

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – August 9, 2005 – 9 a.m.

The regular meeting of the Knox County Commission was held on Tuesday, August 9, 2005, at 9 a.m., at the county courthouse, 62 Union Street, Rockland, Commissioner Johnson being the chair and the county clerk present to record the minutes of the meeting.

Board Members Present:

Chair A. Mason Johnson, Jr. - Commissioner District #2

Anne Beebe-Center - Commissioner District #1

Lawrence F. Nash - Commissioner District #3

Regular Meeting – Agenda

Tuesday – August 9, 2005 - 9 a.m.

- 9:00 Meeting Called To Order
- 9:00 PUBLIC COMMENT- *Public Comment during other portions of the meeting will only be granted by permission of the chair.*
- 9:15 COUNTY COMMISSIONERS
- ✓ Approve Agenda – *Non Agenda Items Only Permitted if Emergency in Nature*
 - ✓ Approve Minutes of July 12 and August 3
 - ✓ Consider Tax Abatement Appeal Request Kempner v. Town of Vinalhaven
 - ✓ Update on Hosting 2006 Convention of Maine Counties
 - ✓ Discuss Convention Door Prizes for September
- 9:25 TREASURER’S OFFICE – L. Post, Treasurer
- ✓ Treasurer’s Report and Investment Withdrawals
 - ✓ Update RE: Accounting System Software
- 9:40 DEPARTMENTAL MISCELLANEOUS
- ✓ Consider Recommendation to Amend Military Leave Policy
 - ✓ Consider Request to Hold Employee Appreciation Luncheon – L. Simmons
- 9:50 COMMUNICATIONS – L. Lothrop, Director
- ✓ Monthly Report
- 10:05 BUILDING MAINTENANCE - D. McKnight, Supervisor
- ✓ Monthly Report
 - ✓ Consider Stipend for Property Management Services
- 10:15 SHERIFF’S OFFICE – Patrol – Sheriff Davey and Chief Deputy Butler
- ✓ Sheriff’s Monthly Report
 - ✓ Monthly Statistical Report – *Provided by J. Lake*
 - ✓ Discuss Vinalhaven Deputy Vacancy
 - ✓ Vote to Promote S. Witham to Full-time North Haven Deputy Position
- 10:30 SHERIFF’S OFFICE – Corrections – J. Hinkley, Jail Administrator
- ✓ Monthly Report (including Maine Pretrial Report)
 - ✓ Consider Request to Sell 1994 Jail Van
 - ✓ Consider Offer to Share JA with Waldo County
 - ✓ Executive Session RE: Personnel Matter [1 MRSA § 405 (6)(A)]
- 10:50 SHORT BREAK
- 11:00 AIRPORT MAINTENANCE – J. Northgraves, Airport Manager
- ✓ Manager’s Monthly Report (Including Projects Updates)
 - ✓ Dufresne-Henry, Inc. Monthly Report
 - ✓ Update RE: Lease Negotiations with Rockland Airport Partners
- 11:30 COUNTY CLERK
- ✓ Monthly Report
- 11:45 COUNTY COMMISSIONERS – Executive Session
- ✓ Further Deliberation Concerning County Administrator Candidates [1 MRSA § 405 (6)(A)]
- 12:00 ADJOURNMENT

MEETING CALLED TO ORDER

Chair Johnson called the August 9, 2005 regular meeting of the commission to order at approximately 9 a.m.

PUBLIC COMMENT- *Public Comment during other portions of the meeting will only be granted by permission of the chair.*

There was no public comment.

COUNTY COMMISSIONERS

Agenda Approved – *Non Agenda Items Only Permitted if Emergency in Nature*

Motion and Vote

- ❖ Commissioner Nash motioned, seconded by Commissioner Beebe-Center to approve the agenda as amended. Voted – All in favor.

Minutes of July 12 and August 3 Approved

Motion and Vote

- ❖ Commissioner Nash motioned, seconded by Commissioner Beebe-Center, to approve the minutes of July 12 and August 3, 2005 as written. Voted – All in favor.

Tax Abatement Appeal Request Kempner v. Town of Vinalhaven Tabled

The county clerk advised the commission she was waiting for an e-mail from Attorney James Brannan in reference to the Kempner tax abatement appeal request, because she was concerned with the filing date.

Commissioners opted to defer discussion on this item until word was received from Attorney Brannan.

Hosting of 2006 Convention of Maine Counties Considered

Commissioner Beebe-Center informed fellow board members MCCA had checked on having the 2006 convention at the Samoset, but it appeared as though lodging costs would be expensive. She suggested Knox County might want to host the annual convention of counties after the new hotel on U S Route 1 was completed.

Commissioners agreed they did not want to host a convention if the meetings had to be held at more than one location. Commissioner Nash suggested Knox County might be able to host the convention in either 2007 or 2008. He also noted some counties had never hosted a convention, and suggested MCCA check with those counties. He also suggested having Waldo and Knox act as co-hosts of a convention in coming years, to help defray expenses.

Commissioner Beebe-Center indicated she would relay Knox County's sentiments to the MCCA, as discussed.

