

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – June 10, 2014 – 2:00 p.m.

The regular monthly meeting of the Knox County Commission was held on Tuesday, June 10, 2014, at 2:00 p.m., at the county courthouse, 62 Union Street, Rockland, Maine.

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, Airport Manager Jeff Northgraves, Finance Director Kathy Robinson, EMA Director Ray Sisk (*left at 3:07 p.m.*), Chief Deputy Tim Carroll, and Communications Director Linwood Lothrop (*left at 3:15 p.m.*).

Others in attendance: Owls Head Selectman Richard Carver (*left at 4:15 p.m.*); Owls Head Resident Ken Wexler (*left at 4:15 p.m.*); Cape Air Vice President Andrew Bonney (*left at 2:49 p.m.*); and Cape Air Station Manager Rocky Stenger (*left at 2:49 p.m.*).

Regular Meeting – Agenda Tuesday – June 10, 2014 – 2:00 p.m.

- I. 2:00 Meeting Called To Order**
- II. 2:01 Presentation and Discussion:** Cape Air's Proposal to renew their EAS contract with US DOT for scheduled commercial flights between Knox County Regional Airport and Boston.
- III. 2:20 Public Comment -** Public Comment during other portions of the meeting will only be granted by permission of the chair.
- IV. 2:35 Consent Items**
 - 1. Approve Consent Items as Presented:
 - i. Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
 - ii. Minutes of Regular Commission Meeting of May 13, 2014.
 - iii. Minutes of Joint Quarterly Budget Meeting of May 29, 2014.
 - iv. Monthly Written Departmental Reports.
 - v. Reserve Withdrawals.
- V. 2:40 Action Items**
 - 1. Act to Approve a Contract Between Knox County and the Town of Vinalhaven for Sheriff's Deputy Services for the Contract Year July 1, 2014 to June 30, 2015.
 - 2. Act to Approve Job Description for Temporary Part-Time (Grant Funded) Geospatial Database Manager in the EMA Office.
 - 3. Act to Review Possible Options of the MPERS (Maine Public Employee Retirement System).
 - 4. Act on Approval of Transfer to Reserves from Anticipated Fund Balance and Unencumbered Fund Balances.
 - 5. Act to Approve 2015 Budget Process Calendar.
- VI. 3:00 Discussion Items**
 - 1. Discuss Owls Head Representation on the Airport Public Advisory Committee with the Owls Head Selectboard.
 - 2. Discuss Workforce Innovation and Opportunity Act (WIOA) H.R. 803 (as amended).
- VII. 3:30 Other Business**
- VIII. Adjourn**

I. Meeting Called to Order

Commission Chair Carol Maines called the regular meeting of the Knox County Commission to order at 2:00 p.m.

II. Presentation and Discussion – Cape Air

Cape Air Vice President Andrew Bonney did a PowerPoint presentation detailing Cape Air's proposal for Essential Air Service at the Knox County Regional Airport. He explained that the US DOT released their Request for Proposals on May 21, 2014 and interested carriers are required to file their proposals no later than June 23, 2014. The current contract with the County expires at the end of October and the new period will begin November 1, 2014 for either 2 or 4 years. Mr. Bonney said that Cape Air wanted to attend this meeting to get some feedback from the Commission before they submit their proposal to the US DOT.

Mr. Bonney explained that this is a seasonal market and Cape Air has struggled with that a little bit. Cape Air has worked with the US DOT to develop a seasonal pattern in July and August because the company knows how instrumental air travel is to the economy here. Cape Air wants to continue increasing the frequency of flights during the season. The company brands itself as a low-fare, high-frequency airline. Mr. Bonney admitted that Cape Air had a very difficult winter at the Knox County Regional Airport, especially in the months of December and January. He said that part of that was because they did not get the entire fleet prepped for winter in time. He apologized for that and said Cape Air is now back on its stride.

