

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – July 12, 2016 – 2:00 p.m.

The regular monthly meeting of the Knox County Commission was held on Tuesday, July 12, 2016, 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, Chief Deputy Tim Carroll, Sheriff Donna Dennison, EMA Director Ray Sisk, Communications Director Linwood Lothrop (*arrived at 2:08 p.m.*), Finance Director Kathy Robinson (*arrived at 2:05 p.m.*), Sergeant Patrick Polky, Patrol Deputy Arthur Smith, and Detective Supervisor Reggie Walker.

Others in attendance: Theodore Berry, resident of Rockland (*left at 2:17 p.m.*).

Regular Meeting – Agenda Tuesday – July 12, 2016 – 2:00 p.m.

- I. 2:00 Meeting Called To Order**
- II. 2:01 Public Comment** - Public Comment during other portions of the meeting will only be granted by permission of the chair.
- III. 2:15 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 June 14, 2016.
 - iii. Monthly Written Departmental Reports.
 - iv. Reserve Withdrawals.
- IV. 2:20 Action Items**
 - 1. Act on Approval of the Transfer of Forfeited Assets in the form of \$834.00 (*or any portion thereof*) to Knox County in the *State of Maine v. Reginald Perreault*.
 - 2. Act to Approve Expenditure of Federal Forfeiture Funds to Purchase Guns for the Knox County Sheriff's Department.
 - 3. Act to Approve a Contract Between Knox County and the Town of Vinalhaven for Sheriff's Deputy Services for the Contract Year July 1, 2016 to June 30, 2017.
 - 4. Act to Approve the Revised Deputy Finance Director/Treasurer Job Description.
 - 5. Act to Approve Expenditure for Roofing Consulting & Design Services.
- V. 2:40 Discussion Items**
 - 1. Discussion of the Building Envelope Project.
 - 2. Discussion of the SHAPE Certification Process.
 - 3. Discussion of the Compensation Study.
- VI. 2:55 Other Business**
- VII. Adjourn**

I. Meeting Called to Order

Commission Chair Roger Moody called the regular meeting of the Knox County Commission to order at 2:00 p.m. He briefly reminded everyone that all Commission meetings are being live-streamed on the internet. He noted that the microphone was pretty sensitive and asked members of the audience to please refrain from having side conversations because the audio would pick that up.

II. Public Comment

Commissioner Roger Moody asked for public comment, if there be any.

Theodore Berry, Rockland Resident

Mr. Berry stated that earlier in the month he had sent the Commission and Administrator Hart proposed revisions/additions to Section 2.14 Work Rules of the Knox County Personnel Policy Handbook. Commissioner Moody confirmed that Mr. Berry's proposal had been received. He said that Mr. Berry had

raised some issues that the Commission would want to deal with through the administration. Normally, changes to the County's personnel policy would be part of an HR review process. Mr. Berry commented that he had no idea what that process is.

Commissioner Moody noted that he understood, at least generally, the issues raised, but felt that some of them were beyond his knowledge base so the County would need legal help. He said that he couldn't predict the outcome because the County has to rely on professionals in those areas.

Mr. Berry said that he had looked at the City of Rockland's policies and those were written very differently than the County's policies, even though Ms. Bouchard works with both Rockland and Knox County. He said that nepotism encompasses work assignments as much as hiring procedures. It constitutes a conflict of interest but he didn't know whether that actually applies to financial interests. He said that a strong code of ethics should be built into the policy.

Commissioner Moody stated that he believed that the Commission ultimately has the same interests as Mr. Berry, and that he appreciated Mr. Berry bringing things to their attention. He added that the Commission would have to have some research done but noted that it could take some time.

Mr. Berry said that he also wanted to talk about the possibility of broadening reporting requirements for employees since he had asked Administrator Hart how often he gets reports of suspected acts of conflicts of interest, but it didn't sound like there were any. That would mean that employees are not reporting to their department heads if they see acts of nepotism or conflicts of interests, so a policy requiring employees to report it might help. Commissioner Maines commented that probably the reason why nobody is reporting anything is because most people would disagree with Mr. Berry's definition of nepotism because it's far too broad. She quoted directly from his proposal: "...*conflict of interest, which includes, but is not limited to, engaging in any situation in which an employee is involved in multiple interests such as financial interests, personal, professional, civic, recreational, social, or family interests, or otherwise, one of which could possibly influence the motivation of an employee to act or refrain from acting.*" She noted that some allegations of favoritism are very difficult to prove, whereas financial ones might not be as difficult to prove. Mr. Berry agreed that his definition was too broad but felt that perhaps some middle ground could be found between his definition and the County's.