Convention Door Prizes for September Discussed

Commissioners discussed convention door prizes from Knox County. It was suggested that Knox County might wish to either purchase gifts or gift certificates from the new lighthouse museum for the prizes, or simply give cash. Director Lothrop suggested gift certificates were not always welcome, if it meant having to travel a great distance to redeem the gift. After some discussion Commissioners Nash and Beebe-Center agreed to work on getting door prizes for this year's convention.

TREASURER'S OFFICE – L. Post, Treasurer

Treasurer's Report and Investment Withdrawals

-Report-

The treasurer's report was presented as follows:

| KNOX COUNTY TREASURER'S REPORT | | | |
|---------------------------------------|-------------------------------|-----------------------|-------------------|
| <i>Linda L. Post, Treasurer</i> | | | |
| Date: August 9, 2005 | | | |
| General Fund Checking | \$82,135.50 | | |
| <i>Tax Anticipation Note:</i> | <i>\$1,900,000.00</i> | | |
| <i>Past Due Rent</i> | | | |
| TENANT / LESSEE | PERIOD | DATE DUE | AMOUNT DUE |
| Airport Trailer | July - Aug 05 rent | First of month | \$3,520.00 |
| Budget Rent A Car | Nov 04 - June 05 | 25th of following mo. | <i>unknown</i> |
| Colgan Air | Portion of July & August rent | First of month | \$1,684.76 |
| | Apr - June 05 enplanement | 10th of following mo. | \$7,599.93 |

| | | | |
|--|--|--------------------------|--------------------|
| | Late fee | | \$180.47 |
| Downeast Airlines Inc. | Aug 05 Rent | First of month | \$729.28 |
| Enterprise Rent-A-Car | Feb - June 05 % of gross revenue | 25th of following mo. | <i>unknown</i> |
| Knox County Flying Club | Portion of 1st qtr & 2nd qtr rent | 1st of each qtr. | \$602.50 |
| MBNA Delaware Properties Inc. Bracebridge Corporation (MBNA) | Aug 05 hanger rent | First of month | \$671.58 |
| Bracebridge Corporation (MBNA) | 3rd Qtr Runway Access rent | Quarterly | <i>unknown</i> |
| Bracebridge Corporation (MBNA) | 2nd & 3rd Qtr fuel flowage fee Mar-June & Aug 05 rent 10 | 30 days past end of qtr. | <i>unknown</i> |
| Maine Atlantic Aviation, Inc. | Benner Ln | First of month | \$2,067.10 |
| Penobscot Island Air | August 05 rent | First of month | \$94.82 |
| Penobscot Island Air | July 05 % of revenue | First of month | <i>unknown</i> |
| Telford Aviation, Inc. | July - Aug 05 rent | First of month | \$972.38 |
| | TOTAL | | \$18,122.82 |

The treasurer noted the rent for the pilots lodging had not been paid from March through June. Commissioners suggested they would mention this item to the airport manager later during the meeting. Ms. Post also noted the federal government had not paid fees due for the airport trailer.

-Investment Withdrawals-

Motion and Vote

- ❖ Commissioner Nash motioned, seconded by Commissioner Beebe-Center, to approve the investment withdrawal from the community corrections reserve account (31001008) in the amount of \$9,116.74. Voted – All in favor.

Motion and Vote

- ❖ Commissioner Nash motioned, seconded by Commissioner Beebe-Center, to approve investment withdrawals totaling \$74,789.09. Voted – All in favor.

The investment withdrawals approved were as follows:

| Airport Project Reserve 41001025 | Airport Terminal Bldg Reserve 41001018 | Airport Computer 41001014 | Courthouse Renovations 21001040 | Forfeiture Money 21001041 | Furniture/Fixtures 21001082 | Legal Expense 21001015 |
|----------------------------------|--|---------------------------|---------------------------------|---------------------------|-----------------------------|------------------------|
| \$35,542.37 | \$7,241.39 | \$1,294.71 | \$16,577.37 | \$810.00 | \$9,963.25 | \$3360.00 |

Update RE: Accounting System Software

The treasurer informed the commission she and her deputy had attended two demonstrations on the accounting software currently under consideration by the GPCOG group that had sought bids. Ms. Post stated she had been very impressed with the software proposed by MUNIS, but Northern Data seemed to have catered their presentation to the parties that already had their system and talked mostly about upgrades. She acknowledged the accounting software would be costly, but suggested all parts of the program did not have to be purchased at the same time. She noted she had been unable to attend all three demonstrations. Ms. Post also told the commission she would meet with the Rockland finance director to find out how city officials liked the MUNIS system, and to have an on-hands demonstration of the software.

Ms. Post further noted Knox County would not have a vote in the bid decision, having missed one demonstration.

Commissioner Beebe-Center commented the financial software package would be essential to integrate tasks county-wide.

Ms. Post suggested the county might also be able to purchase the program package through a lease purchase, thereby spreading the costs out over a number of years.

Commissioner Beebe-Center inquired about the group vote to award the bid. Ms. Post noted the county would not be held to the vendor selected, and could back out of the process at any time. Commissioner Beebe-Center suggested the county hang in for now, to see how and to whom the bid is awarded.