Mr. Bonney briefly explained about two different aircraft models they are considering buying in the future as their Cessna's age. Cape Air disassembles and remanufactures their own aircraft and have a 60-hour inspection cycle on the aircraft. The vast majority of the services Cape Air supplies is outside the Essential Air Service so that sustains the airline financially enough to be able to provide EAS for less than some other airlines. He noted that some airlines have had so many problems with pilot shortages that they simply stop flying, sometimes with no notice to the airport. Cape Air is doing pretty well so this is not a concern right now. The focus for 2014 is on streamlining the operation, especially after having such a rough winter.

Mr. Bonney asked for feedback from the Commission so they can make sure their proposal matches what the County wants for Essential Air Services. He said that the US DOT has asked airlines to put together a two-year proposal but Cape Air believes in long-term planning so their proposal is for four years.

Commissioner Maines asked if EAS can run to more than one hub. Mr. Bonney replied that they can under certain circumstances, but at this point, Boston is one of the best hubs. It's not dominated by one carrier but has great service by lots of carriers, which means price competition.

Ken Wexler commented that he flies on Cape Air a lot but noted that the prices are not always that low. He said that when he checked on Monday, the ticket price was \$249. He said that it's very difficult to fly back and forth over the summer because Cape Air is so busy and you often have to book several weeks in advance to get a ticket. He asked if Cape Air could add more planes to their fleet so they could have more flights to meet the demand. Mr. Bonney responded that Cape Air absolutely does do that, but it's typically mid-day and mid-week because of the directionality issue. If all of the tickets are going in one direction, Cape Air has to double the fare to cover the fact that there are no passengers flying back in the other direction. Mr. Wexler said that he doesn't have any problems with Cape Air, that the staff and pilots are great, but that he just hoped Cape Air can keep up with the demand.

Airport Manager Jeff Northgraves stated that Cape Air added 88 non-subsidized flights last year but the more flights they do, the higher the cost of the tickets have to be in order to cover the cost of the flights.

Mr. Bonney noted that Cape Air added 7 aircraft to the fleet. When asked if he anticipated any competition, Mr. Bonney replied that he didn't know. He said that the US DOT will publish the submissions after the deadline. Manager Northgraves added that the airlines have to call him for the airport's numbers but so far Cape Air is the only airline to ask for that.

Mr. Bonney said that that the US DOT will be looking for a letter from the Commission expressing the Commission's opinion. Commissioner Maines asked if the US DOT was looking for a yes/no answer about whether to go with Cape Air, or are they looking more for a specific recommendation. Mr. Bonney responded that based on the services Cape Air wants to provide, Cape Air would like the Commission to recommend Option B for 4 years.

III. Public Comment

Commissioner Carol Maines 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. Minutes of Regular Commission Meeting of May 13, 2014.
- iii. Minutes of Joint Quarterly Budget Meeting of May 29, 2014.
- iv. Monthly Written Departmental Reports.
- v. Reserve Withdrawals

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

Commissioner Moody asked Finance Director Kathy Robinson about the federal forfeiture fund no longer showing in her reserves report. He asked if that was because it was drawn down. Director Robinson explained that Federal Forfeiture was now located in the Checking Accounts list because it came to light that those funds are supposed to be in a checking account that is interest bearing with no chance of loss, rather than in a reserve account. She added that the same thing has been done for the Passenger Facility Charge account.

Commissioner Maines asked Communications Director Linwood Lothrop about the problems he referenced in his report from when the Communications Center changed over to the new NextGen system. She asked if those problems have been resolved. Director Lothrop said that they encountered a problem with a cable during the switch-over, but the Center is now on the new system and it's working well. Commissioner Maines asked for an explanation about why the dispatchers needed two phone systems at each console. Director Lothrop explained that the new system won't allow the POT's (plain old telephone) analog lines as part of the NextGen system. It was a state-wide mandate so every PSAP is having to do the same thing.

