

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – May 11, 2010 – 1:00 p.m.

The regular meeting of the Knox County Commission was held on Tuesday, May 11, 2010, at 1:00 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, Registrar of Deeds Lisa Simmons, and Executive Assistant Constance Johanson.

Also present were: Charles Ferrara, Jr., Vice President of Corporate Affairs for Cape Air, Leslie Myrbeck-Duda, Corporate Marketing Administrator for Cape Air, Rocky Stenger, Station Manager for Cape Air, Rosemary Kulow, Rockland City Manager, Andrew Gilmore of Municipal Resources, Inc., J. Michael Loewe of Lion Mobility Consulting Services, Detective Reginald Walker, Paul Pinkham of Thomaston, Kathleen Allain of Owls Head, Ted Berry of Rockland, Jeff Gallagher of Rockport, and Heather Steeves, reporter from *The Bangor Daily News*.

Regular Meeting – Agenda **Tuesday – May 11, 2010 – 1:00 p.m.**

- I. 1:00 Meeting Called To Order**
- II. 1:01 Public Comment** - Public Comment during other portions of the meeting will only be granted by permission of the chair.
- III. 1:15 Consent Items**
 - 1. Approve Consent Items as Presented:
 - a. Approve Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
 - b. Approve Minutes of Joint Budget Meeting – Public Hearing December 3, 2009.
 - c. Approve Minutes of Regular Meeting of April 13, 2010.
 - d. Accept Monthly Written Departmental Reports.
 - e. Approve Reserve Withdrawals.
- IV. 1:20 Brief Presentation**
 - 1. Cape Air
- V. 1:30 Action Items**
 - 1. Approve Appointment to the Knox County Budget Committee (A. Hart).
 - 2. Act on Organizational Study Bid Results (A. Hart, M. Loewe).
 - 3. Act to Award Airport Pavement Maintenance Contract (Contingent on AIP Funding) (J. Northgraves).
- VI. 1:40 Discussion Items**
 - 1. Review Registry of Deeds Website Fees (A. Hart, L. Simmons)
 - 2. EECBG Project (A. Hart)
 - 3. Discuss State Funding Level and Unified Jail System (R. Moody)
 - 4. Superior Courtroom Renovations Open House (A. Hart)
- VII. 2:10 Other Business**
- VIII. 2:15 Adjourn**

I. Meeting Called to Order

Commission Chair Anne Beebe-Center called the May 11, 2010 regular meeting of the Knox County Commission to order at 1:00 p.m.

II. Public Comment

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

III. Consent Items

- 1. Approve Items as Presented:
 - a. Approve Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
 - b. Approve Minutes of Joint Budget Meeting – Public Hearing December 3, 2009.

- c. Approve Minutes of Regular Meeting of April 13, 2010.
 - d. Accept Monthly Written Departmental Reports.
 - e. 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 (May 11, 2010):

Courthouse Computer	20000812660	\$3,000.00
Legal Expense	20000812650	\$6,736.91
	Total	\$9,736.91

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

Commissioner Roger Moody commented that he had two items to discuss. The first was a letter that he saw from the state regarding county jails with temporary increases of inmate population. He thought that this might be an item to keep in mind.

County Administrator Andrew Hart reported that at one of the Department of Corrections meetings it was brought up that several counties had variances to house additional inmates. Knox, Kennebec, and Penobscot Counties have variances for their jails. The discussion centered on the possibility of changing the mission statement for these jails in 2011 and 2012. Kennebec County hired someone to work on a draft to change in their mission statement and do a presentation at a Board of Corrections – working group meeting. The proposed change regarding the Kennebec County Jail only affects a portion of the jail, which is to be used for substance abuse and mental health on a trial basis.

Jail Administrator John Hinkley said that currently there was no impact on Knox County regarding discussions on the variances and the possibility of changing the mission statements. He did not expect any change in the near future because there was no plan in effect. There were many issues on the table for discussion regarding the state's future plans for the jails.

Sheriff Dennison reported that there is a variance in place to house 86 inmates. Commissioner Roger Moody commented that he thought he saw somewhere that the variance was to end. Sheriff Dennison responded that the variance has been renewed.

County Administrator Andrew Hart commented that there were numerous side conversations going during the BOC meetings. He mentioned that he spoke with Tim Leet regarding the possibility of there being changes in the mission statement, but nothing else has been said since then. It was noted that everyone needed to know what the state was planning, which is the reason for attending so many of the BOC meetings.

Commissioner Anne Beebe-Center commented that Knox County was on the list for possible changes. Currently there are no anticipated changes before June 30, 2011.

Commissioner Roger Moody commented that the finance director's report included the notation that Cape Air's electric bill was overdue. Since Cape Air was present today, he said he hoped that this would soon be paid.

Commissioner Richard Parent commented that it appeared from Communications Director Lothrop's report on using the Lenfest Mountain in Washington for a remote transmitter was no longer a viable site due to interference issues. A letter of concurrence was needed to resolve the issue. Somerset County signed a letter of concurrence, but Androscoggin County would not because they were advised that the site would not resolve the inference issue. A letter of concurrence is expected from the state.

IV. Brief Presentation

1. Cape Air:

Commissioner Anne Beebe-Center explained that this was an opportunity for Cape Air to give a brief overview of their operations. An in depth presentation was expected to be provided later in the summer when the Essential Air Service (EAS) contract comes up for renewal. Representatives from Cape Air introduced themselves.

The following points were made during the presentation:

- Cape Air's Rockland to Boston service commenced November 1, 2008.
- Passenger counts are very healthy and rising!

