

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – August 11, 2015 – 2:00 p.m.

The regular monthly meeting of the Knox County Commission was held on Tuesday, August 11, 2015, 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 (*left at 3:34 p.m.*), Sheriff Donna Dennison (*left at 3:34 p.m.*), Jail Administrator John Hinkley (*left at 3:34 p.m.*), Building Maintenance Supervisor Don Decker (*left at 3:04 p.m.*), and Finance Director Kathy Robinson (*left at 3:54 p.m.*).

Others present: Maine Pretrial Services Director Elizabeth Simoni (*left at 2:45 p.m.*).

Regular Meeting – Agenda Tuesday – August 11, 2015 – 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 July 14, 2015.
 - iii. Monthly Written Departmental Reports.
 - iv. Reserve Withdrawals.
- IV. 2:20 Action Items**
 - 1. Act to Award Snow Removal Bid for Courthouse, Jail, and Public Safety Building for 2015 – 2016, 2016 – 2017, and 2017 - 2018 Winter Seasons.
 - 2. Act to Approve and Authorize the Chair to Sign the Revised Agreement by and between Knox, Lincoln, Sagadahoc, Waldo Counties and Maine Pretrial Services, Home Release, Monitoring, & Diversion Services in District 6.
 - 3. Act to Approve and Authorize the County Administrator to Sign a Lease Agreement By and Between Knox County and Maine Pretrial Services for Space at the Knox County Courthouse.
 - 4. Act on Request of Payment to MCEDD.
 - 5. Discussion and Vote on How to Proceed With Phases 2-4 for the Building Envelope Project.
 - 6. Act to Approve Jail Budget Review and Approval Process.
 - 7. Act to Approve Date & Time for 2016 Budget Review with the Commission.
 - 8. Act to Approve 2016 Budget Process Calendar.
 - 9. Act to Appoint a Commissioner to Serve on State Claims Hearings on September 23, 2015.
- V. 2:30 Discussion Items**
 - 1. Discussion of Video Streaming Meetings.
 - 2. Discussion of Program Grant and Planning & Economic Development Funding Requests and Budget Consideration.
- VI. 2:40 Executive Session**
 - 1. Convene in Executive Session to Discuss a Personnel Matter Pursuant to 1 M.R.S.A. §405(6)(A).
- VII. 2:55 Other Business**
- VIII. 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.

II. Public Comment

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

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 July 14, 2015.
- iii. Monthly Written Departmental Reports.
- iv. Reserve Withdrawals

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

Reserve Withdrawals:

Airport Equipment	4616008-14610	\$338.00
Courthouse Renovations & Maintenance	200008-12680	\$3,393.00
Deeds Surcharge	200008-12740	\$5,777.46
Forfeiture Money – Federal	200008-12860	\$2,200.00
	Total	\$11,708.46

IV. Action Items

1. Act to Award Snow Removal Bid for Courthouse, Jail, and Public Safety Building for 2015 – 2016, 2016 – 2017, and 2017 - 2018 Winter Seasons.

The County went out to bid for snow removal, sanding, hand shoveling, and snow blowing services for the Courthouse, Public Safety Building, and Jail for the next three winter seasons. The RFP was sent to eleven vendors but only two vendors, Farley & Son Landscaping (the current vendor) and Performance Paving, submitted bids:

**Knox County Snow Removal/Sanding Bid
August 7, 2015**

November 1, 2015 - May 1, 2016			
<u>Facility</u>	<u>Location</u>	FARLEY	PERFORMANCE
Courthouse	62 Union Street	\$9,800.00	\$8,500.00
Public Safety Building	301 Park Street	\$6,900.00	\$2,000.00
Jail Complex	327 Park Street	\$5,900.00	\$4,000.00
	Total	\$22,600.00	\$14,500.00
	Front End Loader Hourly Rate	\$110 - \$135*	\$120.00
	Truck Hourly Rate	\$80.00	\$70.00
November 1, 2016 - May 1, 2017			
<u>Facility</u>	<u>Location</u>	FARLEY	PERFORMANCE
Courthouse	62 Union Street	\$10,200.00	\$8,677.00
Public Safety Building	301 Park Street	\$7,200.00	\$2,176.00
Jail Complex	327 Park Street	\$6,200.00	\$4,173.00
	Total	\$23,600.00	\$15,026.00
	Front End Loader Hourly Rate	\$110 - \$135*	\$120.00
	Truck Hourly Rate	\$80.00	\$70.00
November 1, 2017 - May 1, 2018			
<u>Facility</u>	<u>Location</u>	FARLEY	PERFORMANCE
Courthouse	62 Union Street	\$10,700.00	\$8,849.00
Public Safety Building	301 Park Street	\$7,500.00	\$2,348.00
Jail Complex	327 Park Street	\$6,500.00	\$4,345.00
	Total	\$24,700.00	\$15,542.00
	Front End Loader Hourly Rate	\$110 - \$135*	\$120.00
	Truck Hourly Rate	\$80.00	\$70.00
	BID TOTAL:	\$70,900	\$45,068