Mr. Berry stated that the County doesn't have a policy about defamation but should. Commissioner Maines stated that she was unsure how the County would get involved in a defamation case because if someone defames someone else, the courts get involved, with a discussion of whether what was said is true or not. Mr. Berry commented that the point of policies is to avoid litigation. Commissioner Maines responded that some of what Mr. Berry wrote would invite litigation because the language is too broad and nebulous. She added that workplace and community acquaintanceship are not considered ethical violations and are actually important because they can make the workplace more pleasant and build productive relationships between government departments and the community.

Commissioner Moody commented that those working in the public sector understand that they are subject to public scrutiny and that he finds in general that public employees have a strong sense of ethical appropriateness. He said that he saw Mr. Berry's point and was willing to have some staff spend time looking at these issues if the County Administrator agrees, but added that Mr. Berry should not expect a fast answer because it could take some time. Commissioner Maines added that these are all things that the Commission thinks about already and that it takes time to evolve policies and make changes.

There was no other public comment.

Mr. Berry left at 2:17 p.m.

III. 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 June 14, 2016.
- iii. Monthly Written Departmental Reports.
- iv. Reserve Withdrawals

- A motion was made by Commissioner Carol Maines approve the consent items as presented. The motion was seconded by Commissioner Roger Moody.

Commissioner Maines referred to Communications Director Lothrop’s report in which he mentioned employee performance evaluations being discussed at a department managers meeting. She asked if there was dissatisfaction among the employees about the meets/exceeds ratings. Director Lothrop explained that the point of the comments in the evaluation is so that even if someone meets expectations, it gives supervisors a way to let employees know what they can do to exceed expectations. If the employee is already exceeding, they are still given feedback to help them understand what they are doing well and if there’s anything they could do differently. Director Lothrop added that he would like to see the evaluations geared towards helping the employee, and not attach stipends to it. He also noted that some employees aren’t interested in advancing or there is no place to advance to.

Administrator Hart added that the subject has been discussed at the last few department managers’ meetings because not all supervisors were writing comments in the evaluations if the employee was given a “meets” in a category. The directions for completing evaluations have been changed now so that there will be a comment for each category in the evaluation, regardless of the rating. Setting goals to work on over the next year are also being added to the evaluations. The step 16 bonus is currently tied to the evaluations. Last year, some employees received a bonus based on their evaluation and a recommendation by their department head. At the time, the Commission had expressed some concerns about the number of employees receiving the bonuses and the subject will be discussed more in depth at the August Commission meeting.

Commissioner Moody asked EMA Director Sisk about UTV mentioned in Director Sisk’s report. He asked what a UTV is. Director Sisk described the Utility Vehicle as being like an ATV with tracks, or an overbuilt golf cart with 4-wheel drive.

Commissioner Moody asked Director Lothrop about an unfunded mandate that was mentioned in his report. Director Lothrop explained that when the Public Utilities Commission was asked about who was going to pay for the necessary equipment that PSAP’s would use to get information out to first responders from the Enhanced 9-1-1 system, the PUC didn’t have an answer, which likely means it will be another unfunded mandate that local government will end up having to pay for. There’s also an issue with the state wanting everyone to use our own personally used devices rather than purchasing devices for agencies to use, but that could that someone could end up having their personally owned phone taken away as part of an investigation. Director Lothrop stated that this *should* be figured out at the state level. He added that there are also major liability issues with these new types of technology coming into the center (videos, pictures, etc.), such as if a video or photo comes in and dispatchers do not notice something going on in the background that might alter the outcome of an incident. It’s asking dispatchers to almost become investigators.

- A vote was taken with all in favor.

