

# KNOX COUNTY COMMISSION

## Regular Meeting

Tuesday – August 15, 2017 – 2:00 p.m.

The regular monthly meeting of the Knox County Commission was held on Tuesday, August 15, 2017, 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 Sharyn L. Pohlman, Commissioner District #3.

County staff present included: County Administrator Andrew Hart, Administrative Assistant Candice Richards, Sheriff Donna Dennison, Chief Deputy Tim Carroll (*left at 2:19 p.m.*), EMA Director Ray Sisk (*left at 2:45 p.m.*), Communications Director Linwood Lothrop, Airport Manager Jeff Northgraves; and Finance Director Kathy Robinson.

Others in attendance: Rockland resident Theodore Berry (*left at 2:12 p.m.*).

### Regular Meeting – Agenda Tuesday – August 15, 2017 – 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 11, 2017.
    - iii. Minutes of Joint Quarterly Budget Meeting of August 3, 2017.
    - iv. Monthly Written Departmental Reports.
    - v. Reserve Withdrawals.
- IV. 2:20 Action Items**
  - 1. Act to Approve to Rescind the December 13, 2016 Motion to take \$40,000 from the Communications Undesignated Fund Balance to Restore the Funding cut by the Knox County Budget Committee.
  - 2. Act to Approve the Knox County Strategic Plan.
  - 3. Act to Approve Date & Time for 2018 Budget Review with the Commission.
  - 4. Act to Approve 2018 Budget Process Calendar.
  - 5. Act to Approve List of Program Grants to be Invited to Request Funding in the County's 2018 Budget.
- V. 2:30 Discussion Items**
  - 1. Update on Jail Security Electronics Control Project.
  - 2. Update on Cupola Copper Roof/Downspout Replacement Project.
  - 3. Update on HVAC/Controls Commissioning Project.
- VI. 2:40 Other Business**
- VII. 2:45 Executive Session**
  - 1. Convene in Executive Session to discuss a Personnel Matter pursuant to 1 M.R.S.A. §405(6)(A).
- 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. Public Comment

Commissioner Carol Maines asked for public comment.

### Theodore Berry, resident of Rockland

Mr. Berry stated that his family had recently been to the City of Rockland's Code Enforcement Office, and that he and his family realized that the CE Office didn't have access to electronic information in the County's Registry of Deeds office. He encouraged the Commission to consider giving away information to

other government departments because he was concerned that the City's CE Office didn't have the information.

Commissioner Parent asked Mr. Berry if he had checked with the City's Assessor's Office to see if *they* had the information. Mr. Berry replied that he had not. Commissioner Parent noted that the Assessor's Office would be more apt to have the information Mr. Berry was referring to. Commissioner Maines asked who had told him that the City's Code Enforcement Office didn't have access to the information in Deeds because everyone has free access to Deeds records. Mr. Berry responded that it was the City's Code Enforcement Office. Commissioner Maines commented that Deeds information is accessible to everyone for free, both online and in the Registry of Deeds office. She suggested Mr. Berry visit the Registry and talk to the staff there.

Mr. Berry stated that his second concern relates to the Knox Regional Communications Center:

"I express concerns that the Knox County Regional Communications lacks sufficient policies in regards to...uh...dispatchers engaging in law enforcement activities... and/or...uh...assisting law enforcement...to...um...obtain...criminal information or criminal evidence, specifically...against...citizens...against members of our community. Um...there's been...at least, in recent years, from what I've noticed...um...a discrepancy between...um... statements that members of the Knox County Regional Communications have stated...um...in some instances they have stated that they are an objective entity within Knox County...uh...that does not engage in law enforcement activities. Uh...and in other instances I've seen Knox County Regional Communications employees ...uh...stating openly that they *do*, in fact, engage in law enforcement activities. So, if they *do*, it would be helpful to ensure that there is adequate policies and procedures in place...that give adequate direction...um...to...dispatchers...because what happens if you *don't* have that...what happens if we don't have that...is we have...uh...issues, in fact, that arise that become very, very long to...straighten out...take years to straighten out. There's one specific case...a man named Johnny Flower...and uh...he uh...his case went all the way to trial...and um...it was based specifically on a uh...a call through 911...uh...through Knox County Regional Communications...and the manner in which the questions are asked were a little alarming to me. One of the questions that was asked...uh...was to callers...to make written statements to law enforcement...and I don't think that would be an *objective* task for... dispatchers...to be engaging in...um...unless dispatchers, are in fact...do in fact have the authority to be, uh...not only assisting law enforcement...from an objective standpoint...but from an adversarial standpoint...which, for me, is a little alarming and susceptible to ...things like cognitive information bias...behavioral confirmation bias...that can lead to self-fulfilling prophecies ...um...that interferes with law enforcement's ability to remain objective findings...objective determinations...uh...when you have county dispatchers... making conclusions of fact...as opposed to statements of fact...um...trying to assist law enforcement in...uh...gathering criminal evidence against a suspected suspect."