* Depending on loader size

Administrator Hart said that he had also given the Commission a copy of the 2012 bid results from when it was bid out three years ago. Originally, only shoveling was being done at the courthouse, and even though the only real change to the RFP this year was adding in shoveling at the Public Safety Building, Farley & Son's bid is almost double what their 2012 bid was. When contacted, Farley's indicated that their bid was based on the last three winters having above average snowfall.

Administrator Hart said that he had called all six references for Performance Paving and none of them had any issues; however, most of the references didn't have Performance Paving doing the shoveling. Administrator Hart said that he was concerned with Performance Paving's bid being as low as it is because he wasn't sure the owner really understood how much shoveling is required. The Public Safety Building is a 24/7 facility. Administrator Hart recommended awarding the bid to Performance Paving for one year, contingent on performance during that first year, and then the Commission could choose whether or not to award the contract for two more years. He said that if Farley's bid had been lower, he might have recommend staying with the same vendor because that can often be better than switching vendors, but in this case he did not have a problem trying out Performance Paving and see how it works out for one year.

- A motion was made by Commissioner Richard Parent to award the bid for snow removal at the courthouse, jail and public safety building for the 2015-2016 winter season to Performance Paving for \$14,500, which could be extended for two more winter seasons contingent on performance. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

2. Act to Approve and Authorize the Chair to Sign the Revised Agreement by and between Knox, Lincoln, Sagadahoc, Waldo Counties and Maine Pretrial Services, Home Release, Monitoring, & Diversion Services in District 6.

This is the same agreement that the Commission approved last year, with the only difference being the length of the term of the agreement and the dollar amount. The term of this agreement is six months: July 1, 2015 - December 31, 2015, mostly because of the uncertainty of the law that was just passed relating to funding. Maine Pretrial Services Executive Director Elizabeth Simoni, in attendance at the meeting, had worked out the agreement with the spokesman of the four counties, Sheriff Jeffrey Trafton of Waldo County. Sagadahoc County has already signed it.

When asked why Knox County was paying so much more than the other three counties, Ms. Simoni explained that Knox has two full-time staff and a bigger program than the other counties. She said that because of the size of the program in Knox County, it makes sense to have the two full-time staff because they go to the jail every day to screen people and go to court when the "client" has their initial appearance. She noted that Knox County has had two full-time staff for many years and it seems to be working well. It was also noted that the County is paying less than previous years now that MPS utilizes some space in the courthouse.

Commissioner Moody noted that Knox County may pay more for pretrial services but that means being able to pay far less on boarding costs. Jail Administrator John Hinkley stated that the contract pays for itself within three months. He added that now that the counties have their jails back, each county will be responsible for paying their own boarding costs when inmates are boarded out at other jails. Without MPS keeping some people out of jail, the County would be paying to board out all of those inmates. Sheriff Donna Dennison commented that Maine Pretrial does a great job for Knox County.

Commissioner Parent asked about all the concerns that had been brought up before MPS moved into the Courthouse relating to MPS clients roaming the building. It was noted that after the first few weeks, most of the people were able to find the MPS office without any help. There are still a few that get lost occasionally and there has been a couple incidents of people being really distressed about MPS' office being closed when they came in, but for the most part there hasn't been many issues.