Ms. Post stated if she had a vote, her vote would go for the MUNIS software package, however, she noted many of the other participants were already using Northern Data and might not make the switch to MUNIS for financial reasons.

Chair Johnson noted the town of Thomaston had purchased Northern Data software, but not the entire package offered.

Ms. Post said she would keep the commission updated and report back next month.

DEPARTMENTAL MISCELLANEOUS

Recommendation to Amend Military Leave Policy Approved

Mrs. Lindsey noted after the last commission meeting she had taken the information provided by the chief deputy in regards to updating the county's military leave policy. In reviewing the information received, and after visiting the U S Department of Labor Web site, the county clerk explained she had drafted a revised two page military policy for the commission's consideration. The draft policy was presented as follows:

8.7 MILITARY AND RESERVE LEAVE

Uniformed Service Members

Uniformed Services Employment and Reemployment Rights Act (USERRA) (38 USC §§4301 through 4333)

The Uniformed Services Employment and Reemployment Rights Act (USERRA) requires Knox County to grant an unpaid military leave of absence to any employee who requests such leave in order to perform service in the uniformed services upon notification. An employee who is away from work performing service in the uniformed services is entitled (not required) to use and be paid for any vacation that the employee had accrued and not used prior to the period of service.

It is the policy of Knox County to comply with USERRA and all other state, federal, and local laws. This policy applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA. In addition, under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work (and authorized training for such work) is considered "service in the uniformed services" as well.

Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty.

USERRA covers nearly all employees, including part-time and probationary employees.

Basic Provisions/Requirements

Knox County must reemploy service members returning from a period of service in the uniformed services if those service members meet five criteria:

1. The person must have held a civilian job;
2. The person must have given notice to the employer that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable;
3. The cumulative period of service must not have exceeded five years;
4. The person must not have been released from service under dishonorable or other punitive conditions; and
5. The person must have reported back to the civilian job in a timely manner or have submitted a timely application for reemployment.

USERRA establishes a five-year cumulative total on military service with a single employer, with certain exceptions allowed for situations such as call-ups during emergencies, reserve drills and annually scheduled active duty for training.

USERRA also allows an employee to complete an initial period of active duty that exceeds five years (e.g., enlistees in the Navy's nuclear power program are required to serve six years).

Employee Rights

Under USERRA, restoration rights are based on the duration of military service rather than the type of military duty performed (e.g., active duty for training or inactive duty), except for fitness-for-service examinations. The time limits for returning to work are as follows:

- a) Less than 31 days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
- b) 31 to 180 days: The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- c) 181 days or more: The employee must apply for reemployment no later than 90 days after completion of military service.
- d) Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

USERRA guarantees pension plan benefits that accrued during military service, regardless of whether the plan is a defined benefit plan or a defined contribution plan. Also, USERRA provides health benefits continuation for service members and their families during military service for up to 18 months under COBRA rules and regulations. In addition, USERRA prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve.

If the employee's period of service was less than 91 days, he or she is entitled, upon reemployment, to the exact job that he or she would have attained if he or she had been continuously employed. In most cases, that will be the same as the pre-service job.

If the period of service was 91 days or more, Knox County has the option to reemploy the returning veteran either in the position that he or she would have attained, or, alternatively, in another position of like seniority, status, and rate of pay.

If an employee returns from duty with a temporary or permanent physical limitation, resulting from service-connected injuries or illnesses, Knox County is required to make reasonable accommodations in equipment, scheduling, etc. in order to enable the employee to perform the duties of his or her reinstatement position. If a disability can not be accommodated, the employee is entitled to reinstatement in some other position, the duties of which he or she can perform despite the limitations. The employees is entitled to the position that comes as close as possible (in terms of seniority, status, and pay) to the position to which he or she would be entitled.

Upon returning from service, an employee who meets the USERRA eligibility criteria is entitled to immediate reinstatement in the county's health insurance plan – for the employee and dependents that would have been covered if the employee had been continuously employed with the county.

Motion and Vote

- ❖ Commissioner Beebe-Center motioned, seconded by Commissioner Nash, to adopt the revised Military Leave Policy as proposed. Voted – All in favor.

Request to Hold Employee Appreciation Luncheon Tabled

Pending the arrival of L. Simmons to the meeting, the request to hold an employees luncheon was tabled.

COMMUNICATIONS – L. Lothrop, Director

Monthly Report

The commission acknowledged receipt of the communications director's monthly report.

Director Lothrop noted the number of complaints were down from the previous year. The director went through some of the highlights of the report. Director Lothrop noted the state was close to defining the training curriculum for emergency dispatchers, which he had long been an advocate. He noted he was still working on the planning for the Public Officials Conference scheduled for October 12, which would include federal, state, and local agencies. He also had participated in a functional exercise of three counties: Knox – Lincoln – Sagadahoc. Director Lothrop also reported he and Supervisor Robert Coombs had provided a training class for jail personnel on the use of the new Bail

Conditions program that was now available through the state computer system. Employees were given instruction on the proper entry and dissemination of bail conditions as outlined in state policy. The Bail Conditions program was designed to enhance law enforcements' ability to deal with offenders that had posted bail and were back out on the streets in violation of their bail conditions. Officers would now be able to check on the conditions of offenders and obtain immediate detailed bail conditions, the director said. Commissioner Nash remarked this program had been a long time coming.

