory. If Criehaven gets any sort of significant fire system, there is a lot of training, etc. that has to be done that the County would be responsible for. EMA Director Ray Sisk joined the meeting and explained that the residents of Criehaven were mostly just looking for some equipment and tools. They use ocean water to fight any fires.

Lobster Festival Table-Top Exercise

Director Sisk commented that he would like the Commission to participate in the table-top exercise so they could see how the agencies work together and to see how the process works. The EMA staff work with the City of Rockland and the many volunteers and participating agencies to get everyone up to speed before the Lobster Festival. Some scenarios that have been explored in the past as part of the previous table-top exercises were a contaminated water supply, fire, and the collapse of a fair ride.

- A vote was taken with all in favor.

Reserve Withdrawals:

Airport Equipment	461608-14610	\$10,003.90
Deeds Surcharge	200008-12740	\$15,411.16
Forfeiture Money – Federal	200008-12860	\$8,810.55
Legal Expense	200008-12650	\$4,117.04
Sheriff Vehicles	200008-12770	\$3,508.81
	Total	\$41,851.46

2011 Budget Line Transfers:

FROM:			TO:		
<b>AIRPORT</b>					
Maintenance	416003-53612	\$3,000	Internet Service	416004-54326	\$37
Maintenance PT	416003-53615	\$4,000	Resignation/Termination	416003-53940	\$1,600
Health Insurance	416003-53910	\$6,600	TSA Trailer	416004-54755	\$20
Pagers	416004-54320	\$37	Heating Fuel	416005-55205	\$7,100
Liability Insurance	416004-54425	\$1,120	Advertizing	416004-54510	\$1,500
Water	416004-54565	\$1,000	Gas, Oil, Grease	416004-54650	\$5,500
<b>BUILDING MAINTENANCE</b>					
Cleaning	006004-54591	\$3,298	Building Supervisor	006003-53060	\$745
Computer Supplies	006005-55385	\$145	Janitors	006003-53061	\$889
			FICA	006003-53900	\$854

ICMA	006003-53960	\$545
Safety Supplies	006005-55305	\$410

**DEEDS**

Office Supplies	009005-55335	\$2	Books, Subscriptions	009005-55505	\$2
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**DISTRICT ATTORNEY**

Office Supplies	003005-55335	\$211	Resignation/Termination	003003-53940	\$211
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**EXECUTIVE**

Auto Mileage	004004-54105	\$2,500	Legal Fees	004004-54055	\$6,271
Meals	004004-54110	\$500			
Advertizing	004004-54510	\$1,500			
Printing	004004-54525	\$100			
Training & Seminars	004004-54545	\$1,241			
Copy Paper	004005-55345	\$180			
Public Relations	004005-55365	\$250			

**FINANCE**

Training & Seminars	005004-54545	\$150	Municipal Bond	005004-54426	\$150
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**PROBATE**

Training & Seminars	010004-54545	\$45	Typewriter Repair	010004-54695	\$45
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**SHERIFF**

Office Supplies	011005-55335	\$79	Printing	011004-54525	\$79
Training Supplies	011005-55375	\$2,078		011005-55615	\$2,078

<b>Total:</b>	<b>\$25,879</b>
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**V. Action Items**

1. Act on Approval of the Transfer of Forfeited Assets of One Eastfield 12 Gauge shotgun Model 916, Serial #B29326 in the State of Maine v. Christian Neils.

- A motion was made by Commissioner Carol Maines to approve the transfer of the forfeited assents of one Eastfield 12 Gauge shotgun. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

2. Act to Award Airport Pavement Maintenance Contract and Authorize Administrator to Execute the Contract.

Airport Manager Jeff Northgraves explained that this is one of two grant applications the County is applying for this year. Both bidders have worked at the airport before and both bids came in below what Stantec had anticipated. We are obliged on FAA to award grants to the lowest bid as long as it is reasonable. MDOT no longer participates in paying for fixing cracks because crack sealing's are not considered capital improvement.