- As of February 2010, Rockland now can connect seamlessly with JetBlue, Boston's largest low-cost carrier.
- Passengers are up 10% compared to the predecessor and the trend is positive with 11,333 passengers in October of 2009, 11,564 passengers in November of 2009, 11,744 passengers in December of 2009, 11,840 passengers in January of 2010, 11,833 passengers in February of 2010, 12,028 passengers in March of 2010, and 12,205 passengers in March of 2010.
- On a year to year basis for comparable months, Rockland traffic is up 29%.
- The seasonal increase in frequency was rewarded with higher load factors. The seasonal frequency of flights is expected to be longer this year with the additional flights beginning earlier in the year and ending later in the year.
- Cape Air has kept Rockland fares low – ensuring Rockland's air service is accessible. The fares range from \$64.00 down to \$61.00, then up to \$75.00 and back down to \$67.00, which is the current fare (net each way).
- Now that JetBlue has switched to the Sabre reservations system, Rockland passengers can connect seamlessly within Logan Airport's Terminal C to Boston's largest low-cost carrier.
- As interline carrier for 15 years, Cape Air facilitates through ticketing and bag transfer to most major airlines.
- Cape Air is now the only airline that can connect passengers and checked luggage with JetBlue.
- "JetBlue Airways Announces Major Expansion in Boston....." Boston, October 29, 2009 Newswire: JetBlue Airways today announces a major expansion of service from its focus city at Boston Logan International Airport. The airline, which already offers service to the most nonstop destinations of any carrier from Boston, plans to boost daily departures by 30% by summer 2010. With its expanded schedule, JetBlue and its growing base of 1,200 Boston crewmembers will offer travelers up to 78 daily flights to 33 top destinations. "Here at JetBlue we are officially declaring Summer 2010 the Summer of Boston," said Robin Hayes, Chief Commercial Officer for JetBlue. "Today's added flights represent an important next step in our commitment to offering Boston travelers the most robust schedule as well as the most destinations of any airline.
- Connectivity with JetBlue is valuable to Rockland because from Boston JetBlue has 408 weekly departures to 31 cities and is among the eight largest carriers at Boston. JetBlue has the lowest yield, or fare per mile flown, meaning low total travel costs for Rockland.
- Boston is a great hub with non-stop service to 98 destinations, including 13 in Europe.
- Cape Air has been an interline carrier since 1993 enabling connectivity with most major airlines, not just JetBlue. There are 25 interline agreements in place.
- Cape Air participates in the global distribution systems (GDS), giving Rockland access to the world and the world access to Rockland.
- Cape Air is proud to be a great air service provider for Knox County Regional Airport with seasonally scheduled five daily round trips to Boston and three scheduled daily round trips to Boston in the winter.

When asked who the presentation was designed for, Mr. Ferrara responded that it was designed for the commissioners and everyone present at the meeting. Commissioner Anne Beebe-Center asked if there were any comments or questions.

Kathleen Allain commented that she was a member of the Airport Public Advisory Committee (APAC) and liked the ability to connect with JetBlue and fly to the west coast. She asked what the criteria would be to increase the number of Cape Air flights in and out of the Knox County Regional Airport. The number of flights increase in "the season" or what is generally considered the summer months and this year the "season" has been extended by starting earlier and ending later. Additional flights are not planned for the winter months at this time. In order to do that, the load factors would have to be looked at again and would probably have to increase to 50 percent before additional flight would be added during the winter months. It was noted that some flights were full.

Commissioner Anne Beebe-Center asked if anyone was left without a seat on any of the flights because it was her understanding that no one would be left behind. She said she thought this was part of the agreement that there would another plane available for even one person so that everyone that wanted to fly would be accommodated.

Mr. Ferrara responded that there was a distinction between a reserved seat that was not available and one being available for someone that showed up before departure time. The flights occasionally sell out. It appeared that the intent behind "the no one left behind" concept was

that there would not be intentional overbooking and Cape Air would not strand a person with a reservation.

Commissioner Roger Moody commented that the airport manager's figures for enplanements differed from Cape Air's figures. Mr. Northgraves explained that his figures have to comply with FAA regulations and the enplanements figures reflect the number of departing passengers. Cape Air's figures reflect both the number of arriving and departing passengers.

It was noted that the process for renewing the EAS contract and the bids are expected to be sent out in June. Cape Air representative expect to return in July with another presentation.

V. Action Items

1. Approve Appointment to the Knox County Budget Committee (A. Hart).

County Administrator Andrew Hart explained that last year during the budget process a vacancy occurred when the member representing District #8 moved out of the area. At that time the budget committee and the commission approved the appointment of Carolyn Ahlstrand of Cushing to fill the vacancy.

After further review of the Charter, it was determined that the vacancy had to be filled by a representative from the same municipality as the vacating member. The Town of Thomaston had submitted a candidate last fall, which was A. Mason Johnson. The situation was explained to Carolyn Ahlstrand. Mr. Johnson was contacted. The budget committee approved the appointment of A. Mason Johnson of Thomaston at their quarterly budget committee meeting held on May 6, 2010. The commissioners are being asked today to approve the appointment A. Mason Johnson to represent District #8. It was noted that the term of office expires December 21, 2010.

Commissioner Anne Beebe-Center asked for a motion to approve the recommendation of the budget committee (A. Mason Johnson of Thomaston to the Knox County Budget Committee representing District #8).

- A motion was made by Commissioner Roger Moody to approve the appointment of A. Mason Johnson of Thomaston to the Knox County Budget Committee representing District #8. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

County Administrator Andrew Hart reported that there was still one vacancy on the budget committee and that was the second seat representing District #2 (Rockland). The City of Rockland was aware of the vacancy and was trying to find someone willing to serve on the budget committee. When a candidate is put forth, the budget committee and commission will be asked to approve the appointment.

2. Act on Organizational Study Bid Results (A. Hart, M. Loewe).

County Administrator Andrew Hart explained that the concept of conducting an organizational study was brought up during the budget process and funds were approved to conduct the study in 2010. A draft of the Request for Proposal (RFP) for the organizational study was developed, discussed, and rewritten with the assistance of Michael Loewe of Lion Mobility Consulting Services. There were 17 RFPs sent out with three (3) sent out for the law enforcement portion only and 14 for all departments with the option to bid on one phase or to bid all phases. Only one bid proposal was received and that was from Municipal Resources, Inc. Andrew Gilmore is the project manager for Municipal Resources, Inc. and is present at today's meeting to answer any questions the commissioners might have.

Maine Chiefs of Police sent a letter (dated April 6, 2010) before the bids were due stating that they were unable to meet the bid specifications, but would like to meet with the commissioners to discuss the possibility of still doing a study of the sheriff's office. The following is the pertinent portion of the letter.

"The Maine Chiefs of Police Association have done numerous management evaluations and studies of police agencies in the State as well as two sheriff departments. These evaluations are done by professional police chiefs who have knowledge and skills of the latest management techniques and are familiar with the state of Maine. These chiefs volunteer their time and talents to do these evaluations in order to try to professionalize law enforcement in the state. In light of the complexity of your request for proposal it is impossible for us to submit a bid at this time. If after your bid process is complete and if the county is not satisfied with the bids received, I would be glad to meet with you and the commissioners and discuss an evaluation of the Knox County Sheriff's Department."