Director Lothrop also told the commission the issuance of warrants would now go back to the state court system, which would be an improvement.

The director also noted mutual aide protocol had been used in a recent structural fire in Camden at Renys' Department Store. Because Knox County handled emergency fire calls at the regional level, the communications center was able to not only call in Camden personnel to respond to the fire, but also called in Rockport personnel at the same time. Response to the scene was more timely than it might have been, had the call to Rockport not been so quick. The director noted the regional communications center had control over contacting all the responding agencies, and the response time had been very good.

Director Lothrop also informed the commission the center had a presence in the Lobster Festival Parade, and would also attend the Union Fair as part of his department's committee to educate the public regarding regional emergency communications.

Request to Hold Employee Appreciation Luncheon Considered – L. Simmons

Department Heads Chair Lisa Simmons requested permission from the commission to hold an employee Wellness, Safety, and Appreciation Luncheon, using stipend funds (from the commissioners' budget) to cater the event and pay for door prizes and/or gift certificates. She suggested this would go a long way to improving employees' morale, rather than just rewarding a few employees with a cash stipend that caused hard feelings amongst personnel.

Commissioner Beebe-Center noted when the state had started a program similar to that which Ms. Simmons had requested, they had included a booth set up to take employees' blood pressures, and did other things to promote wellness. She asked what the department heads had in mind.

V. Lindsey suggested the department heads first step was to get approval; then a group had been formed to work out the particulars. She further suggested the county's health insurance and workers' compensation representatives might be able to help out with handouts, or provide some on site demonstrations the day of the luncheon.

Motion and Vote

- ❖ After further brief discussion, Commissioner Beebe-Center motioned, seconded by Chair Johnson, to authorize the department heads' small group (as volunteered at the last department heads' meeting) to design a safety, wellness, and appreciation luncheon, and to come back to the commission for final approval before the luncheon was finally scheduled.

L. Post reminded the commission they had mentioned sometime last year that it would be nice to host an employees' luncheon, in appreciation for the employees in the courthouse having to put up with a lot during the courthouse construction project. She said department heads felt this event should be catered to show appreciation, rather than expecting personnel to bring in luncheon items for all to enjoy at their expense.

Chair Johnson agreed the group should put together a plan, and report back to the commission at a future meeting.

- ❖ When the vote was taken to approve the luncheon in concept, but to delay final approval pending a plan – the vote carried without objection.

BUILDING MAINTENANCE - D. McKnight, Supervisor

Monthly Report

The commission acknowledged receipt of the building supervisor's monthly report.

Mr. McKnight reported on several maintenance items, and noted repairs were being made.

Commissioner Nash inquired about the new Probate courtroom; he had gone to visit the site but had been unable to get in as the door was locked. Mr. McKnight noted the Probate office personnel had keys to the courtroom and could have let the commissioner in to see the repainted ceiling and walls.

When inquiry was made about the DA's files in the Probate vault, the county clerk noted the DA's staff had been working on the files and many had already been removed or destroyed.

Stipend for Property Management Services Tabled

Commissioner Nash noted the memorandum of agreement between the county and the state had been signed by both parties. The agreement provided the county with \$6,000 reimbursement for Mr. McKnight to oversee the maintenance and upkeep of the state's new building. Commissioner Nash acknowledged the budget committee had removed the stipend from the county's budget, but stated the budget committee had overstepped their bounds in affecting county policy. He said he had told the committee members at the time that he felt it was dishonest and would not comply.

Commissioner Beebe-Center stated either the county use the reimbursement for that which it was intended or send the money back to the state.

Commissioner Nash agreed, saying he had worked long and hard in working out an agreement with the state (Norm Ness), and again said, the budget committee's role is not to set county policy. He urged the commission to make a decision. Either use the money to provide a stipend to the building supervisor, or send the money back. He further commented the county had made a deal with the state to provide this service, and he would not take the money to put into the county's general fund.

Treasurer Linda Post was recognized by the chair, and permitted to speak on this subject. She reminded the commission that at one time during the budget review process the commission had reduced the stipend to \$2,000. Also, she said when the DA's secretary took over the support of the DA's computer system, the county received money for the other three counties, but the secretary was not given additional compensation. She also said her office had taken on additional work, but they had not received any additional money. She suggested the commission was not following what they had done in the past.

Commissioner Nash explained the stipend for the building supervisor was somewhat different than the instances noted by the treasurer. In this case the county had negotiated an agreement with the state that would provide the building supervisor with additional responsibilities. Further, Commissioner Nash said his negotiations with Mr. Ness had been done in good faith.

Commissioner Beebe-Center further noted the county had agreed to accept the added responsibilities associated with the state's new building. The building supervisor had the added responsibilities of making sure the building was maintained, including contacting vendors for repairs as the needs arise.