Commissioner Maines asked Mr. Berry if he was saying that dispatchers are asking people who call into dispatch for a written statement, and that those statements are later being introduced in trials. Mr. Berry responded:

"Yes. Yes...and if that is going to continue, Knox County Regional Communications needs to...needs a very sufficient policy...and procedure...in regards to when they are allowed to do that. Um...at the...and so...in regards to the duty to train...the duty to direct...uh...the duty to discipline...uh...the courts – they have a three-pronged test to determine whether or not there should be...uh...additional training with regards to...the collection of criminal evidence...of criminal prosecutions of people...um...in situations or incidents...um...that may or may not warrant it. The first prong looks at...um...the

issue of whether or not a sufficient policy maker...uh...has a reasonable certainty...that one of its employees is going to encounter a certain situation...and, consistently, what I've...uh...what I've personally seen, through the courts...and um, in my community we have dispatchers making a real zealous effort to assist law enforcement officers beyond the scope of at least...from what my personal beliefs are...and from what I've seen on paper...as to what the scope...and roles of dispatchers are...uh...I think that...that prong would be satisfied. Now the second prong...would be...if you have employees...that have a whole assortment of decisions...or choices that they could make...would direction or training help them...to make sure that they don't make the wrong decision? So...a wrong decision could be...um...making a biased or unfairly prejudicial statements...uh...against specific callers...to specific individuals in a given situation...um...that then leads to a cognitive confirmation bias...by law enforcement. For me...that...that's...that's frightening. And um...I...I would like a real effort to ensure that this County does have...does have policies and procedures...um...for Knox County Regional Communications to ensure that they are not...um...exceeding the scope...of what they're actually allowed to be doing."

To make sure she understood Mr. Berry's concerns, Commissioner Maines asked him if his questions included:

1. Is dispatch supposed to be assisting law enforcement or are they supposed to be objective?
2. Do dispatchers intervene in criminal justice by getting statements when people call?
3. What kind of training or direction, through sufficient policies and procedures, are there to prevent things from happening that shouldn't be?

Mr. Berry said that Commissioner Maines was correct. Commissioner Maines noted that these were complicated questions and asked Mr. Berry if he could come back to the next Commission meeting to get his answers. Mr. Berry said that he could attend either the next meeting, or the one the following month.

Commissioner Maines asked Communications Director Lothrop if he wanted to say anything now or to respond later. Director Lothrop said he wanted to look into it.

Mr. Berry continued:

"So the third aspect of...well, there's three...the third essentially deals with the deprivation one one's constitutional rights...or not...whether it be the deprivation of the 4<sup>th</sup> Amendment...or the uh...false arrest...or um...there just be a deprivation of one's procedural due process rights...um...based on the policies and procedures...or lack thereof...that either exist or don't exist. Um...looking beyond at specs of training...and direction...um...that I...that I brought up to this Commission before...um...is the issue of...uh...disciplining employees...that blatantly violate policies and procedures...whether ones that exist...or ones that probably *should* exist...and um...[punishing them] for things that don't exist. However...each department head here is a policy maker. There are written policies...in regards to *some* things...uh...my fear...is that we don't have adequate policies and procedures for everything that employees of the County are reasonably likely to encounter."