- A motion was made by Commissioner Richard Parent to award the airport pavement maintenance contract to Hagar Enterprises with a bid of \$93,589.40, and to authorize the county administrator to execute the contract. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

3. Act on Approval of Expenditures from Audited Fund Balances.

Finance Director Kathy Robinson explained that normally the County would do this at the end of the year but with so many changes to the County since last December, she and Administrator Hart had agreed to wait until after the first quarter of 2011.

County Administrator Andrew Hart commented that this will cover the County for the whole year.

Commissioner Roger Moody asked how much of the \$711,407 remaining in the General Fund is cash. He asked the finance director if she had a target sum for surplus.

Finance Director Kathy Robinson explained that it is all cash and that the target surplus amount is between 10 and 12 % but we usually go a little higher. That number will increase because the County does not have the audit figures yet for 2010.

- A motion was made by Commissioner Richard Parent to approve expenditures from audited fund balances as presented by the finance director. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

	Dispatch	Jail	Airport	General Fund
2009 Audited Surplus	\$44,886	\$131,319	\$58,219	\$884,208
<b>Expense from Surplus</b>				
Accrued Salaries	\$12,449	\$43,250	\$5,366	\$43,895
Generator Purchase	\$19,396			
Resignation YTD				\$24,905
Contingency				\$23,000
EMA Disaster				\$12,000
Boiler Repair				\$34,000
Unemployment				\$35,000
Maine Retirement				\$6,984
<b>Surplus Adjustment</b>	<b>\$32,437</b>	<b>\$88,069</b>	<b>\$52,853</b>	<b>\$711,407</b>
<b>% of Expense</b>	<b>3%</b>	<b>2%</b>	<b>11%</b>	<b>17%</b>

4. Act to Authorize the County Administrator to Expend Funds from the Boiler Repair Reserve Account.

County Administrator Andrew Hart explained that he had provided a memo to the Commission from Paul Cook (Maine Real Estate Management) explaining some options for repairs.

Mr. Cook was in attendance at the Commission meeting. He explained that AAA gave the County a quote for full replacement (worst-case scenario) for just under \$34,000. The County asked for quotes for time and materials because it won't be known how bad the state of the boiler is until it has been taken apart. The same quotes are being requested from a few other vendors. There is a 10-year warrantee if you have to replace entire inside of the boiler. The current boiler is about 20 years old. Labor is only warranted for 1 year after installation.

County Administrator Andrew Hart explained that he was asking for authorization to seek quotes from qualified vendors.

- A motion was made by Commissioner Richard Parent to approve authorizing the county administrator to expend no more than \$34,000 funds from the Boiler Repair Reserve account to replace or repair the current boiler. Any expenditure above \$34,000 will need to come back to the Commission for approval. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

5. Act to Award the IT Co-Sourcing Services Contract.

County Administrator Andrew Hart explained that the County only received one bid – from Know Technology. Their bid met the RFP requirements. They included an additional \$125 per hour for additional services. He recommended awarding the bid to Know Technology.

Technical Support Specialist Mike Dean explained that out-sourcing is 100% outside help. Co-sourcing is having experts available that have the high-level networking and redesigning that he can call when he has a question. Day to day operations would remain the same. 24/7 help desk provides back up for when he is unavailable.

Know Technology has an office in Camden so they are nearby.

- A motion was made by Commissioner Carol Maines to award the IT co-sourcing services contract to Know Technologies. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

6. Act to Award the Knox County Building Maintenance/Management Services Contract.

- A motion was made by Commissioner Richard Parent to award the Knox County Building Maintenance/Management services contract to Maine Real Estate Management, LLC for a bid price of an annual rate of \$52,000. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

The contract with the new price starts in June.