Commissioner Nash added, this agreement was a good deal for the state. And he didn't intend to take on the added responsibilities for nothing. He suggested if the budget committee wanted to set policy, then its members should run for county commissioner seats. Commissioner Beebe-Center agreed that the budget committee's responsibilities did not include setting county policy.

Again, Ms. Post noted the commissioners had at one time decided to reduce the stipend to \$2,000; now it appeared as though that stipend had increased to \$6,000 annually. Possibly another 15% would need to be added for FICA and other benefits, which would put the stipend closer to \$7,000.

Commissioner Nash however, said the \$6,000 stipend should include wages and benefits, so as not to cost the county any additional money.

Ms. Post commented she was not comfortable paying the stipend.

After further discussion, Chair Johnson said he was not willing to issue the stipend until the state had paid the county.

Commissioner Nash suggested the commission should decide how the payment of the stipend would be handled, and what would be withheld, and agreed the county should wait until the reimbursement was received from the state.

Commissioner Beebe-Center agreed the payment of the stipend would not cost the county any additional money.

Motion and Voted

- ❖ Commissioner Nash then moved to table a decision on the stipend for the building supervisor, until the next meeting, when more facts and figures could be known. Seconded by Commissioner Beebe-Center. Voted – All in favor.

SHERIFF'S OFFICE – Patrol – Sheriff Davey and Chief Deputy Butler**Sheriff's Monthly Report**

The commission acknowledged receipt of the sheriff's written monthly report.

Commissioner Beebe-Center noted the sheriff had sent a letter to commission members regarding a jail study meeting, too close to the meeting date for anyone to attend. She asked that in the future the sheriff should correspond via e-mail or by phone call, so commission members had the option to attend such meetings.

Commissioners inquired about cracks in the jail wall, as noted recently by the county's workers' compensation insurance carrier representative. Sheriff Davey suggested these cracks were inside the walls, and didn't appear to be detrimental to the wellbeing of the overall building. The sheriff also suggested the commissioners visit the jail to look at the cracks. Major Hinkley commented he was not a structural engineer, but he didn't think the cracks in the wall posed a problem to either employees or inmates.

Chair Johnson suggested the county take this matter under advisement.

Monthly Statistical Report – *Provided by J. Lake*

The commission acknowledged receipt of the monthly statistical report, a portion of which is inserted herein for informational purposes:

| Knox County Sheriff's Department | | | | | | | | | | |
|---|------------|--|------------|------------|------------|------------|------------|------------|------------|-----------|
| <i>Law Total Incident Report, by Location</i> | | | | | | | | | | |
| Location Code | July 2001 | | July 2002 | | July 2003 | | July 2004 | | July 2005 | |
| | Total | | Total | Inc | Total | Inc | Total | Inc | Total | Inc |
| Appleton | 17 | | 25 | 8 | 15 | -10 | 17 | 2 | 14 | -3 |
| Camden | 5 | | 2 | -3 | 6 | 4 | 4 | -2 | 3 | -1 |
| Cushing | 30 | | 30 | 0 | 27 | -3 | 54 | 27 | 26 | -28 |
| Friendship | 32 | | 19 | -13 | 30 | 11 | 31 | 1 | 24 | -7 |
| Hope | 17 | | 26 | 9 | 18 | -8 | 27 | 9 | 19 | -8 |
| Isle Au Haut | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Matinicus | 3 | | 3 | 0 | 0 | -3 | 0 | 0 | 1 | 1 |
| North Haven | 6 | | 7 | 1 | 8 | 1 | 16 | 8 | 13 | -3 |
| Out of Patrol Area | 0 | | 0 | 0 | 2 | 2 | 2 | 0 | 8 | 6 |
| Owls Head | 29 | | 32 | 3 | 36 | 4 | 44 | 8 | 57 | 13 |
| Rockland | 47 | | 76 | 29 | 72 | -4 | 86 | 14 | 118 | 32 |
| Rockport | 22 | | 25 | 3 | 9 | -16 | 11 | 2 | 12 | 1 |
| South Thomaston | 32 | | 34 | 2 | 31 | -3 | 37 | 6 | 30 | -7 |
| South Thomaston | 20 | | 27 | 7 | 28 | 1 | 30 | 2 | 28 | -2 |
| Spruce Head Island | 12 | | 7 | -5 | 3 | -4 | 7 | 4 | 2 | -5 |
| St George | 73 | | 42 | -31 | 33 | -9 | 59 | 26 | 86 | 27 |
| Port Clyde | 6 | | 5 | -1 | 2 | -3 | 8 | 6 | 16 | 8 |
| St George | 45 | | 34 | -11 | 23 | -11 | 42 | 19 | 57 | 15 |
| Tenants Harbor | 22 | | 3 | -19 | 8 | 5 | 9 | 1 | 13 | 4 |
| Thomaston | 15 | | 18 | 3 | 13 | -5 | 24 | 11 | 13 | -11 |
| Union | 63 | | 45 | -18 | 57 | 12 | 64 | 7 | 56 | -8 |
| Vinalhaven | 36 | | 48 | 12 | 38 | -10 | 43 | 5 | 58 | 15 |
| Warren | 125 | | 74 | -51 | 92 | 18 | 143 | 51 | 101 | -42 |
| Washington | 27 | | 19 | -8 | 20 | 1 | 25 | 5 | 73 | 48 |
| Total | 579 | | 525 | -54 | 507 | -18 | 687 | 180 | 712 | 25 |

Vinalhaven Deputy Temporary Hire Approved

Chief Deputy Butler requested the commission promote Lucas Brown to the position of Vinalhaven deputy in a temporary capacity. He reported Mr. Brown had visited the island last week, and the town manager had asked Mr. Brown to "go find a house" the town could rent.