- A motion was made by Commissioner Carol Maines to approve and authorize the Chair to sign the revised 6 month agreement by and between Knox, Lincoln, Sagadahoc, Waldo Counties and Maine Pretrial Services, Home Release, Monitoring, & Diversion Services in District 6, ending December 31, 2015. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.
3. Act to Approve and Authorize the County Administrator to Sign a Lease Agreement By and Between Knox County and Maine Pretrial Services for Space at the Knox County Courthouse. This is a renewal of the current lease agreement. The term is six months from July 1 - December 31, 2015.
- A motion was made by Commissioner Richard Parent to approve and authorize the County Administrator to sign a lease agreement by and between Knox County and Maine Pretrial Services for space at the Knox County Courthouse to expire December 31, 2015. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

4. Act on Request of Payment to MCEDD.

The 2015 Knox County Budget appropriated \$10,000 to the Mid-Coast Economic Development District (MCEDD). MCEDD and MCOG have merged and kept the name MCEDD. MCEDD Board Chair John Shattuck had written to Commissioner Moody explaining about Camden, Rockland, Rockport, and Thomaston having joined MCEDD on their own, and the funding gap to cover the remaining 14 municipalities is \$16,094. Half of that amount is \$8,047.00, and if the County pays the remaining \$5,000, that still leaves an amount of \$3,047. The problem is that the 2015 Budget only allotted \$10,000 total for the calendar year. Administrator Hart explained that he told Mr. Shattuck that the County doesn't have an extra \$3,047 to spend. The response received was that if the County sends a check for \$5,000 and not \$8,047, MCEDD will send the check back and Knox County won't be in MCEDD anymore. Paying the extra \$3,047 only gets the County to the end of 2015. MCEDD's new funding formula is based on \$0.75 per capita. Mr. Shattuck will be attending the quarterly budget meeting to make a presentation on MCEDD so that the Commission and Budget Committee can ask questions.

Commissioner Moody stated that while he has been a big supporter of MCEDD, he found it pretty hard to see what the County and 14 towns would really get out of being in MCEDD for the remainder of the year. He suggested waiting until after Mr. Shattuck's presentation at the quarterly meeting and a decision at the September meeting. He noted that the projects MCEDD might help with are in the towns that already joined on their own.

It was noted that even if the County elected not to send the additional money this year, Commissioner Moody would remain a rep on the MCEDD board because of the number and size of the Knox County towns that are participating. It was also noted that there might be a problem with paying the \$5,000, let alone anything extra, because Mr. Shattuck had indicated that the County has to write the check to MCOG, not MCEDD. That is an issue because the County allotted money in the 2015 budget to "MCEDD", not "MCOG".

- A motion was made by Commissioner Carol Maines to table making a decision until the September 8, 2015 Regular Commission meeting. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.
5. Discussion and Vote on How to Proceed with Phases 2-4 for the Building Envelope Project. Administrator Hart explained that he had provided the commissioners with an estimate for Phases II, III, and IV that Building Envelope Specialists had given him back in March. He said that he was still getting additional figures and more concrete information as well as costs for window replacements. He said that he wanted to know how the Commission would like to proceed. Phase I has been completed.

Steve Jones from Building Envelope Specialists is going to be at the quarterly budget meeting to present information on the project.

Administrator Hart went over a variety of funding options for the remainder of the project. If the County wanted to go out to bond this November, the wording of the bond question and the other information has to be turned in to the State in less than two weeks from now, which is virtually impossible. If the County went out to bond in June, the County would have to pay to have the bond question printed for the voting booths. The State puts out their bonds in November, so if the County does it then, the County's bond question can be printed on the back with no cost to the County. He said that he had talked to James Saffian, who handles the County's TAN, about the possibility of a lease/purchase. Mr. Saffian said that the County can do that. The cost of doing a lease/purchase would be less than the cost of doing a bond but he did not have exact figures yet. Sagadahoc did the lease/purchase, which is unusual since that's usually done for equipment and not a building, but it worked out for them. Another option would be to build the project into the operating budget; however, if the rest of the project is done in phases, the County will pay far more in the long run because the costs for masonry are going up significantly.

One benefit of doing the project all at once and get all of the other repairs, such as the rest of the window replacements, done at the same time is that everything will be done at far cheaper rates and the building will only require minimal maintenance afterwards. Knowles has said that they will offer us a significant price reduction if the County has them continue the other phases now so that the company's crew can work through the winter.

The consensus of the commissioners was that a lease/purchase sounded more preferable compared to doing a bond or trying to build it into the operating budget over several years. It was noted that if the County went with a lease/purchase, the interest payments for it would be built into the operating budget.