County Administrator Andrew Hart reported that after the bids were opened he received correspondence from Sheriff Dennison stating that the Maine Chief's of Police Association wanted to meet with the commissioners. The RFP from Municipal Resources, Inc. was reviewed by the

county administrator and Mr. Loewe. The time frame is explicit with a start date of May 21 and completion date of August 18, 2010, which is ending just prior to the beginning of 2011 budget process.

Mr. Hart stated that the proposal submitted by Municipal Resources, Inc. was an excellent document and included additional suggestions and it went above and beyond what was requested in the RFP including pay ranges in relation to job descriptions. He checked with the six references listed, which consisted of four towns and two counties. The comments were all positive. Any difficult situations were handled well. One project consisted of reviewing a volunteer fire department of 120 employees. Thirty (30) of the employees were interviewed and the others were given a confidential survey to complete.

County Administrator Andrew Hart explained that \$45,000.00 was budgeted for the organizational study and of that \$3,000.00 was set aside for Michael Loewe's assistance with the project. That leaves \$42,000.00 for pay for the study. The original bid from Municipal Resources, Inc. was \$62,900.00, but if the county agreed to have their company do all three phases the price would be reduced by 20 percent. Mr. Loewe negotiated a price of \$48,000.00. If the commissioners want to pay less than that amount, then a number of components would have to be eliminated. Mr. Hart did not recommend proceeding along that line, but rather taking money from contingency to make up the difference between the \$42,000.00 available and the negotiated price tag of \$48,000.00.

Mike Loewe commented that in the process of developing an RFP, the main concern was to make sure that the company responding and being considered for the awarding of the bid complied with all the specifications. Municipal Resources, Inc. complied and to the extent that Mr. Loewe stated it was one of the most complete submission that he has seen. There were additions or extensions that made it a stronger proposal. The resumes of the staff members are exceptional. Although only one proposal was receive and that may seem to be discouraging, it speaks to the type of project the county has considered to undertake. Perhaps in the long run it is better that there were not a number of submissions to be considered that may not have been as complete.

Commissioner Anne Beebe-Center asked if the other commissioners had any questions.

Commissioner Richard Parent asked if after phase 1 was complete, there would be information available before the company moved onto phase 2. Mr. Gilmore responded that the plan was to have draft reports to the department heads for their input. There would a schedule for presentations coordinated with the county administrator.

Mike Loewe explained there was a presentation, as specified in the RFP, that would be at the end of phase 1 and there is a final presentation, but as part of the cost negotiations the presentations will have only the project manager and probably one other person here rather all the staff members.

Commissioner Roger Moody commented that his questions were similar and wanted to be sure there were breaks between the phases for evaluating the progress of the project. The end product should be one that can be used. Perhaps there can be some flexibility to insure that the commissioners have some input in the process.

Mr. Gilmore responded by saying that he understood the commissioners concerns that the end product be a usable one. He has worked with the company for a year and there is not a specified formula for conducting the study because each municipality or agency is unique. The completion of phase 1 is scheduled for July and there may be some draft reports available before then to get a sense of the product being produced.

Commissioner Anne Beebe-Center commented that the content of the proposal was excellent. Mr. Loewe commented that in terms of the scope of comparing the county with other counties, the outline was excellent.

Sheriff Dennison asked how many police departments and sheriff's offices have been reviewed by Municipal Resources, Inc. Mr. Gilmore responded by stating he believed there were some, but did not have the exact figures. He suggested visiting the company's website for additional information. There are two staff members with knowledge and experience in the law enforcement and legal fields who will be working with the sheriff's office and the District Attorney's office.

Commissioner Roger Moody suggested that there were contingency funds available (\$77,000.00) that could be used for the additional cost of the project, which would cover the difference between the amount in the budget and final cost of the project.

Sheriff Dennison asked if the commissioners, before making a decision on awarding the bid, would consider having the Maine Chiefs of Police Association to see if they can do the study of the sheriff's office. They had proposed at one time doing a study for \$7,000.00.

Commissioner Anne Beebe-Center commented the Maine Chiefs of Police Association said in their letter that they were not interested in submitting a bid. Sheriff Dennison said she called and asked why they could not do the study. Basically it was because the chiefs were volunteers.

Commissioner Anne Beebe-Center asked the sheriff if she had read the RFP including the section listing the qualifications of the staff members. The sheriff responded in the negative. Commissioner Anne Beebe-Center recommended that she read this portion, noting that it was impressive.

Commissioner Richard Parent asked if the sheriff had the opportunity to look at the RFP including the resumes of the staff members.

County Administrator Andrew Hart said he would address this question by stating that the information had been provided to the county administrator and the commissioners and until the commissioners had seen the document, it would not be given out. It is up to the commissioners to decide who would receive the bid and until that decision was made, the document would not be given to department heads. The Maine Chiefs of Police Association wrote a letter declining to participate on April 6th and no further communication was received prior to the closing date of April 21, 2010. The RFP clearly indicated that the county administrator was the point of contact for this project. There is a bid process that has been followed and to do anything else would give the impression that the county was willing to consider allowing a company a second chance and it would be “through the back door”. Mr. Hart said he did not support the “back door approach” to doing business.

Mike Loewe commented that he agreed with the county administrator. He said he had no opinion on the Maine Chiefs of Police Associations’ ability to conduct an evaluation or study, but this was a set process for bidding out the work. The Maine Chiefs Association responded in a timely manner, but the bid process has been completed and therefore there is no issue to discuss further.

Commissioner Anne Beebe-Center asked for a motion to award the bid for the organizational study to Municipal Resources, Inc.

- A motion was made by Commissioner Roger Moody to award the bid for the organizational study of the county to Municipal Resources, Inc. in accordance with the RFP that was issued in the amount of \$48,000.00. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

3. Act to Award Airport Pavement Maintenance Contract (Contingent on AIP Funding (J. Northgraves).

Airport Manager Jeff Northgraves reported that the project was for repainting the runway markers on the primary runway. Four bids were received and opened on April 27, 2010 at 11:00 a.m. The secondary runway was repainted last year and the repainting of the markers will probably be an annual project, on a rotating basis, due to stricter FAA regulations and it is now AIP eligible.

Commissioner Anne Beebe-Center asked if maintenance was not AIP eligible. Mr. Northgraves responded that traditionally maintenance projects were not and only capital projects with a life expectancy of 15 – 20 years were eligible. Previously Maine Department of Transportation (MDOT) funded maintenance projects through an 80/20 grant process.