7. Act to Award the Knox County Janitorial/Cleaning Services Contract.

County Administrator Andrew Hart explained that this RFP covered three facilities: the courthouse, the Airport, and the KRCC. Lou's Commercial Cleaners had lowest bid for Airport and KRCC. Maine Real Estate Management had the lowest bid for courthouse. Lou's has already been cleaning the new terminal building at the Airport since it was built. He recommended awarding the bids for

the Airport and KRCC facilities to Lou's Commercial Cleaners, and to Maine Real Estate Management for the courthouse, since those were the lowest bidders.

- A motion was made by Commissioner Richard Parent to award, for one year, the Knox County janitorial/cleaning services contract to Maine Real Estate Management, LLC for the Courthouse (in the amount of \$52,000), and to Lou's Cleaning for the Knox County Airport (in the amount of \$15,600) and the Knox Regional Communications Center (in the amount of \$3,900). The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

8. Act to Award the County of Knox Total Compensation/Job Classification Study Bid.

- A motion was made by Commissioner Richard Parent to award the County of Knox Total Compensation/Job Classification Study bid to Thornton & Associates at a total bid price of \$22,230. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

9. Act to Award Bid for One New Patrol Vehicle.

- A motion was made by Commissioner Richard Parent to award the bid for one new 2011 Dodge Charger to Shepard Motors for a bid price of \$22,410. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

Commissioner Richard Parent asked if there were any trade-ins. Administrator Hart explained that the County received more money by sending used vehicles to auction than by trading them in.

10. Act to Award Bid for One Used Patrol Vehicle.

Chief Deputy Tim Carroll recommended awarding the bid to Shepard Motors for the 2010 Jeep Liberty. It was the only bid that met the bid requirements and was a good price for the vehicle.

- A motion was made by Commissioner Carol Maines to award the bid for one used program vehicle, a 2010 Jeep Liberty, to Shepard Motors at a bid price of \$18,790. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

11. Act on Authorization of Additional Expenditures on the KRCC Simulcast Project.

Communications Director Linwood Lothrop explained that he had thought that the County was going to need so spend \$1,500 changing radio frequencies due to interference from relocating the tower to another location. He stated that he has since discovered that he can cover the expense within his operating budget so no funds are requested.

No action required or taken.

12. Act on Approval of the County of Knox Personnel Policy Handbook.

Laurie Bouchard of LBouchard & Associates explained that there had been one change made to page 21 of the Personnel Policy Handbook after the Commission received their copy over the weekend. The change was related to the date of hire for an employee who resigns and then is rehired later on. The policy now read that if an employee is rehired, the only date used by the Finance staff would be the second hire date, or re-hire date. She added that it was primarily a tracking issue for the Finance Department. The financial software can only work with one hire date so having two because an employee is rehired requires manually entering data which leaves room for error.

Commissioner Carol Maines referred to Pages 29 and 30 (sections 6.2.1 *Health Insurance (non-bargaining)* and 6.2.2 *Dental Insurance*) and asked why there was 60 days before dental insurance kicks in vs. 30 days before the health insurance kicks in. Finance Director Robinson explained that the time frames are dictated by the companies supplying the services. The County does not have any say in that. She added that she checked with each company prior to drafting this section of the policy to make sure the wording was correct.

Commissioner Maines referred to paragraph 4 of section 8.1 *Email and Internet Policy* on page 41 where it mentions that the County and department heads reserve the right to review employee's emails when necessary for County business purposes. Her question was whether the county administrator really needed to authorize this. Department managers and commissioners are also just employees. She asked if the County wanted three levels of management to be able to read other employees' emails or if the County Administrator wanted to be the only one to authorize that. Administrator Hart explained that this was two different things. He read the paragraph aloud:

*"...the County, through its board of commissioners and its department managers/Sheriff, reserves the right to review the contents of employee's e-mail communications when necessary for County business purposes. Employees may not*

*intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages, without proper authorization from the County Administrator."*

Commissioner Maines asked if that meant that any request needed to go through the county administrator. Administrator Hart responded that the first part of the paragraph didn't read that way. Commissioner Maines pointed out that on page 43 (section 8.2 *Acceptable Use Policy*, end of paragraph three) it seems to indicate that only the county administrator can do it. She quoted the last sentence of the paragraph:

*"This right is granted to the County Administrative Offices, and employees may not access the messages or files of other employees".*

Administrator Hart commented that the only change made to this section was a change in wording from "department heads" to "department managers". This is the existing policy that's in place. He added that the Commission could change the wording in the section if they wanted to, or it would be left as it is.