Motion and Vote

- ❖ Commissioner Beebe-Center motioned to promote Lucas Brown to the position of temporary full-time Vinalhaven deputy as of August 14. Seconded by Commissioner Nash.

V. Lindsey asked what the reason was for only making this a temporary appointment. The chief deputy responded by saying the sheriff's office was still in conversation with the town officials about a resident deputy position, therefore, the office was looking at this as a temporary appointment until the first of the year. V. Lindsey noted this designation would only provide Mr. Brown with the entry level rate of pay, with no benefits.

- ❖ When the vote was taken to promote Mr. Brown, the motion carried without objection.

S. Witham Voted to Full-time North Haven Deputy Position

The chief deputy asked to promote Sean Witham from part-time deputy to the full-time deputy for North Haven.

Commissioner Nash asked what had happened to the deputy already serving on the island; he understood the townspeople really liked Deputy Potter. The chief deputy indicated Deputy Potter had asked for a transfer to the mainland.

Commissioner Beebe-Center asked if Mr. Witham was a current part-time employee with the county, to which the chief deputy replied that he was.

Motion and Vote

- ❖ Commissioner Nash then motioned to promote S. Witham from part-time to the full-time deputy position on North Haven effective September 1. Seconded by Commissioner Beebe-Center. Voted – All in favor.

SHERIFF'S OFFICE – Corrections – J. Hinkley, Jail Administrator

Monthly Report (including Maine Pretrial Report)

The commission acknowledged the written monthly report from the major, a copy of which is inserted herein for informational purposes:

| OFFICE OF THE SHERIFF OF KNOX COUNTY | |
|---|---|
| Knox County Jail | |
| 327 Park Street, Rockland, ME 04841 | |
| TO: | Hon. Commissioners, Knox County |
| FROM: | Maj. John Hinkley, Jail Administrator |
| DATE: | 08/03/05 |
| SUBJECT: | Monthly Jail Report |
| Covering 07/1-31/2005 | |
| 1. | Average daily inmate population: 53.55 (43.13 Male and 10.42 female). |
| 2. | Average daily pretrial/pre-sentence inmates: 37.65 |
| 3. | Average daily sentenced inmates: 19.68 |
| 4. | Number of inmates awaiting trial/sentence in excess of 120 days: 4 |
| 5. | Total revenue from boarded inmates from 07/01/05 to 07/31/05: 0 |
| 6. | Average daily boarders: 0 |
| 7. | Counties represented by boarders: 0 |
| 8. | Total number of inmates hospitalized: 4 |
| 9. | Total days of hospitalization: 10.75 hrs |
| 10. | Total OT hours occasioned by inmate hospitalization: 1.75 hrs |
| 11. | Total number of staff injuries: 1 |
| 12. | Number of meals served: inmates: 5,099 staff: 115 |
| 13. | Miscellaneous: |
| 14. | Maine Pre-trial report attached. |
| 15. | Number of inmates boarded out: 1-F & 5-M, 76 days @ 90.00 a day = \$6,340 July -- Year to date \$160,793.48 |

The jail administrator informed the commission he was boarding out four inmates as of this date. As of today, the boarding line was overdrawn by nearly \$35,800.

Major Hinkley said the good news was that the new control system was being installed, and should be completed within six to 10 days, after which the system would be put through a series of tests.

Request to Sell 1994 Jail Van Approved

Major Hinkley told the commission there was a 1994 jail minivan not in use anymore, and could be sold. He said he wished to advertise the sale of the vehicle.

Motion and Vote

- ❖ Commissioner Nash motioned to authorize the sheriff's office to sell the 1994 jail van through the most cost effective advertising. Seconded by Commissioner Beebe-Center. Voted – All in favor.

Offer to Share JA with Waldo County Discussed

Commissioner Beebe-Center noted Waldo County had sent their jail administrator to help out Knox County when the county was without a jail administrator. She asked the sheriff if he planned to offer the same deal to Waldo County in the absence of a jail administrator at their facility.

Sheriff Davey said this was open for discussion; Waldo had not yet asked for any assistance. He noted Major Hinkley had volunteered to help out Waldo County, if they made the request. Further, it might be beneficial for both counties to discuss the possibility of having just one jail administrator between the two facilities. The sheriff suggested having one jail administrator for the two counties could work if both counties had good assistant jail administrators on staff. The sheriff also noted that Hancock County was without a jail administrator at this time as well. Sheriff Davey acknowledged Sheriff Story had not yet requested any help from Knox County.