The bids received are as followed:

Company Name	Location	Bid
George C. Hall & Sons	Rockland, ME	\$57,000.00
Hagar, Inc.	New Castle, ME	\$57,470.00
Hi-Lite Marking, Inc.	New York	\$63,604.34
Nelson Communications Services	New Hampshire	\$64,975.00

Stantec recommended awarding the bid to George C. Hall & Sons as the lowest bidder and the airport manager agrees with the recommendation. The company has worked on a number of airport projects including the new terminal building.

Mr. Northgraves noted that the county has applied for a grant for the airport pavement maintenance project, but there is a continuing resolution until July 4th and no contracts or grants are being awarded other than those authorized for the first half the year.

Commissioner Roger Moody asked if the bid specifications indicated that the price would hold for a period of time, perhaps up to 14 months. Mr. Northgraves reported that there was a pre-bid meeting

at which time the issue of the bid being awarded contingent on AIP funding was discussed. It was discussed again at the bid opening.

Commissioner Anne Beebe-Center asked if George C. Hall & Sons was involved with the parallel taxiway project. Mr. Northgraves explained that George C. Hall & Sons was the prime contractor for the parallel taxiway project and shared in the cost overruns due to the increase asphalt prices that year.

- A motion was made by Commissioner Richard Parent to award the airport pavement maintenance contract (contingent on AIP funding) to George C. Hall & Sons. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

VI. Discussion Items

1. Review Registry of Deeds Website Fees (A. Hart, L. Simmons).

County Administrator Andrew Hart reported that Registrar of Deeds Lisa Simmons has been working with Peter Marchesi, Esq. on the issue regarding fees charged for copies of documents, stemming from the litigation filed by MacImage.

Deeds Registrar Lisa Simmons explained that MacImage has asked all the counties in Maine for digital copies of their documents at little cost. Complying with MacImage's request would impact the county by reducing the revenue gained from copying fees. The new legislation that was passed and takes effect July 12, 2010 allows for the Registry of Deeds to make abstracts and copies from the records at a reasonable fee set by the county commissioners for each category of abstracts and copies, such as paper copies, attested copies, copies obtained on-line, and bulk transfers of copies. The legislation also allows the consideration of cost factors, which are outlined in 30 M.R.S.A. § 751(14), in the setting of "reasonable" fees. The legislation is included in the minutes for informational purposes.

Ms. Simmons reported that she and Attorney Peter Marchesi worked on the calculation of fees, which are also included in the minutes for informational purposes. It was noted that it cost the county money to digitize the documents. Some of the counties in the state were not sued and in some cases the lawsuit was dropped. There is still pending litigation against Knox County.

The proposed fees meet the requirements of the law and the county continues to manage the documents. Ms. Simmons reported that the calculations incorporate the costs associated with making copies in-house, which includes such factors as personnel costs and the time it takes to process a document. It takes an average of 20 minutes to process a document.

It was noted that the in-house fees are different than the fees charged on the website. Digital copies are available on the website. Ms. Simmons reported that she had to calculate the costs for digitizing documents that can then be found on the website. The Registry of Deeds pays ACS \$750.00 per month for the website. After figuring various cost factors, it was determined that it cost the county 39 cents to produce each digitized image of a document. The website subscriber fee for each image is 25 cents.

The fee schedule (Fee for Document Copies) is included in the minutes for informational purposes. If a person comes into the Registry of Deeds and requests a copy of his/her deed, the cost is \$1.00 per page. This is considered an in-house fee for a copy. Other fees for copies are included in the fee schedule.

One additional fee included in the fee schedule is for bulk sales. Bulk sale fees have not been offered in the past. The county registrars in the state have discussed bulk sales and agree that a bulk sale is defined as a sale that includes more than a 1000 consecutive images or pages.

Registrar Lisa Simmons is proposing that the county charge the same rate for bulk sales that ACS charges, which is 2 cents per document index or 2.5 cents per image. Ms. Simmons is not in favor of having the Registry of Deeds offer this service because of the amount of time it takes to put this type of request together. There may be additional costs for new equipment needed to be able to offer bulk sales.

Commissioner Anne Beebe-Center asked if the law required bulk sales. The new legislation provides for the commission setting a fee for bulk sales. Ms. Simmons recommends having ACS provide bulk sales. Some of the other counties are not offering bulk sales and others are having ACS provide the service. Legal counsel is of the opinion that the Knox County Registry of Deeds could provide this service. It was decided that both options for bulk sales could be offered; bulk sales by the Registry of Deeds, and bulk sales through ACS.

MacImage wants a daily update and would need to have a daily update in order to provide all current Registry of Deeds documents. The problem remains that MacImage does not want to pay for the daily update, but the staff would have to provide the update every day.

Ms. Simmons suggested that the county needed to have the bulk sale fee set at this time. Providing for bulk sales may be enough to have the lawsuit dropped. The cost for providing all the images back to 1966, which are the documents available in digitized format, would be more than \$37,000.00 from ACS. It would cost more for the county to provide this many documents in digitized format.

County Administrator Andrew Hart explained that one issue that was brought out during the litigation was how the fees for copies were set. The statute refers to setting “reasonable” fees, but what was meant by reasonable and how were the fees calculated? There did not seem to be any specific information available. Most of the counties are attempting to calculate their fee structure. The fees proposed in the fee schedule reflect the fees currently being charged for copies of documents by the Knox County Registry of Deeds with the exception of the bulk sales fees, which are new and will be established as of today with the approval of the commissioners.

It was noted that ACS has a minimum charge for bulk sales, but the county does not. The website has documents available from 1966 forward. The Registry has documents on their computers from 1920 forward. It is hoped that all the documents back to 1860 when the county was incorporated can eventually be made available.

Commissioner Roger Moody referred to the MCCA suggestion of having a statewide web portal and asked if this fee arrangement would be carried forward or would all the fees have to be recalculated. The Registrars are meeting on May 13, 2010 and this issue may be discussed further. The structure and design of the web portal have not been determined at this time.

The memorandum addressed to the Knox County Commission is inserted herein for informational purposes.

Knox County Registry of Deeds

*Knox County Courthouse
62 Union Street
Rockland, Maine 04841*

May 10, 2010

TO: Knox County Commission
FROM: Lisa Simmons, Knox County Registrar of Deeds
RE: Fees for Copies of Registry Records

As you are aware, Knox County (along with other counties) is involved in litigation with MacImage of Maine, LLC. MacImage has requested a complete copy of the Registry’s electronic database. However, MacImage does not want to pay the fees presently charged by the Registry.