Airport Manager Jeff Northgraves commented that this policy in no way gives any department manager or commissioner the right to go through other employees emails. It simply reserves the right of the County to review emails. No one can go through them unless the county administrator authorizes the IT person to pull those for review. The purpose of the policy to make it clear that the contents of the emails are not private because they are owned by the County, and employees shouldn't expect the emails to be private because the county administrator, commissioners, and department heads reserve the right to review or investigate emails if they so choose. That does not mean that department heads can just go look at other employees' emails whenever they want to. It means that if a department head has a reason to suspect an employee is misusing County email, the department head can go to the county administrator to relay that concern and it would be up to the county administrator to make that decision.

Commissioner Roger Moody commented that this was how he read the section as well. Employees shouldn't think that their emails are confidential because some information is subject to disclosure, either to county administration or per the Freedom of Access law.

TSS Dean clarified that information is releasable only as it pertains to County business, and that the county administrator would still need to check with legal counsel before releasing information to the public.

Administrator Hart commented that this is why all requests for information go through the administrative office. All Freedom of Access requests go to legal counsel for review.

TSS Dean further clarified that case law supports department managers being able to review any email whether it pertains to County business or not. If it goes across County servers, it is viewable by the County. It may just not be releasable to the public.

Communications Director Linwood Lothrop commented that more sensitive information is being communicated via email to avoid having the information going out over the radio, so department managers need the ability to review and research those for investigations by law enforcement.

Administrator Hart commented that he did not feel that the section should be altered and that the need of management to review emails has only happened maybe three times in the time he had been employed by the County. He added that any problems in the past were not relevant to the current discussion.

- A motion was made by Commissioner Richard Parent to approve the Personnel Policy as presented with the change as mentioned by Laurie Bouchard. The motion was seconded by Commissioner Carol Maines.

Commissioner Maines said that she had one more question regarding the fourth paragraph, on page 42, under the heading *Applicability to Employees, Part-Time Employees, Contractors, and Other Users*. She read aloud:

*"This e-mail and internet policy applies to all employees, contractors, part-time employees, volunteers, and other individuals who are provided access to the County's e-mail system."*

She stated that it was her understanding that only full-time employees receive a copy of the personnel policy and they sign an acknowledgment that they've read it. She said that she was wondering if some information should be given to part-time employees so they can be held to the same standard.

Ms. Bouchard asked TSS Dean if anyone who was not a full-time employee received a County email address. TSS Dean replied that anyone that gets a County email address, contractors included, gets a copy of the Acceptable Use Policy. A form already exists and is in use for them to sign, showing that they've received and read the policy.

- A vote was taken with all in favor.

13. Act to Accept Resignation from the Knox County Board of Assessment Review and Authorize the County Administrator to Solicit Interested Parties as a Replacement on the Board.

- A motion was made by Commissioner Richard Parent to accept the resignation of Steven D. Powell from the Knox County Board of Assessment Review and to authorize the county administrator to solicit interested parties as a replacement on the Board. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

Commissioner Roger Moody suggested that Mr. Powell be sent a letter of thanks for the time he spent serving on the Board.

**VI. Other Business**

There was no other business.

**VII. 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 acquisition of real property. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

The executive session convened at 3:56 p.m.

The executive session concluded at 4:35 p.m.

**VIII. Adjourn**

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

The meeting adjourned at 4:36 p.m.

Respectfully submitted,

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Candice Richards  
Administrative Assistant

**The Knox County Commission approved these minutes at their regular meeting held on July 12, 2011.**