Commissioner Maines asked Director Lothrop about the difficulties he has had hiring dispatchers that stick around. Director Lothrop said that he was considering making it mandatory, rather than optional, that applicants spend time in the Communications Center before they get interviewed so that they will have an idea of what they are getting into, rather than waiting until they start training to realize it's not the right job for them.

Commissioner Parent asked about the tower on Ragged Mountain. Director Lothrop stated that he was negotiating with Charlie Foote for a 50/50 split to get the tower cleaned up.

Commissioner Maines asked EMA Director Ray Sisk if he wanted the commissioners to attend the Lobster Festival table-top exercise on July 9th that he mentioned in his report. She asked what they would do if they attended. Director Sisk explained that EMA does this exercise every year with the City of Rockland, local agencies and lobster festival staff to work on scenarios to see how everyone follows the plan and responds to the situations. He said that if the commissioners came, they could just be involved in the exercise. He said that about 42 people participated last year.

- A vote was taken with all in favor.

2013 Reserve Withdrawals – 2013 Expense:

Jail Computer	861808-12800	\$8,000.00
	Total	\$8,000.00

2014 Reserve Withdrawals:

Airport Equipment	461608-14610	\$653.36
DARE	300008-10070	\$975.15
Dispatch Computer	561800-12605	\$663.88
Forfeiture Money – Federal	200008-12860	\$14,995.00
Sheriff Vehicles	200008-12760	\$370.00
Sheriff’s Computer	200008-12760	\$5,189.61
	Total	\$22,847.00

V. Action Items

1. Act to Approve a Contract Between Knox County and the Town of Vinalhaven for Sheriff’s Deputy Services for the Contract Year July 1, 2014 to June 30, 2015.

Administrator Hart explained that this was a renewal of the current contract that expires June 30th. There were only a few minor word changes to match this contract more closely with the North Haven contract. Vinalhaven Town Manager Marjorie Stratton has reviewed the contract and is fine with the changes that have been made.

- A motion was made by Commissioner Richard Parent to approve the contract between Knox County and the Town of Vinalhaven for Sheriff’s Deputy services for the contract year July 1, 2014 - June 30, 2015. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

2. Act to Approve Job Description for Temporary Part-Time (Grant Funded) Geospatial Database Manager in the EMA Office.

Administrator Hart explained that this job description has been reviewed by the Position Classification Committee. It is a temporary, part-time position that is grant funded. He reminded the Commission that he had emailed them on May 22nd requesting their initial approval of the job description so that he and EMA Director Ray Sisk could move forward with the hiring before the grant expires. The intern volunteering in EMA has already been hired to fill the position since it needed to be done before the deadline for using the funds expired.

Commissioner Maines asked when the grant runs out. Director Sisk responded that it was about eight weeks. He said that after that, there was a chance he might be able to get some additional funding to keep the position going.

Administrator Hart added that he wanted to create a part-time employee doing this position in the 2015 EMA budget, so this will be discussed with the Budget Committee in the fall to see if this is something that they will support. The benefit of doing it in the EMA budget is that the County gets 50% of the expense reimbursed.

When asked what the grant funded employee was working on currently, Director Sisk explained that her focus right now is working on the FEMA floodplain maps and helping out the towns with them. He noted that the Orthoimagery technology is a phenomenal tool and a person with that type of expertise can use the baseline information and develop plans and maps that can be used by the towns. In this case she’s able to take the FEMA floodplain maps and apply it to the County-based Orthoimagery and get it right down to the house to show the impact of the coming changes.

Administrator Hart noted that he had had brief discussions with Rockland Code Enforcement Officer John Root and Rockport’s Assessor, Kerry Leichtman, and they both think it makes sense for the County to do this. It would cost too much for towns to have someone in their staff filling this type of position.