Commissioner Beebe-Center suggested if Sheriff Story was open to this offer, then Sheriff Davey could set up a meeting with Waldo and Knox officials.

Chief Deputy Butler stated if the proposal didn't make sense, it wouldn't be done. But, there could be an opportunity for the counties to work together in a regional effort.

Commissioner Nash agreed this should be looked into.

Motion and Vote

- ❖ Commissioner Beebe-Center motioned, pending Sheriff Davey's discussion with Waldo County Sheriff Story that the commission meet with the sheriffs and their management staffs, as well as Waldo commissioners to discuss the matter of possibly sharing a jail administrator. Seconded by Chair Johnson.

Major Hinkley told the commission he would be more than happy to help out in this instance.

- ❖ When the vote was taken on the motion to meet with Waldo County officials to discuss the possibility of sharing a jail administrator, the motion carried without objection.

Executive Session RE: Personnel Matter [1 MRSA § 405 (6)(A)]Motion and Vote

- ❖ Commissioner Nash motioned, pursuant to 1 MRSA § 405 (6) (A) to go into executive session to discuss a personnel matter. Seconded by Commissioner Beebe-Center. Voted – All in favor.

In attendance:

Sheriff Davey
Chief Deputy Butler
Major Hinkley
Melody Berry

Motion and Vote

- ❖ At the conclusion of the executive session, Commissioner Nash motioned, seconded by Commissioner Beebe-Center, to grant M. Berry a leave of absence through the end of October 2005, after all family medical leave time had been exhausted. Voted – All in favor.

SHORT BREAK

10:34 a.m. to 10:42 a.m.

**AIRPORT MAINTENANCE – J. Northgraves, Airport Manager
Manager's Monthly Report (Including Projects Updates)**

Mr. Northgraves handed his monthly report to the commission, noting he had not sent the report in advance of the meeting because he had been on vacation the previous week.

Enplanements Up and Hangar Land Leases Signed

The airport manager reported enplanements were up significantly for both Colgan Air and Penobscot Island Air.

The hangar land leases had all been signed, and all but three payments had been received thus far.

Owls Head Planning Board Permitting

Mr. Northgraves told the commission he would be meeting with the Owls Head planning board on Wednesday, August 10, and he was hopeful the town officials would accept the county's revised plan for fencing. He asked that the chair sign a letter he had prepared, addressed to the planning board, that he could use should the need arise. He said his plan was not to use the letter if the planning board granted the county the permit to proceed with the project.

Motion and Vote

- ❖ Commissioner Beebe-Center motioned, to authorize the chair to sign the letter addressed to the Owls Head Planning board, as prepared by the airport manager. Seconded by Chair Johnson. Voted – All in favor.

Commissioner Beebe-Center indicated she would plan to attend the planning board meeting scheduled for Wednesday, August 10 at 7:30 p.m.

Maine Airport Managers Association

The airport manager informed the commission he and a number of other airport managers from throughout the state were trying to reactivate the MAMA, stating airports needed a voice. He said they would be working on getting bylaws rewritten, and had planned a meeting in Pittsfield on Friday.

Augusta Airport

The airport manager noted Augusta had not advertised for a new airport manager; Jennifer O'Brien from MDOT had been filling in but was expected to work as an interim manager for only a few more weeks.

Brunswick Naval Air Station

It was noted there appeared to be a big push for the Brunswick Naval Air Station to be converted to a regional airport, should the United States Department of Defense - Base Realignment and Closure Commission (BRAC) vote to close the station. Commissioner Beebe-Center asked Mr. Northgraves what type of impact that would create for the airport, should Brunswick become a regional airport. Mr. Northgraves answered by saying there was some fear that Colgan would leave Knox County Airport; if Colgan left there would be no need to comply with Part 139 requirements.

Commissioner Beebe-Center inquired about the other airline that had shown interest in the past several years, of becoming the essential air service carrier for Knox County. The airport manager acknowledged the county might get another commercial air carrier service to replace Colgan, but the company might not receive any subsidy. It was suggested a different route might be developed, other than the normal Boston run from Knox County.

Airport Public Advisory Committee (APAC)

The airport manager told the commission the APAC had met on July 18, and they were concentrating on developing the bylaws and a business plan for the airport. He also said the committee was working on putting together a separate document detailing how people could become members of the committee and its subcommittees.

Mr. Northgraves indicated he would draft the commissioners' charter to the APAC for the commission to review and adopt.

Update RE: Lease Negotiations with Rockland Airport Partners

Mr. Northgraves informed the commission he was attempting to get an electronic drawing of the property RAP wished to include in a lease with the county, to use as Exhibit A in the proposal currently before the board. Once this was obtained, the airport manager said he would forward the lease proposal to Donna Witte at FAA for review.

Airport Rentals – mentioned earlier in the meeting

Chair Johnson inquired about the rent due for Benner Lane. Mr. Northgraves noted the rental fees were due from Roland Lussier, who had a lease agreement with the county for this property, until recently. The airport manager said he had spoken to Mr. Lussier's accountant, and would do so again, to remind him of the balance due.

Mr. Northgraves also informed the commission he had spoken to people at Budget Rent-A-Car, and they all agreed money was owed the county, but he was unable to find the person responsible for making sure that happened.