As you are also aware, the Legislature recently amended 30 M.R.S.A. § 751(14) which is the statute that authorizes the County Commissioners to set fees for Registry documents. The new legislation is effective on July 12, 2010. A copy of the legislation is attached to this memo. The legislation outlines the different cost factors that commissioners may consider in setting Registry fees.

I have reviewed the cost factors and run several different calculations in an effort to determine whether the current Registry fees are reasonable and in keeping with the new legislation, or whether they should be changed. Those calculations are attached. I have been very conservative in making these calculations, and have purposely excluded a number of significant costs that would substantially increase the per-page and per-document figures that result from my calculations.

I have concluded that, if anything, the current fees for copies of Registry documents are low, and do not fully offset the costs to the County. Nevertheless, I recommend that those fees be retained at the present level at this time.

I do propose that, in light of the MacImage request and the possibility that other, similar requests may be made in the future, a provision be added for “bulk sales.” A bulk sale would be a transfer of more than 1,000 images (pages) or any transfer of data that is sequential (over a series of dates, from a series of books, etc.). The actual definition of bulk transfers that I propose is contained on the attached proposed fee schedule.

There are two options for bulk transfers. The first is to pay the County 2.5 cents per image and 2 cents per document index, plus the actual costs of staff time and materials. The second is to have our vendor, ACS, make the transfer directly to the requesting party and bill the requesting party at the ACS rate.

A proposed fee schedule for all documents available from the Registry is attached to this memo. I request and recommend that the Commission adopt the attached fee schedule, based upon consideration of the new legislation and the calculations that I have provided.

*Lisa J. Simmons, Registrar of Deeds
E-mail: lsimmons@knoxcountymaine.gov*

The calculations done by Registrar of Deeds Lisa Simmons are inserted here within for informational purposes.

Calculation Examples for Copying Costs

Example #1

2009 Calculation of Costs

\$9,000 paid to ACS for website

15,343 documents recorded

Multiplied by 20 minutes per document = 306,860 minutes

Divided by 60 minutes = 5,114 hours

Multiplied by personnel hourly rate @ \$23.18 per hour (including benefits)

Equals \$118,550 total personnel cost

Calculation of Percentage of Documents - In House v. Website

In-house = 28,871 pages

Divided by 3.5 pages (average document length)

Total = 8,249 documents

Website = 21,957 documents

Plus 8,249 in-house documents

Total = 30,206 documents

21,957 (website documents) divided by 30,206 (total documents)

Total = 73% website documents

Total = 27% in-house documents

2010 (through April 30) – Calculations of Costs

\$3,000 paid to ACS for website (through 4/30/10)

3,879 documents recorded (through 4/30/10)

Multiplied by 20 minutes per document = 77,580 minutes

Divided by 60 minutes = 1,293 hours

Multiplied by personnel hourly rate @ \$23.96 per hour (including benefits)

Equals \$30,980 total personnel cost

Calculation of Percentage of Documents – In-house v. Website

In-house = 7,816 pages

Divided by 3.5 pages (average document length)

Total = 2,233 documents

Website = 8,310 documents

Plus 2,233 in-house documents

Total = 10,543 documents

8,310 (website documents) divided by 10,543 (total documents)

Total = 79% Website documents

Total = 21 % In-house documents

Adjusting Personnel Cost to Website Sales Only

Total Personnel Cost for 2009 and 2010 = \$149,530 (\$118,550 + \$30,980)

Multiplied by 73% (total percentage of website copies in 2009) = \$109,157

Plus \$12,000 (website fees for 2009 and 2010 through 4/30/10)

Total Personnel and Website Cost for Recording/Imaging for Website Usage = \$121,157

2009 Website Revenue = \$33,875

2010 Website Revenue = \$11,275

Total Website Revenue = \$45,150

Total Personnel and Website cost = \$121,157
 Minus Website Revenue = \$45,150
 Total = \$76,007 (This equals Web and Revenue Adjusted Cost to digitally record and maintain records)
 Per document cost to Knox County for 16 months ending April 30, 2010
 \$76,007 divided by 30,206 (total website documents) = **\$2.52 per document copy**

NOTE: This calculation does not include:

- \$120,220 paid to ACS (\$3.98 per document) for 2009 and 2010
- 2003 – 2008 costs to ACS (\$3.98 per document)
- 1966-2003 costs to ACS to digitize images @ 14.5 cents per image

**Calculation Examples for Copying Costs
 Knox County Registry of Deeds
 Example #2**

Gross Cost of Providing Electronic Copies - 2009

Month/Year	Base Fee ¹	Total Amount Billed ²	10 % ³	Total ⁴	# of Pages
Jan. 2009	\$750.00	\$3,280.25	\$328.03	\$1,078.03	10,234
Feb. 2009	\$750.00	\$2,602.00	\$260.20	\$1,010.20	8,619
March 2009	\$750.00	\$2,952.25	\$295.23	\$1,045.23	10,022
April 2009	\$750.00	\$3,809.75	\$380.98	\$1,130.98	11,651
May 2009	\$750.00	\$3,141.75	\$314.18	\$1,064.18	10,683
June 2009	\$750.00	\$3,726.75	\$372.68	\$1,122.68	10,025
July 2009	\$750.00	\$3,403.25	\$340.33	\$1,090.33	8,137
Aug. 2009	\$750.00	\$3,390.50	\$339.05	\$1,089.05	9,112
Sept. 2009	\$750.00	\$3,360.25	\$336.03	\$1,086.03	10,676
Oct. 2009	\$750.00	\$3,225.25	\$322.53	\$1,072.53	9,076
Nov. 2009	\$750.00	\$3,201.75	\$320.18	\$1,070.18	9,023
Dec. 2009	\$750.00	\$2,554.00	\$255.40	\$1,005.40	9,657
Totals	\$9,000.00	\$38,647.75	\$3,864.78	\$12,864.82	116,915

Notations:

1. Base Fee: Knox County pays ACS \$9,000.00 per year to maintain the Knox County Registry of Deeds website. This equates to \$750.00 per month.
2. Total Amount Billed: This is the total amount of credit card receipts for copies downloaded or printed each month from the Knox County Registry of Deeds website. It does not include subscription fees.
3. 10%: This represents 10% of the total credit card receipts for copies downloaded or printed by users of the Knox County Registry of Deeds website. This amount is paid to ACS in addition to the base amount.
4. Total: This is the total paid to ACS each month. This amount is arrived at by adding the base monthly fee to the 10% of the credit card receipts.