- A motion was made by Commissioner Roger Moody to approve the job description for Temporary Part-Time (Grant Funded) Geospatial Database Manager. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

3. Act to Review Possible Options of the MPERS (Maine Public Employee Retirement System).

Administrator Hart explained that the Fraternal Order of Police Union (FOP) has requested that the County look into the possibility of providing a retirement plan through the Maine Public Employee Retirement System (MPERS). Before moving forward with looking into the possibility, Administrator Hart wanted to know if it was something that the Commission was interested in looking into. He said he had no idea what the costs would be.

Commissioner Maines asked if the MPERS would have contributions from the County like ICMA does. Administrator Hart responded that it depends on which plan is chosen.

Commissioner Maines commented that she didn't think there was any harm in finding out more about it. Commissioner Parent said that he agreed. Commissioner Moody said that he didn't have any objections to doing it but he thought that the ICMA 401A has an advantage over MPERS because of its portability. MPERS isn't portable unless you stay in Maine.

Commissioner Maines asked when the Commission would be given the report with the information. Finance Director Kathy Robinson said that she was researching to find an outside, neutral agency to do the review of the MPERS plans so it's not biased in one direction or another (County vs. Union). The proposal to the Union will be that they pay for it if they want the County to pursue it. Commissioner Moody voiced concern over how legitimate the review would be if it's only paid for by one side. He suggested splitting the cost with the Union.

Commissioner Maines asked if the County's insurance company could do the review. Administrator Hart asked if she meant the Risk Pool. He said he didn't know if he'd ask them to do any of that. He added that he thought it made sense to do a more involved review than maybe another county might do. Every other County has MPERS, but a lot of them have had it prior to the current county administrator, clerk, or finance director/treasurer has been there and they didn't know what process had been done when that was put in place. He said that he just wanted to be cautious to see what the costs are.

- A motion was made by Commissioner Richard Parent to review the options of the MPERS. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

4. Act to Approval of Transfer to Reserves from Anticipated Fund Balance and Unencumbered Fund Balances.

Administrator Hart explained that the Commission needed to approve the transfer of Anticipated Fund Balance and Unencumbered Fund Balances to Reserves. The Commission had been provided with a list of the transfers by Finance Director Kathy Robinson.

Amount	Reserve Name	Account #	Notes
\$125,000	Courthouse Maintenance	200008-12680	Surplus balance 2013
\$5,500	Sheriff Vehicle	200008-12770	Department balance 2013
\$11,600	Contingency	200008-12700	Surplus balance 2013
\$8,350	Computer Reserve	200008-12660	Surplus balance 2013
\$150,450	General Transfer Total		
\$5,500	Dispatch Professional Services	561800-12645	Consultant Balance from 2013 for MRI – Regional Study
\$5,500	Dispatch Transfer Total		
\$155,950	Grand Total		

Finance Director Robinson noted that her office is in the process of concluding the 2013 audit and she wanted these transfers to be included in that.

Commissioner Moody commented that he was confused about the \$125,000 in the Courthouse Maintenance reserve. He asked if that money was for projects budgeted for projects in 2013. Administrator Hart responded no, that it was money budgeted for 2014 projects that the Commission approved, which includes the window replacement project and the exterior trim and repair. He added that the other two projects that he hasn't bid out yet are the courthouse brick replacement that he discussed at the Quarterly budget meeting, and putting a surface coat of pavement on the parking lot at the Public Safety Building in the rear parking lot. He noted, however, that he wasn't sure if he would do the parking lot project in 2014 or not because he is still waiting on some information.

Commissioner Moody commented that he didn't want to do anything that looked like the Commission was going around the Budget Committee. He said that he would like to have a process that reflects the Commission's vote and the Budget Committee's input. He suggested waiting until the next quarterly Budget Committee meeting in August. Administrator Hart explained that these projects had been discussed during the budget process for 2014 so the Budget Committee already knows about them. He said that the brick replacement project was discussed briefly during the budget process but he didn't know at the time that the County would need to do it so soon. He added that it wouldn't bother him to wait until next year to do the paving at 301 Park Street and discuss during the 2015 budget process. He noted, however, that while projects are discussed with the Budget Committee, the Budget Committee does not approve expenditures from reserves – only the Commission has the authority to do that, and it wouldn't be a good idea to blur the line of Budget Committee authority.