- A motion was made by Commissioner Carol Maines to table making a decision until the September 8, 2015 Regular Commission meeting. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

6. Act to Approve Jail Budget Review and Approval Process.

LD 186, which turned the county jails back over to the counties, has now become Public Law 335. The one item still undecided is how much funding each jail will receive from the State. Administrator Hart wanted to know if the Commission wanted the jail budget to be included in the County's 2016 Budget draft and have the Budget Committee review it along with all the other departments. He also wanted to know if the jail's budget would stay on a fiscal year or go to a calendar year again like the rest of the county's budget.

The Major noted that there is no longer a Board of Corrections, and the BOC never actually approved the 2015 – 2016 fiscal year budget before being disbanded by the new law. He said that he did not have a budget for the remainder of the year because the jail has been on a fiscal year, which ended June 30th.

There was a discussion about whether to keep the jail on a fiscal year or to change it back to a calendar year with the rest of the County's departments. The County still approached the jail budget as a calendar year, but reporting was done to the state in fiscal terms. There is always the chance that the jail situation will change and the County would be required to have the jail on a fiscal year. It is also possible that the County will eventually change to a fiscal year, in which case the jail would have to be changed back again. No vote was taken on this issue.

There was also a discussion on what the jail should do for a budget for the remainder of the 2015 calendar year. The Major was concerned about having figures to shoot for so the jail did not spend more money than it actually had. The State is supposed to be giving money to the jails, but no one

knows how much or if/when it will even happen. That only makes it that much harder to determine what funding the jail actually has to work with. Administrator Hart felt that the County should probably wait until the Commissioner of the DOC makes up his mind about what money we're getting. He also felt that for the remainder of 2015, the jail should just work to not spend beyond the capped budget amount approved in the County's 2015 budget. Technically that is built into the full County budget, so there are actually some funds there for the jail's operations. Finance Director Robinson suggested that if the County has not received funding from the state by the next Commission meeting in September, the County should probably operate under the assumption that there won't be any funding coming at all. Commissioner Moody asked that the issue be placed on the September agenda.

It was noted that the jail's audit is currently scheduled to be done by the County's auditors in two weeks. Since cash flow has come to a halt until the municipal taxes come in, it was suggested that the County wait to do the jail audit. The jail is included in the whole county audit anyway, and the only reason it was being done separately was because the BOC had required it, but the BOC no longer exists.

- A motion was made by Commissioner Richard Parent to postpone the jail audit for now. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

7. Act to Approve Date & Time for 2016 Budget Review with the Commission.

Administrator Hart proposed that the Commission meet with Department Managers to review the 2016 budgets on Friday, October 2, 2015.

- A motion was made by Commissioner Carol Maines to set the date and time for the 2016 budget review with the Commission for Friday, October 2, 2015 at 9 a.m. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

8. Act to Approve 2016 Budget Process Calendar.

- A motion was made by Commissioner Richard Parent to approve the 2016 Budget Process calendar as presented. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

9. Act to Appoint a Commissioner to Serve on State Claims Hearings on September 23, 2015.

Two other times the State has scheduled State Claims Hearings and asked that a Commissioner serve on the hearing board and both times the hearings were cancelled because the cases were resolved before then. That could happen again, the Commission still needed to appoint a representative. The hearings this time are for properties in the Town of Warren. Commissioner Parent noted that he didn't think he could do it this time because the properties are all in Warren.

- A motion was made by Commissioner Richard Parent to appoint Commissioner Carol Maines to serve at the State Claims Hearings on September 23, 2015. The motion was seconded by Commissioner Roger Moody. A vote was taken with 2 in favor and 1 abstention (Commissioner Maines).

V. Discussion Items

1. Discussion of Video Streaming Meetings.

Administrator Hart explained that he had spoken with two companies that provide live streaming of meetings: Earth Channel, which is out-of-state, and Town Hall Streams, which is located in York, Maine and serves somewhere around 25 – 30 municipalities and some school districts in Maine and others in other states. The Commission had been provided with a proposal from Town Hall Streams. Earth Channel was supposed to be sending their proposal to the County as well but hasn't yet. The

Town Hall Streams proposal is for two free months for November and December, after which the County would pay \$200 per month. It's about \$4,000 per year. Earth Channel does not have any clients in Maine. Administrator Hart cautioned that he wasn't sure the Budget Committee would support this or not because it's another new expense in the budget.