Gross Cost of Providing Electronic Copies - 2010

Month/Year	Base Fee ⁵	Total Amount Billed ⁶	10 % ⁷	Total ⁸	# of Pages
Jan. 2010	\$750.00	\$2,531.75	\$253.18	\$1,003.18	6,987
Feb. 2010	\$750.00	\$3,318.95	\$331.90	\$1,081.90	9,251
March 2010	\$750.00	\$3,624.25	\$362.43	\$1,112.43	10,145
April 2010	\$750.00	\$3,540.75	\$354.08	\$1,104.08	10,240
Totals	\$3,000.00	\$13,015.73	\$1,301.57	\$4,301.59	36,623

Notations:

5. Base Fee: Knox County pays ACS \$9,000.00 per year to maintain the Knox County Registry of Deeds website. This equates to \$750.00 per month.
6. Total Amount Billed: This is the total amount of credit card receipts for copies downloaded or printed each month from the Knox County Registry of Deeds website. It does not include subscription fees.
7. 10%: This represents 10% of the total credit card receipts for copies downloaded or printed by users of the Knox County Registry of Deeds website. This amount is paid to ACS in addition to the base amount.

- 8. Total: This is the total paid to ACS each month. This amount is arrived at by adding the base monthly fee to the 10% of the credit card receipts.

Gross Costs of Providing Electronic Copies

Year	Base Fee	Total Amount Billed	10 %	Total	# of Pages
2009	\$9,000.00	\$38,647.75	\$3,864.78	\$12,864.82	116,915
2010 ⁹	\$3,000.00	\$13,015.73	\$1,301.57	\$4,301.59	36,623
Totals	\$12,000.00	\$51,663.48	\$5,166.35	\$17,166.41	153,538

Calculation No. 1:

(Website maintenance plus 10% credit card receipts)

\$17,166.41 (total) divided by 153,538 (number of pages) = .11cents times 3.5
 (average number of pages per document) = **.39 cents** (cost per document)

Calculation No. 2:

(10% credit card receipts only)

\$5,166.35 (10%) divided by 153,538 (number of pages) = .03 cents times 3.5
 (average number of pages per documents) = **.11 cents** (cost per document)

- 9. Notation: 2010 figures represent the first four months of the year (Jan. through April).



Reference was made to the newly amended statute – 30 M.R.S.A § 751 (14) in Registrar Lisa Simmons memorandum to the Knox County Commission and is incorporated herein for informational purposes. The new language is underlined. This statute takes effect July 12, 2010.

An Act Regarding Document Fees at County Registries of Deeds

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 33 MRSA §651, as repealed and replaced by PL 2003, c. 55, §1, is amended to read:

§ 651. Records; index

The records and indexes in each registry office must be made and kept for public inspection on at least one of the following media: white, acid-free paper, microfilm, microfiche, or digital image stored on magnetic or optical media. The register shall make an alphabetical index to the records without charge to the county so that the same surnames are recorded together and shall show in addition to the names of the parties and the nature of the instrument, the date of the instrument, the date of its record and the name of the city, town or unincorporated place where the land conveyed is situated. As often as every 10 years the register shall revise and consolidate the index in such manner that all deeds recorded since the last revision of the index are indexed

so that the same surnames appear together and all names are in alphabetical order. The revised and consolidated index must contain all data as to each and every deed or other instrument

referred to in this section. If it becomes necessary to revise, renew or replace any index, the new index must be made in conformity with this section.

When the register of deeds is required by law or common practice to make a note in the margin of a record, it is determined sufficient if the note is made to the index in such a fashion that the note becomes a permanent part of the indexing of the record to which the marginal note is required to be made.

The register shall prepare, or have prepared, a microfilm record of each page of every instrument, plan or other document recorded in the registry office. The microfilm record made must be stored in a fireproof area. When original record books or plans are considered by the register to be in a condition that warrants withdrawal from regular use, the register may make a true copy of the contents of the record or may provide suitable means for reading the microfilm, microfiche or digital image stored on magnetic or optical media of the instruments withdrawn. The records and certified copies made either from the true copy or from images stored as provided in this section must be received in all courts of law with the same legal effect as those contained in the original.

Notwithstanding Title 1, section 408, subsection 3, this chapter governs fees for copying records maintained under this chapter.

Sec. 2. 33 MRSA §751, sub-§14, as amended by PL 1991, c. 497, §8, is further amended to read:

14. Abstracts and copies. Making abstracts and copies from the records, a reasonable fee as determined by the county commissioners for each category of abstracts and copies, such as paper copies, attested copies, copies obtained online and bulk transfers of copies. In setting a reasonable fee for each category of abstracts and copies, the commissioners shall consider factors relating to the cost of producing and making copies available, which may include, but are not limited to: the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs or other transmitting costs; amortized infrastructure costs; any direct equipment operating and maintenance costs; costs associated with media processing time; personnel costs, including actual costs paid to private contractors for copying services; contract and contractor costs for database maintenance and for online provision and bulk transfer of copies in a manner that protects the security and integrity of registry documents; and a reasonable rate for the time a computer server is dedicated to fulfilling the request; and

The list of fees for document copies to be considered and approved by the Knox County Commission is as follows:

KNOX COUNTY REGISTRY OF DEEDS

Fees for Document Copies

The following fees are established by the Knox County Commission pursuant to 33 M.R.S.A § 751(14) (effective July 12, 2010):

Paper Copies:	\$1.00 per page
Fax Copies:	\$2.00 per page
Attested/Certified Copies:	\$1.00 additional per document
Plan Copies:	\$5.00 per plan

Copies Sold Electronically at Knox County Registry website:

Subscribers:	\$35.00 per month fee	\$00.25 per document
Non-subscribers:	\$3.00 per document	

Bulk Sales:

Registry price:	same as ACS, except there is no minimum charge, plus personnel costs (average hourly rate if Knox County Registry of Deeds employees, including benefits, computed for the year in which the request is made), plus actual costs of CD, DVD, USB stick or other media used to transfer documents.	
ACS price:	\$00.02 per document (index only)	(Minimum charge of \$450.00 per delivery)
	\$00.025 per image (all other documents)	(Minimum charge of \$450.00 per delivery)

A “bulk sale” is a request for documents in electronic form with a minimum of 1,000 consecutive images or pages. A bulk sale of 1,000 or more consecutive pages/images can be for all documents for a specific date or range of dates, or a specific book or range of books, or a range of instrument numbers.

Commissioner Anne Beebe-Center called for a motion to approve the fees for document copies for the Registry of Deeds as listed above.