Reserve Withdrawals:

Airport Equipment	461608-14610	\$82.25
DARE	200008-10070	\$345.34
	Total	\$427.59

IV. Action Items

1. Act on Approval of the Transfer of Forfeited Assets in the form of \$834.00 (or any portion thereof) to Knox County in the *State of Maine v. Reginald Perreault*.

- A motion was made by Commissioner Carol Maines to approve the Transfer of Forfeited Assets in the form of \$834.00 (or any portion thereof) to Knox County in the *State of Maine v. Reginald Perreault*. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

2. Act to Approve Expenditure of Federal and State Forfeiture Funds to Purchase Guns for the Knox County Sheriff's Department.

Chief Deputy Carroll stated that he was requesting to use both state and federal forfeiture funds to purchase firearms for the Knox County Sheriff's Department. He said that the request isn't a reaction to the recent events but is more about giving officers better tools to do a better job protecting themselves and the people of Knox County. Law enforcement tactics have evolved just as crime tactics have evolved, and the Sheriff's Department needs to do a better job of arming the deputies. There are currently three deputies that are carrying their own, personally owned firearms, and some of the others are carrying weapons originating from the Vietnam War that are on loan from the military. Many of the deputies do not have a rifle in their vehicle and only have a pistol, which is insufficient in some instances. Thankfully, most of the armed confrontations that the deputies have been involved in have been resolved peacefully, but most of the time the deputies are outgunned, and if the situation escalates, they are not as prepared as they could be. The purchases would also allow the department to return the older handguns to the military and give the three deputies using their personal weapon County-issued firearms instead.

Chief Deputy Carroll introduced Deputy Arthur Smith Patrol Supervisor Patrick Polky, and Detective Supervisor Reggie Walker to the Commission. He said that Deputy Smith has done a lot of work researching what firearms would be best for Knox County. The department would use forfeiture money to pay for rifles and newer handguns. Chief Deputy Carroll stressed that this was a very good use of the forfeiture money and that the equipment will last a long time with proper care and training.

Commissioner Maines asked why it is considered a good idea that everyone have the exact same model firearm. Chief Deputy Carroll answered that it makes weapons interchangeable regardless of which officer is using them, which also helps with training everyone, and it means all of the deputies know what everyone else is carrying. It means that any deputy should be able to pick up another employee's firearm and be able to use it. The weapons would be locked and secured in their cruisers, in tamperproof containers that would be hidden from view, which is set by department policy and deputies are trained on all policies and procedures. All officers will be taking a full qualification course, with Detective Walker as the firearms instructor, on the new weapons before they are issued any to carry. Deputy Smith added that it takes about 8 – 12 weeks for the ordered weapons to arrive and then the deputies can start being trained. It probably won't happen until sometime around October. Training is done at the Beaver Lodge shooting range (the Knox County Fish & Game Association).

Sheriff Dennison commented that if there were an active shooter situation in Knox County, deputies aren't going to have time for a SWAT team to get here. These new rifles have a shorter barrel which is important when an officer is going room to room. Chief Deputy Carroll added that if a SWAT team is called, it is generally a two hour wait, but tactics have changed now so that officers don't wait for a SWAT team. Whatever officers are already there just goes in because it's been proven to save lives in the long run.

Commissioner Moody commented that he regrets that society has gotten to the point where these things are necessary, but no one wants to face the consequences of not appropriately armed and trained officers.