Commissioner Maines stated that the Commission would work on the answers to his questions and get back to him. Mr. Berry thanked the Commission.

There was no further public comment.

*Mr. Berry left at 2:12 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 July 11, 2017.
- iii. Minutes of Joint Quarterly Budget Meeting of August 3, 2017.
- iv. Monthly Written Departmental Reports.
- v. Reserve Withdrawals

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

Commissioner Maines asked the Sheriff about an issue she’d recently heard about relating to Ford Police Interceptor vehicles having problems with carbon monoxide levels in the vehicles causing law enforcement personnel to get sick. Sheriff Dennison responded that the County hasn’t had any issues with that, but that she did have carbon monoxide detectors installed in the patrol vehicles just as a precaution. Chief Deputy Tim Carroll added that the issue stems from when the light bars were installed on the vehicles and a panel in the roof not being closed properly. Ford is working on the issue. Since Knox County doesn’t have light bars on the roofs of its vehicles, this isn’t an issue that the County has had to deal with.

Commissioner Pohlman asked how many new jail employees are being trained. Sheriff Dennison said that there are nine new employees that have started the training, though not all of them are full-time employees.

Commissioner Maines asked EMA Director Sisk about using code words at the Lobster Festival since he had mentioned it in his monthly report. Director Sisk explained that the idea had come up during the Lobster Festival table top exercise. There was a suggestion to have code words for certain scenarios so if there was an instance like a suspicious package, the code word would be used over the radios so that all the people that are within hearing distance of the radios on staff won’t panic and create safety issues. They had code words for just a few specific scenarios but thankfully they ended up not needing to use them.

- A vote was taken with all in favor.

**Reserve Withdrawals:**

Airport Projects	4161608-14640	\$591.50
Courthouse Renovations & Maintenance	200008-12680	\$40,000.00
Jail Capital, Renovations & Maintenance	861808-12820	\$12,800.00
Jail Vehicle	861808-12850	\$1,220.80
	Total	\$54,612.30

**IV. Action Items**

1. Act to Approve to Rescind the December 13, 2016 Motion to take \$40,000 from the Communications Undesignated Fund Balance to Restore the Funding cut by the Knox County Budget Committee.

The Commission had been advised by legal counsel to rescind their December 13, 2016 vote because it violated State Statute.

- A motion was made by Commissioner Richard Parent to rescind the December 13, 2016 motion to take \$40,000 from the Communications Undesignated Fund Balance to restore the funding cut by the Knox County Budget Committee. The motion was seconded by Commissioner Sharyn Pohlman. A vote was taken with all in favor.

2. Act to Approve the Knox County Strategic Plan.

The Strategic Planning Committee is made up of several department managers and one commissioner. The Committee developed a Mission Statement, Core Values, and a 2020 Vision. From the Vision, the Committee selected three key priorities to work on. Objectives, strategies and action plans were drafted for the top three priorities.

Commissioner Maines commented that none of the top 3 strategic initiatives had anything to do with economic development but that's something that is debated during the budget process every year. Administrator Hart explained that economic development wasn't something the committee worked on but that doesn't mean it can't be a priority for the Commission.

Commissioner Maines asked the department heads in attendance for their opinion about eventually having a position built into the budget for a fire/EMS director for the whole county. Director Sisk explained that based on a survey done with local agencies, it seems inevitable that eventually a regionalized department might be created to cut back on redundancy and help provide guidance and direction to the towns; however, it will be some time before such a thing comes to pass. If the towns aren't strongly behind it then it wouldn't be worth attempting to do. It's a subject that comes up repeatedly and there has been a lot of verbal support. Communications Director Lothrop commented that he was putting the possibility of regionalization into the KRCC's strategic plan to show the towns that the County recognizes there may be a need in the future and the County will be ready to support them. Fire departments are having a hard time finding people willing to work or be volunteers.

Commissioner Maines asked Airport Manager Northgraves about the plan referring to working on communication with employees. Manager Northgraves stated that it would be an electronic newsletter that will be issued periodically. Some employees have volunteered to help write the newsletter and he is hoping to have the first issue out by the end of next month. Commissioner Pohlman offered to help.