- A motion was made by Commissioner Roger Moody to approve the Registry of Deeds fees as presented and established in the document entitled “Knox County Registry of Deeds –Fees for Document Copies, which is incorporated herein and becomes effective today, May 11, 2010. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

2. Energy Efficiency and Conservation Block Grant (EECBG) Project (A. Hart)

County Administrator Andrew Hart explained that the county applied for the Energy Efficiency and Conservation Block Grant and was awarded \$174,900.00 from the EECGB Program. The county received an initial award grant of \$25,000.00 for technical assistance of which \$5,000.00 has been spent.

There are five (5) specific retrofit projects scheduled:

1. Efficient Lighting Upgrades.

A detailed energy assessment was conducted. Energy efficient lighting retrofits and replacements were recommended for 183 lighting fixtures. This project involves the addition of 13 motion sensors for lighting control. It is expected that this will translate into a savings of 28,000 kilowatt hours annually. The estimated cost of the project is \$18,125.00 with an additional amount of \$4,600.00 provided by the state's energy rebate program.

2. Energy Management System Upgrade.

The courthouse has an older Delta Controls Version 2 DDC system, which is difficult to schedule, has not been updated, and is believed to be typically serviced only after a crisis has occurred. The Delta Controls representative has proposed updating the system to improve its functional abilities. This energy conservation measure includes engineering, programming and graphic design, new materials and reusing the existing wiring. By having the temperature in the courthouse automatically adjusted, it is estimated to save between five (5) and 10 percent of the annual heating costs. Employees should be warm when they arrive at work and the temperature should lower itself during the hours the building is closed.

The general advantages to upgrading the system are:

- The cost of upgrading is less than replacing the entire control system, while improving the present operational capabilities.
- Estimated savings for the county are a 1,000 gallons of #2 heating fuel annually, which, at the cost of \$3.00 a gallon would be \$3,000.00 in annual savings.

Allowing for contingencies, an additional five (5) percent or \$900.00 has been built into the cost estimate of \$19,100.00 for this project.

3. Envelope Improvements (Cracks and Attic Hole Reduction and Ceiling Insulation).

Insulation Improvement Opportunities:

The main attic over the courthouse has various layers of insulation covering approximately 6,600 square feet of area and an estimated R-value of R-19. Numerous air leaks have been discovered that undermine the insulation's effectiveness. Also, the installation appears to have been haphazard. Once all air the leaks have been sealed under the floor deck, then additional insulation can be installed to fill the 12-inch cavities under the floor deck to achieve the R-value of R-40. The rafter slopes over the record storage area connecting the original courthouse with the recent expansion are not insulated, and the area is estimated to have an R-value of R-2. The plan is to seal the roof deck and joints with side walls and dense packing the slopes with insulation behind fabric webbing to upgrade the R-value to R-26.

Safety, Comfort and Energy Efficiency:

The boiler room on the ground floor is not very well sealed off from the rest of the building, with extensive air leaks and thermal pathways causing the boiler room's heat and air to flow into the office spaces above (the finance office). This is a potentially dangerous safety condition if combustible gases or smoke were to flow into the office areas. The un-insulated floor is uncomfortably warm for the office staff. The plan is to insulate the floor joists with fire protective loose rock wool insulation and sealing the boiler room off from the occupied office space with fire and smoke sealants.

The proposed scope of work includes:

- Seal all penetrations of the ceiling plane with appropriate sealants including top plates of interior and exterior walls, wiring, ducts and plumbing penetrations, and chimneys.
- Inactive chimneys that are used for wiring chases shall be sealed in such a manner to reduce air leaks while maintaining the chimneys' use as improvised wiring chases.
- Floor boards will be selectively removed and refastened to access air leakage points.
- Ducts running through the attic shall be sealed and insulated.
- The active chimney will be sealed with fire rated material.
- The attic insulation will be upgraded to fill the cavities.
- The total area to be treated is approximately 5,270 square feet and the estimated air leakage area is 3,024 square inches.

It is estimated that the county will save 5,170 gallons of #2 heating fuel annually, which, at the cost of \$3.00 a gallon would be \$15,510.00 in annual savings.

Allowing for contingencies, an additional five (5) percent or \$4,160.00 has been built into the cost estimate of \$87,500.00 for this project.

4. Replacement Windows.

The county has purchased eight (8) windows and has budgeted to replace another six (6) windows this year with high performance operating windows for the courthouse building. It is expected that a savings of \$765.00 could be realized after the completion of the window replacement project. The estimated cost of this project is \$33,600.00.

5. Insulate Steam and Hot Water Piping.

The courthouse building's overheating issues are related to inadequate pipe insulation. The finance office, which occupies the space above the boiler room, often registers a temperature of 77.6 degrees. Windows have to be left open to cool the office space. The estimate annual cost of the wasted heat is \$2,590.00, which represents the waste of 863 gallons of heating fuel.

Allowing for contingencies, an additional five (5) percent or \$190.00 has been built into the cost estimate of \$4,000.00 for this project.

Commissioner Anne Beebe-Center asked if it might be a good idea to have an energy and weatherization plan in place to continue updating the building. There may be additional upgrades needed.

3. Discuss State Funding Level and Unified Jail System (R. Moody).

Commissioner Roger Moody explained that at a recent two-day retreat, the Maine Sheriffs Association developed a draft policy regarding the county jail fund balance.

The proposed draft policy is as follows:

“At the conclusion of the fiscal year, any county with fund balance not created by Board of Corrections efficiencies shall retain 25% of their fund balance. These funds shall be expended solely on correctional needs, or in the alternative, said funds can be accrued until an individual county's fund balance reaches 2% of the current budget amount.

Additionally, the remaining 75% of the fund balance, from all eligible counties, shall be held and managed by trustees comprised of four members as determined by the Maine County Commissioners Association and three members appointed by the Maine Sheriffs Association. This fund shall be identified as the County Corrections Trust Account. These trust funds can only be spent for purposed within county within county corrections.

Trustees will allocate secured funds on a need basis for member counties. The trust will act to incentivize counties to adopt budget practices that will promote recurring fiscal efficiencies.

The County Corrections Trust Account will be exclusively and solely held, retained, and managed by the Trustee for their designees.”

The Maine County Commissioners Association (MCCA) plans on reviewing, discussing, and voting on the proposed “County Jail Fund Balance” language at their next meeting, which is scheduled for tomorrow, May 12, 2010.

Commissioner Roger Moody reported that he attended a MCCA meeting last month and it appeared that there was some controversy over the state's takeover of the jails and whether or not the resulting unified jail system should continue because of the funding of the system.