Commissioner Maines commented that she felt doing the transfers were alright since the projects were already discussed with the Budget Committee. Administrator Hart noted that if the County doesn't expend what's in the reserve for these projects, or doesn't expend all of it, the funds will remain in the reserve account until they are used.

- A motion was made by Commissioner Roger Moody to approve the transfers to reserves from the anticipated fund balance and unencumbered fund balances. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

5. Act to Approve 2015 Budget Process Calendar.

- A motion was made by Commissioner Richard Parent to approve the 2015 Budget process calendar as presented. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

VI. Discussion Items

1. Discuss Owls Head Representation on the Airport Public Advisory Committee with the Owls Head Selectboard.

Airport Manager Jeff Northgraves explained that the APAC By-Laws Re-look Sub-committee met and considered options to mitigate concerns raised by the Owls Head Selectboard regarding the lack of representation on the APAC by anyone from the Town of Owls Head. The Sub-committee outlined several potential options and presented them to the Selectboard. The Selectboard provided a response for consideration. The Subcommittee met again and made a recommendation to the APAC. The APAC voted to approve the recommendation for presentation to the County Commission. Their recommendation was provided to the County Commission and the Owls Head Selectboard at the April Commission meeting. The Owls Head Selectboard asked to be put on the June agenda to discuss it. The APAC's recommendation to the Commission was as follows:

“Fully recognizing the salience of the airport to Owl’s Head, South Thomaston, and the island towns (and plantation), APAC strongly recommends to the Knox County Commissioners that they attempt to appoint APAC members in such a way that Owl’s Head, South Thomaston and island-community residents always occupy seats on APAC. In the event that, nevertheless, at any time, the Commissioners’ appointment process, as stipulated in APAC’s Charter and By-Laws, fails to produce an APAC with representation by a resident of each of Owl’s Head, South Thomaston and the island communities, then APAC recommends that the Commissioners designate an APAC member to be specifically charged with communication with and representation of any of those three communities left without a resident member.”

Manager Northgraves stated that if the County was going to change the By-Laws, he would be required to go out to all the stakeholders and the towns to get their input because it would affect more than just the Town of Owls Head. He noted that the Commission just updated the By-Laws fairly recently, so the APAC recommends not actually changing the bylaws, but rather have the Commission keep the suggested process in mind when selecting people to appoint to the APAC.

Owls Head Selectman Dick Carver explained that the Town of Owls Head had been provided with seven options that the APAC had asked the Town to choose from, but the Town did not really like any of them. Mr. Carver said that he still thinks that Owls Head’s position with regards to the airport is stronger than South Thomaston or the islands because the airport is physically in Owls Head. He said that the Town’s selectboard still thinks that the Town should have its own representative so he suggested that if the Commission needs to change the By-Laws in the future, perhaps that would be the time to review this again and make a change. In the meantime, if the Town had to choose one of the seven options, their top choice was Option #4:

Add two seats to the APAC: the new seats would be an Owls Head seat and an island seat (the Nearby Neighbor seat would become the South Thomaston seat.)

Owls Head resident Ken Wexler stated that he supported what Mr. Carver had said. He noted that besides his own opinion, he was also speaking for the Owls Head Airport Committee. He said that Owls Head can only have access to three seats on the APAC: Environmental, District 1, and Nearby Neighbor and that Owls Head residents have been repeatedly blocked from serving on the APAC. He said that the Commission should appoint the people that the Town of Owls Head selects. Commissioner Maines pointed out that other individuals, besides those selected and nominated by a town’s selectboard, can also ask to be appointed. They can submit their request to the APAC, or directly to the Airport Manager or Commission. Manager Northgraves confirmed that this was correct.