- A motion was made by Commissioner Sharyn Pohlman to approve the Knox County Strategic Plan. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

3. Act to Approve Date & Time for 2018 Budget Review with the Commission.

- A motion was made by Commissioner Richard Parent to review the 2018 budget draft with the County's department managers on Friday, September 29, 2017 at 9 a.m. The motion was seconded by Commissioner Sharyn Pohlman. A vote was taken with all in favor.

4. Act to Approve 2018 Budget Process Calendar.

The first draft of the budget schedule was briefly explained. Administrator Hart noted that the review sessions schedule had been changed to move the review of the program grant funding requests to the end of the review process rather than the first night of review.

- A motion was made by Commissioner Richard Parent to approve the 2018 budget process calendar. The motion was seconded by Commissioner Sharyn Pohlman. A vote was taken with all in favor.

5. Act to Approve List of Program Grants to be Invited to Request Funding in the County's 2018 Budget.

The Commission decided in 2015 and 2016 to send invitations to the Mid-Coast Regional Planning Commission, the Midcoast Economic Development District, the Knox-Lincoln Soil & Water, and Knox-Lincoln Counties Extension Service for the coming budget year). Administrator Hart asked the Commission to decide which organizations will receive invitations for the 2018 budget process. He explained that the County had stopped sending invitations to Time & Tide because they kept getting in their funding requests too late and then they just stopped completely. Restorative Justice wasn't funded the one year they did make a request, so the County hasn't included them since. He felt that it was not a

good idea to just do a general invitation open to anybody that wants to request funding, because that would just open the flood gates of people coming in asking for money.

- A motion was made by Commissioner Richard Parent to approve sending invitations to apply for funding in the 2017 Knox County Budget to the Mid-Coast Regional Planning Commission, Midcoast Economic Development District, Knox-Lincoln Soil & Water, and Knox-Lincoln Counties Extension Service. The motion was seconded by Commissioner Sharyn Pohlman. A vote was taken with all in favor.

## V. Discussion Items

### 1. Update on Jail Security Electronics Control Project.

Administrator Hart shared some of the progress for the Knox County Jail Security Electronics Control project. The surveillance riser and equipment data sheets for the surveillance system components have been completed and submitted to SMRT for review and approval. The door control and PLC design is complete. The risers are still in process. The labeling of control relays is roughly 80% complete and should be completed by 8/15. Equipment data sheets for the PLC system components have been submitted to and approved by SMRT. The order for the PLC equipment will be placed with PLC vendor by 8/4. Construction of IT Room (McCormick Builders) is 80% done with finish work (door, painting, and ceiling) to be completed in the next 2-3 weeks. Electrical is all roughed-in, walls are framed and sheet rocking is in progress. Norris (Jim Allmon) will be providing SMRT and the County an updated floor plan with electrical and HVAC layouts and data sheets for associated equipment next week. Mini splits for the IT Room are in place (Hammond Mechanical). Piping to the evaporators has been installed. Carmel Electric has completed the electrical rough-in for IT Room, installed all conduit pathways on mezzanine level for door control and surveillance cabling, and has run all cat6 cabling to camera locations as specified for minimum security coverage. Norris has provided a lift on site for contractors to utilize during their equipment delivery/mobilization.

Sheriff Dennison noted that Norris workers have made good progress in part because that pod is still empty. They still need to install the cameras when those arrive.