Commissioner Roger Moody commented that he would like some guidance on how to proceed or vote at the meeting. He explained that the proposed language states that at the end of year any county with a fund balance could retain 25 percent of that fund balance for expenditures or could save the funds. The other significant part of proposed language addresses the remaining 75 percent of the fund balance, which can be held and managed by trustees who are appointed by MCCA.

Commissioner Roger Moody reported that he attended a Bureau of Corrections (BOC) meeting two weeks ago. Knox County was complimented on their budgeting process and for providing the required information. Some of the controversy may end as some of the smaller county jail budgets are approved and the funds for operations become available. He suggested that even if the proposed policy on the county jail fund balance is adopted, the BOC still controls the county jails. This appears to be a strategy that shows that MCCA is trying to do something about the BOC's control over jail funding.

Sheriff Dennison explained that if the jail fund balance goes back to the state, then it is theirs to control and the account can wiped out at any time. This policy was an effort to take back some control over the money. The counties still have to run the jails. The sheriff suggested that if the counties joined forces with the sheriffs in support of the proposed policy, then perhaps the counties could regain some control over their jails and the necessary funding for its operations.

Jail Administrator John Hinkley commented that he has never seen an issue that had every county sheriff backing a proposal to resolve the issue. The sheriffs supported the idea that any money saved could be put into an account that the counties would control. The money could be used for capital items that were not funded for repairs to the jail facilities, or operating expenses that had exceeded the budget line. An example of an operating expense that could be overdrawn was the inmate medical line.

Commissioner Roger Moody commented that he did not have all the facts, but there appears to be several counties with facilities issues that need to be addressed and there are no funds to make the repairs now. Postponing the repairs will only make matters worse as the cost of the repairs rises. He suggested that the unified system had a lot to recommend it, but the details and the mechanics has made it, at times, unfair.

Sheriff Dennison commented that the policy gave the counties an incentive to save money. She suggested that under the current way of the state controlling the funds, any money saved is spent by the counties because they do not want those funds going back to the state. The savings would be protected for the counties' use.

Jail Administrator remarked that on the positive side the funds would be protected from the legislature. The down side to saving money and putting it away is having the state then say if your county could save that much money, then you do not need to apply for state funding.

Commissioner Anne Beebe-Center commented that she did not have a problem with the unification of the jails, but the problems and concern with the unification was not that it was done, but how it was done. The process has been problematic with the budgets be redone repeatedly. At the same time there no information has been available regarding the state prison's budget. There is waste, challenge, and difficulty with the state prison. Any money that can be squeezed from the counties is going to the BOC for its use. The funding structure for the county jails has been poorly implemented and seems unfair.

Commissioner Anne Beebe-Center remarked that she had a problem with trying to take control for the sake of taking control. Another concern is that Maine Municipal supported the jail unification project because it was supposed to keep jail costs down and meant no increases passed on to the towns. If the fund balance returns to the state coffers, this may be unacceptable to the towns.

When asked if this was a good strategy, Commissioner Roger Moody responded that it appeared to be, but the BOC still controls the jail budgets.

Commissioner Anne Beebe-Center suggested that the BOC could reject the policy even though the sheriffs are unified in their support of the proposed policy and there is the probability that a majority of the county commissioners will agree with them, and asked what this message of rejection means to the sheriffs and commissioners.

Commissioner Richard Parent commented that it appeared that there are so many different ways of looking at the state's handling of the jail unification. There is a lot of information, but it appears that the state's takeover of the jails is not proceeding in an efficient manner. If a unified decision is needed on whether to support this proposed policy on the county jail fund balance, then the commissioners could vote to support the proposed policy and see what happens.

It was noted that the BOC had held back payments and some counties experienced difficulties with paying bills and wages. The theory behind this action was that the BOC expected the majority of counties to have a surplus and the end of the fiscal year and reasoned that these monies should be used before paying monthly allotment(s). This has been rectified, but there are still difficulties with the up-coming budgets and union contracts, which set union wages.

Sheriff Dennison suggested that if the BOC was asked for funding for a wage increase, that if the money was available, the request would be granted.

County Administrator Andrew Hart reported that there was discussion on setting up a committee to review union contracts. Some counties have 3-year contracts with built in raises and those will be honored. Other counties have contracts that are expiring. Knox County's current union contract expires December 31, 2010. Even if the budget committee and commissioners vote to give raises to employees, there is no way to fund those raises for jail employees because only funds in the jail budget can be used for jail employees' wages. The jail investments funds can not be used for personnel services. The difficulty in with negotiating a new union contract is the wages. Negotiating in good faith and giving raises to union personnel will be difficult with patrol and dispatch not being under the same dictates as the jail. Different wage charts may have to be developed.

Commissioner Richard Parent asked how the county would pay for repairs to the jail roof if it fails. Could reserves be used? The answer is no because only money in the state controlled jail budget could be used for repairs. If there is no funding in the jail budget, then a request for funds has to be submitted to the BOC and then the jail investments funds could be used if there are any funds available.

Commissioner Roger Moody commented that there still are many unresolved issues with the unified jail system and unless someone goes to all the BOC meetings, it is still difficult to understand everything that transpires. It seems reasonable to support this proposed policy regarding the county jail fund balance because it offers the incentive for savings that the counties would control, the savings would be protected, and it sends a message to the BOC.

Commissioner Anne Beebe-Center called for a motion to support the Maine Sheriffs Association's proposed policy regarding the county jail fund balance.

- A motion was made by Commissioner Roger Moody to support the Maine Sheriffs Association's proposed policy regarding the county jail fund balance. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

County Administrator Andrew Hart suggested that the BOC needs to have some direction and this gives BOC a policy to consider. It is supported by the sheriffs, jail administrators, and county commissioners, which should carry some weight and perhaps can offer some guidance to the BOC.

4. Superior Courtroom Renovations Open House (A. Hart).

County Administrator Andrew Hart reported that the Superior Courtroom renovations have been completed. Eileen Bridges, Clerk of Courts, will be hosting an Open House to show off the completed projects. The commissioners are invited and she asked that they help select a date for the Open House. The suggested dates are May 26th, the week of May 31st, or the week of June 7th. It will probably be an all-day event.

VII. Other Business

None.

VIII. Adjourn

Commissioner Anne Beebe-Center asked for a motion to 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 3:00 p.m.

Respectfully submitted,

Constance W. Johanson
Executive Assistant

The Knox County Commission approved these minutes at their regular meeting held on June 8, 2010.

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

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

Roger A. Moody – Commissioner District #3