Commissioner Parent was concerned that if the process that the Commission wanted to follow of insuring that someone is always represented by those three communities was not in writing, then there would be no guarantee that it will always be followed. He suggested that if the only person interested in filling a seat isn’t nominated by the town’s selectboard, that the Commission could contact that town and see what they think of having that person represent them.

Manager Northgraves cautioned the Commission about opening up the door for a bunch of changes. He pointed out that right now Camden has no representative on the APAC and they could very well say their economic wellbeing is dependent on the airport, and if the Commission changes the bylaws to guarantee some towns representation on the APAC, it would have to be opened up to *all* towns. He said that the County could very quickly end up building a 20-member APAC and that just won’t work. The APAC is truly an advisory committee and makes no decisions, just recommendations to the Commission. The Commission isn’t required to agree with the APAC.

Mr. Wexler commented that the airport isn’t sitting in the town of Camden. They don’t have to listen to the noise. He added that somehow Owls Head has been kept from the APAC for a while now.

Commissioner Moody suggested having the Environment seat always be an Owls Head resident because the airport really only effects the environment in Owls Head.

Administrator Hart asked Manager Northgraves if the District 1 seat is currently someone from Owls Head and how long the person will be in that seat. Manager Northgraves replied that the person is from Owls Head and is finishing out the term already going so there's 2 years left but he can be reappointed.

Commissioner Maines suggested that the Commission draft some language charging the Commission with recognizing that the airport primarily affects Owls Head without conceding that the Commission will automatically select the person that the Owls Head Selectboard nominates every time.

Administrator Hart noted that the Commission has some time to solve the issue because there are still two more years before the District 1 seat term ends. He cautioned against making a rushed decision.

Mr. Wexler asked if the Town could take a shot at drafting up some language. Commissioner Maines said that was a good idea and that the Commission would do the same thing. She suggested bringing the topic up again maybe in October, and hopefully by then the County will have heard back from the FAA on the Master Plan Update so the cemetery could also be discussed.

Commissioner Moody asked for a copy of the bylaws. Manager Northgraves said that he could email them to everybody.

2. Discuss Workforce Innovation and Opportunity Act (WIOA) H.R. 803 (as amended).

Administrator Hart explained that he had sent the Commission a copy of an email from MCCA Executive Director Rosemary Kulow regarding NACo's support of the Workforce Innovation and Opportunity Act. The email included a link to a sample letter that that Commission could use to send a letter of support to the County's legislative representatives urging them to support H.R. 803 (as amended).

Commissioner Parent commented that he felt it was a good idea for the Commission to send out letters of support. The legislation would add support for the current work being done.

Commissioner Moody suggested that the Commission Chair could sign the letter. The other commissioners were in agreement.

Administrator Hart asked who would be able to provide some information to fill in one paragraph in the draft letter that explains what's being done in Knox County. Commissioner Parent said he had a couple people he could check with. Administrator Hart asked Commissioner Parent to get the information to him and the Administrative Office will write up the letters for Commissioner Maines to sign.

VII. Other Business

Marjorie Stratton

Administrator Hart explained that Marjorie Stratton had resigned as the Town Manager of Vinalhaven, and since that meant she was leaving the island, she also resigned from the Airport Public Advisory Committee. He noted that the Commission will need to fill that seat. He said that thankfully, the Vinalhaven Deputy Services Contract will be signed before Ms. Stratton leaves so the County won't have to worry about that.

Manager Northgraves said that he would send an email out and put it on the County's website for the towns from that district to let everyone know of the vacancy on the APAC. He added that normally the County puts an ad in the paper too.

Eminent Domain Litigation with Benner Property

Administrator Hart explained that the Commission had been given a copy of a letter from Attorney Jim Katsiaticas regarding the status of the Eminent Domain case now being decided in Superior Court. He said that all sides have come to an agreement but Bayside Mortgage is just lagging. He said that Attorney Katsiaticas will notify the County once he knows whom the check would need to be written to.

VIII. Adjourn

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

The meeting adjourned at 4:24 p.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on July 8, 2014.