Chair Johnson suggested the airport manager convey to Budget Rent-A-Car that the commission would expect the reason why the fees hadn't been paid by the next meeting, or expect payment before then.

Commissioner Beebe-Center inquired about Enterprise Rent-A-Car. The airport manager noted RAP was thinking about offering car rentals through Enterprise out of their facility.

Dufresne-Henry, Inc. Monthly Report

The commission acknowledged receipt of the monthly report from Dufresne-Henry.

COUNTY CLERK

Monthly Report

The commission acknowledged receipt of the county clerk's monthly report.

The county clerk noted she was taking minutes of the meeting by hand, because her laptop computer would not boot. Mrs. Lindsey requested permission to purchase a laptop computer replacement using computer reserve funds, should her laptop prove to be too old and/ or too costly to repair.

Motion and Vote

- ❖ Commissioner Beebe-Center motioned, seconded by Chair Johnson, to permit the county clerk to purchase a laptop computer pending the disposition of the present one, using computer reserve funds. Voted – All in favor.

Commissioners further discussed various items in the clerk's report, before proceeding with other county business.

COUNTY COMMISSIONERS

Deliberation Concerning County Administrator Candidates

Motions, Discussions, Withdrawals, and Votes

- ❖ Commissioner Nash motioned to go into executive session pursuant to 1 MRSA 405 (6) (A) to further deliberate the candidates for county administrator. Seconded by Commissioner Beebe-Center.
- ❖ Before the vote could be taken on the first motion, Chair Johnson moved to hire William Post as the administrator for Knox County. [This motion was not seconded at this time.]

Commissioner Nash stated as a matter of procedure, the commission should first vote on the motion that had been seconded before addressing other motions.

Chair Johnson emphatically stated he was not entertaining holding an executive session.

Regardless, Commissioner Nash explained the first motion needed to be voted on unless it was withdrawn.

Again, Chair Johnson remarked he would not be part of an executive session.

As a matter of procedure, in following Roberts Rules of Order, Commissioner Nash claimed the first motion that was seconded either had to be moved up or down; if the motion was amended, the amendment would have to be voted up or down – that was the correct procedure.

Chair Johnson stated the other commission members could do whatever they wanted to do – but, he would not be part of an executive session.

Again, Commissioner Nash stated the first motion had to be voted up or down.

After further brief discussion, Commissioner Nash said he had notes made regarding the candidates, and he didn't have anything he couldn't say in open session.

Chair Johnson commented everybody knew who the candidates were, and he alleged at least one of the candidates had called a local newspaper and given their name.

After further discussion, Commissioner Beebe-Center agreed to withdraw her second to the motion, and Commissioner Nash agreed to withdraw his motion.

- ❖ Commissioner Nash then seconded Chair Johnson's motion to hire William Post.

Chair Johnson said he thought Mr. Post would make the best administrator, and he was basing his decision in the interest of his constituency. He said he had thoroughly investigated this matter and given it a great deal of thought, therefore he would vote accordingly. He said there was no way to swerve him in his decision, and he would stand by his position. He went on to say he was elected by the people in his district to think for himself in their best interest. He said he believed Mr. Post to be sincere and honest – and that was it for discussion.

Commissioner Nash said he too was elected to do a job in the best interest of his constituency. He also said he knew what type of a candidate he was looking for when the interview process began. He said he was looking for a candidate with people skills; someone who could work with department heads, select boards, and other officials throughout the state and county. He said he disagreed with the chair's selection and would vote against the motion.

Commissioner Beebe-Center said she also would cast her vote in the interest of the people she represented. She said she believed Knox County was at a crossroads. The goal for a county administrator was to have the people skills that would help develop relationships with the towns, various organizations, and numerous elected officials throughout the county and state. The county would need to look for ways to work with the municipalities, and to develop plans to deal with property tax issues. She suggested there might be ways for the towns and county to work together, but someone needed to help develop a process for that to happen. She suggested another candidate had those skills, therefore, she too would vote against the motion.

Chair Johnson remarked Mr. Post was in a similar position at this time and would do an "eloquent" job.

Commissioner Nash acknowledged the decision to hire one of the two finalists had not been easy. He said he had done some research and investigated both candidates. He remarked it was not often when there were two exceptional candidates from which to choose. This had been a difficult decision, Commissioner Nash stated.

Chair Johnson said he had nothing against the other candidate, but he preferred Mr. Post; he was more comfortable with Mr. Post and he had made up his mind.

- ❖ When the vote was taken to hire William Post as the new county administrator, the motion failed by a 1 to 2 vote. Commissioners Nash and Beebe-Center cast the opposing votes.

Motion and Vote

- ❖ Commissioner Beebe-Center motioned to offer Jane Desaulniers the position of administrator of Knox County. Seconded by Commissioner Nash. Voted 2 to 1. Chair Johnson cast the only opposing vote.

ADJOURNMENT

The August 9, 2005 regular meeting of the Knox County Commission concluded at 11:24 a.m.

Attest: _____
Virginia B. Lindsey
County Clerk