It was noted that if the County decided to use the service, the company would be able to track whether or not members of the public were even viewing the videos so the County would know if it was money well spent. It was also noted that since Commission meeting recordings, whether audio or visual, need to be retained for six years, there would need to be a way to get a copy to be stored by the County in the archives. Administrator Hart said he would ask about that. Commissioner Moody also requested that Administrator Hart ask about the camera that would be used and whether someone would need to operate it, and whether it would have zoom-in or panning capability. Administrator Hart said that he would get more information for the September meeting.

2. Discussion of Program Grant and Planning & Economic Development Funding Requests and Budget Consideration.

At the joint quarterly budget meeting back in May, there was a discussion about the fact that the time spent reviewing and discussing grant agency funding requests needed to be cut back significantly. Agencies provide material in advance of the budget review sessions so that members of the Commission and Budget Committee need to read the material ahead of time. Most questions can be answered just by reading the material.

Time & Tide RC&D has not been funded by the County since 2012, and every year since there have been issues with Time & Tide either not turning in their request by the deadline, or not turning it in at all.

In discussing Restorative Justice, it was noted that Waldo County uses Restorative Justice a lot, but that is in part because the programs used in Waldo include programs for adults. The programs used by Restorative Justice in Knox County are only for juveniles, and since the Knox County Jail does not hold juveniles, Restorative Justice services would not help with lowering the jail population or save money.

The main issue seemed to be whether it is the place of the County to fund social service agencies. Some Budget Committee members had voiced a lot of support for Restorative Justice's programs and the work that they do, but agreed that it was not something that the County should be funding and it was voted down. It is up to towns and cities to give funding to social services agencies. If the County were to start funding those types of requests now, that would open the door to 20 to 25 other social service agencies that should have equal access to County funds, and the County just can't afford that. The funds are all coming out of tax payer pockets whether in county or town budgets, so if the organizations are going to the towns for funding, then they shouldn't be coming to the County.

Administrator Hart wanted to know if the Commission wanted his staff to still send letters of invitation to submit funding requests to Time & Tide and Restorative Justice. The letters generally go out the second or third week of August.

The consensus of the Commission was to not send invitational letters to either Time & Tide RC&D or Restorative Justice. The four organizations still receiving the letters will be the Knox-Lincoln Soil & Water Conservation District, Knox-Lincoln Cooperative Extension Service, Midcoast Regional Planning Commission, and Mid-Coast Economic Development District.

VI. Other Business

Fiscal Year

Commissioner Moody asked if the concept of the County possibly changing to a fiscal year had been completely given up. Most of the towns were not supportive of the County changing. Administrator Hart said he didn't think it was impossible and felt that the fact that the County really struggles with cash flow makes it that much more of a possibility. The County borrowed the max possible with the TAN and yet the County is already out of money. Normally funds are borrowed from reserves until the tax money comes in, but a lot of reserve money has been spent so there is less to borrow from this year. While the County should still consider changing to a fiscal year, Administrator Hart felt that it should wait until 2017 before really getting into it. The towns would have to do a TAN to pay the County during the six month transitional budget which is a disadvantage to the towns, so some convincing might be required before the County tries to make the change. York and Kennebec Counties went ahead and changed to a fiscal year whether their towns agreed with it or not but Administrator Hart felt that working with the towns was a better idea. It was agreed that the focus needed to be on the current budget draft for 2016 and figuring out the jail budget.

Airport Runway Repairs

Commissioner Moody suggested that there should be a press release about the runway being closed for repairs for two weeks so people don't misunderstand and think the airport has shut down. It was noted that the other runway is still operational and the shutdown of the larger runway will only impact larger aircraft. The airport itself will not be closed.

VII. Executive Session1. Convene in Executive Session to Discuss a Personnel Matter pursuant to 1 M.R.S.A. §405(6)(A).

- A motion was made by Commissioner Richard Parent to go into executive session pursuant to 1 M.R.S.A. §405(6)(A) to discuss a personnel matter. The motion was seconded by Commissioner Carol Maines. A vote was taken with all in favor.

The executive session convened at 4:26 p.m.

The executive session concluded at 5:00 p.m.

VIII. Adjourn

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

The meeting adjourned at 5:01 p.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on September 8, 2015.