- A motion was made by Commissioner Carol Maines to approve expenditure of federal and state forfeiture funds to purchase guns for the Knox County Sheriff's Department in the amount of a net of \$37,951.78. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.
3. Act to Approve a Contract Between Knox County and the Town of Vinalhaven for Sheriff's Deputy Services for the Contract Year July 1, 2016 to June 30, 2017.
- It was explained that this was a renewal of the existing contract. The changes include language explaining that since the Town provides the vehicle, the Town will also provide all associated equipment within the vehicle, such as the lights, radio, etc. The deputy using the vehicle will still have County-issued equipment, such as firearms. The County insures the vehicle and agrees to provide the same coverage as it does for its own vehicles. The language transferring ownership of the vehicle if the contract is terminated was removed since the Town owns the vehicle. The notice of cancellation of the contract was changed from providing 30 days to 90 days to give Vinalhaven more to make other arrangements. The Town of Vinalhaven Board of Selectmen have approved the contract and signed it.
- A motion was made by Commissioner Carol Maines to approve the contract between Knox County and the Town of Vinalhaven for Sheriff's Deputy Services for the contract year July 1, 2016 – June 30, 2017. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.
4. Act to Approve the Revised Deputy Finance Director/Treasurer Job Description.
- When the Deputy Finance Treasurer job description was changed in 2011, the title wasn't updated to match the new title of the Finance Director. The recommendation was to change the job description title to Deputy Finance Director/Treasurer. This is the only change being made.
- A motion was made by Commissioner Carol Maines to approve the revised Deputy Finance Director/Treasurer job description. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.
5. Act to Approve Expenditure for Roofing Consulting & Design Services.
- Administrator Hart explained that he has been working on getting pricing and information on the cupola roof replacement, downspouts repair, and roof replacement near the cupola for 2017. The roof and downspouts are copper. He requested that the Commission approve an amount not to exceed \$13,062.00 to be taken from the Courthouse Maintenance Reserve Account to be used for Building Envelope Specialists (BES) a total roof assessment which will include the cupola, all downspouts, a roof plan, and design documents and specifications so that the County can bid out and schedule construction. Once the designs are ready, we will put the project out to bid ourselves; we wouldn't have BES do that part. The actual construction work would come out of the 2017 budget. This will complete the total exterior of the courthouse. He reminded everyone that he had applied for a grant with the Maine State Historic Preservation Commission to offset the cost of the cupola repairs project. Continuing to use BES for consulting and design services keeps things consistent by having the proper assessment and designs.
- Commissioner Moody asked if the County had ever put in writing to the state that they need to keep up with maintenance on their half of the building. Administrator Hart said no, but that he could do so if the Commission wanted him to. Commissioner Moody said that he wanted to be on the record that the County brought it to the State's attention.
- A motion was made by Commissioner Carol Maines to approve expenditure for roofing consulting and design services in an amount not to exceed \$13,062.00 to be taken from the Courthouse Maintenance Reserve account. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

V. Discussion Items1. Discussion of the Building Envelope Project.

The final inspection of the project was completed on July 7th with Stephen Jones of BES, Travis Whitehead of Knowles Industrial Services, Barney Stilphen, Supervisor of KIS, Building Maintenance Supervisor Don Decker, and Administrator Hart. It was agreed that everything was completed as specified and the courthouse looks great. There will be a final payment request for Knowles Industrial Services. Steve and Travis will work on providing a maintenance plan for caulking joints around windows as needed and checking for separation of soft joints, skyward facing joints, control joints, and joints between dissimilar material (i.e. granite and bricks). These joints last anywhere between 5 - 8 years and Travis indicated that we should look at the entire building every 6 months with binoculars and take pictures and document any signs of possible separation, etc. When maintenance needs to be done, KIS will come and do it. KIS did repairs that they didn't even charge us for and even left us 20 gallons of paint for Don Decker to use to paint doors, etc. to match the windows.

When asked about the repair that had to be done to the window in the finance office, Administrator Hart explained that it cost about \$4,700 to fix because the workers had to take the window out since it hadn't been put in correctly last year, and they also had to fix some areas around the window and fix the wall.

2. Discussion of the SHAPE Certification Process.

All County departments are working on completing training and correcting items that were found during our on-site inspection for the SHAPE Certification. The initial deadline for corrections is July 13th, but Administrator Hart has requested a 36 day extension until August 19th to complete everything. He explained that he had been told that the County would have 60 days to make corrections once receiving the report, but was actually only given about 30 days from the receipt of the report to get everything done.

3. Discussion of the Compensation Study.

Administrator Hart noted that a few more counties have responded over the last few weeks and there is one more county expected to respond. The results and initial recommendations will be discussed with the Commission at the August 15th Commission Meeting.

VI. Other BusinessLegislation Supported by the Maine County Commissioners Association

Commissioner Moody asked if there were any legislative needs that the MCCA should be supporting beyond what the MCCA already knew about. No one mentioned anything new.

VII. Adjourn

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

The meeting adjourned at 3:21 p.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

**The Knox County Commission approved these minutes at their regular meeting
held on August 15, 2016.**