### 2. Update on Cupola Copper Roof/Downspout Replacement Project.

Administrator Hart shared some of the progress for the Courthouse project. The staging was set up by Seacoast Scaffolding. Coastal Copper workers stripped off and disposed of the tin roofing on the dome and the vinyl and aluminum on the siding. They changed a lot of the aluminum to copper so that the corners could be soldered. Flashings near the top were changed from aluminum to copper. This made a larger amount of copper to show at the top. The materials were a little bit more, but Eric Wass thought it would be a better job and look better. The flag on the top of the finial had to be replaced because the old one was worn out. The bottom part of the finial was covered with a new layer of copper that was soldered to the top of the roof. The entire wrought iron frame was painted with a black anti-rust paint. Once the staging came down, a layer of 1.5 in. of ISO foam board with a fully adhered .060 EPDM rubber roof was installed on the flat roof. All the new edge flashing was also copper which was tied down to the shingle roof with a hook strip. JR. Painting Co. scraped, primed, and painted the railing. New downspouts without elbows were installed at the bottoms. Bruce Colsen helped with the excavation work. All of the raisers need to be moved to line up with the downspouts, and also need to dig up and install underground drainage pipes to re-route one on one side of the front door and a new one on the other side of the front door. There should be a downspout for every forty feet of gutter but there are only two on the south half of the building. These new pipes will connect into the existing drain pipes. Bruce is waiting for Dig Safe, but he thinks he can do the work next week. After the new piping is done interstate Septic will clear the lines. Then the new downspouts will be installed. The gutters will be clean and a small tree has been removed that was growing in the rotting leaves at the top of a downspout. Hay was cleaned out of the top of the cupola left there by the birds.

Commissioner Maines asked about the status of the budget for the project. Administrator Hart it cost about an \$10,000 for do the extra work, but the original budget hasn't been overrun. He added that Coastal Copper owner Eric Wass actually put extra copper in places where there was aluminum because he wanted it to look better and last longer and he didn't charge the County for that.

Once the make the final payment on the project is made, Administrator Hart will submit the final paperwork to the Maine Historic Preservation Commission before September 1<sup>st</sup> for the grant the County received.

3. Update on HVAC/Controls Commissioning Project.

A walk-through of the courthouse had been done on August 3<sup>rd</sup> as part of the joint quarterly budget meeting with those present from the Commission and Budget Committee led by Siemens Industry, Inc. to explain what some of the HVAC issues in the building are. Siemens is working on putting pricing together and is working in conjunction with a mechanical engineer to finalize numbers and present options for the Commission and Budget Committee as part of the 2018 budget process.

## VI. Other Business

### MTCMA New England Interchange Conference

Administrator Hart was asked about the conference he had attended the previous week. He said that some of the topics discussed included:

- Changes in the municipal work force – aging employees and shortage of qualified applicants
- Millennials in the current work place (work ethic or lack thereof)
- Intern panel with interns doing presentation
- Legal challenges of a changing work force (religion or changing identity/gender)
- Unions/collective bargaining
- Personal employment agreements (employment contracts for managers)

### Airport Runway Extension Project

Manager Northgraves was asked if the runway that was being extended is back in use. He stated that the runway is operational again. There is some lighting that needs to be put in place but the County is waiting for the contractor to get that scheduled. The problem is that some of the lighting is on backorder and nobody knows when they'll be available. There's a nation-wide shortage on those but Stantec is still working on it. In the meantime there is some temporary lighting until the new lighting is available. The airport is still operating legally. The airport has been very busy. July was the first month for the Salty Owl Café and they are doing very well.

### September 12<sup>th</sup> meeting

Administrator Hart noted that the County's 2016 audit will be presented at the September Commission meeting.

### Knox County Penquis Steering Committee

Administrator Hart explained that he had received a request yesterday from Penquis asking for someone to be on the Steering Committee for 3 year term. Since the request came too late for the August meeting, it will be on the agenda in September. Administrator Hart noted that it doesn't have to be one of the commissioners that serves on the Steering Committee – it just has to be an elected official or someone with government responsibilities. He said that Rockland PD Deputy Chief Chris Young has interested in serving on the Steering Committee if the Commission didn't already have someone they were interested in appointing.

**VII. Executive Session**

1. 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 Sharyn Pohlman. A vote was taken with all in favor.

The executive session convened at 3:09 p.m.

The executive session concluded at 3:40 p.m.

**VIII. Adjourn**

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

The meeting adjourned at 3:41 p.m.

Respectfully submitted,

Candice Richards  
Administrative Assistant

**The Knox County Commission approved these minutes at their regular meeting held on September 12, 2017.**