

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – July 14, 2020 – 2:00 P.M.

The Regular Meeting of the Knox County Commission was held on Tuesday, July 14, 2020, at 2:01 P.M., at the County Courthouse, 62 Union Street, Rockland, Maine.

Commission members present were: Dorothy G. Meriwether, Commissioner District #1 and Sharyn L. Pohlman, Commissioner District #3. *Absent: Richard L. Parent, Jr., Commissioner District #2.*

County staff present included: County Administrator Andrew Hart, Administrative Assistant Wendy Galvin, Sheriff Tim Carroll, Deputy Chief Patrick Polky, Airport Manager Jeremy Shaw,

Absent: Lauren Swartzbaugh, Lynn Chaplin, Chair Tom VonMalder and Jorge Panteli.

Others in attendance: Knox County Attorney James Katiasficas, Selectmen Gordon Page, Senior Selectmen Linda Post, APAC Member Ken Wexler, Dick Carver, Town of Owls Head Attorney Benjamin McCall and FAA Rep. Ralph Nicosia-Rusin,

Regular Meeting – Agenda Tuesday – July 14, 2020 – 2:01 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. 2:02 Discussion Items
 1. Joint Meeting of the Knox County Commission and the Town of Owls Head Board of Selectmen to Discuss a Proposed New Interlocal Agreement Between Knox County and the Town of Owls Head Regarding the Knox County Regional Airport.
- IV. 2:15 Consent Items
 1. Approve Consent Items as Presented:
 - i. Agenda – Non-Agenda Items Only Permitted if Emergency in Nature.
 - ii. Minutes of Special Commission Meeting of May 27, 2020.
 - iii. Minutes of Special Commission Meeting of June 4, 2020.
 - iv. Minutes of Regular Commission Meeting of June 9, 2020.
 - v. Minutes of Special Commission Meeting of June 15, 2020.
 - vi. Monthly Written Departmental Reports.
 - vii. Reserve Withdrawals.
- V. 2:25 Action Items
 1. Act to Approve the Inmate Boarding Agreement Between Knox County and Waldo County and to Authorize the Chair to Sign for the Period October 1, 2020 to September 30, 2023.
 2. Act to Approve a Date & Time for the 2021 Budget Review with the Commission.
 3. Act to Approve the 2021 Budget Process Calendar.
 4. Act to Approve the List of Program Grants to be Invited to Request Funding in the County's 2021 Budget.
- VI. 2:40 Discussion Items
 1. Update on the KCPSB Floor Repair Project.
 2. Update on the Jail HVAC Project.
 3. Update on the Airport HVAC Project.
 4. Update on Lasell Island.
 5. Other
- VII. 2:45 Other Business
- VIII. 3:00 Executive Session
 1. Convene in Executive Session for Consultations with Legal Counsel Pursuant to 1 M.R.S.A. §405(6)(E).
- IX. Adjourn

I. Meeting Called to Order

Commissioner Pohlman called the Regular Meeting of the Knox County Commission to order at 2:01 P.M.

II. Public Comment

Chair, Commissioner Pohlman asked if there was any Public comment.
None.

III. Discussion Items

1. Joint Meeting of the Knox County Commission and the Town of Owls Head Board of Selectmen to Discuss a Proposed New Interlocal Agreement Between Knox County and the Town of Owls Head Regarding the Knox County Regional Airport.

Present for this meeting were the Knox County Commission, the Owls Head Board of Selectmen, FAA Representatives Ralph Nicosia-Rusin and Jorge Panteli; and James Katsiaficas, Knox County Attorney, to discuss Knox County’s Proposed Interlocal Agreement as drafted and reviewed by the Airport Manager, the County Administrator, the County’s FAA representatives, County attorney, Airport Advisory Committee and the Knox County Commission. Revisions were submitted for discussion by the Owls Head Airport Advisory Committee.

The current Interlocal Agreement will expire on June 1, 2021. A letter of explanation written by Administrator Hart on June 11, 2020 to the Owls Head Selectmen was also submitted for discussion which explained the County’s proposed Agreement.

The County’s attorney, Jim Katsiaficas, explained the Maine State Interlocal Agreement statute which allows municipalities and State Federal Agencies to enter into Agreements to jointly provide services. The existing Interlocal Agreement was entered in 2001 to resolve a wetland mitigation issue arising from development at the Airport. The County had been required to mitigate wetland encroachment by offsetting with land elsewhere. In the airports case, it was offset by land in Owls Head, land then removed from the Town’s tax base. The intent of the agreement was to limit the area of the Airport to the boundaries of the Airport itself and prevent land from being taken for wetlands mitigation within the Town of Owls Head. The agreement was entered into in April of 2001 for a term of twenty years, and it will automatically renew for another 20 years unless one party gives 90 day notice of the intent to terminate. In the interim, the law has been changed whereby if a project involves wetland impact, monetary payment is made to a State Compensation Fund; therefore, the initial rationale for entering into the Agreement no longer exists. The County does, however, recognize and is sensitive to concerns residents have about Airport development, including expansion, environmental and esthetic impact, and noise, so the revision proposes a joint board with representatives from the Town of Owls Head and the County and the Airport Manager which would serve to consult and advise the County and Town. The revised draft recognizes that it may be necessary for the Airport to expand beyond existing boundaries, but this would happen only after consultation with the Joint Board, and if the FAA recommends, requires, or regulates Airport expansion, it would be discussed with the joint board. The Owls Head Advisory Board has suggested changes to the County’s proposed agreement which include removing the joint board, and requires that the Town has approval over expansion required by the FAA. These changes proposed are contrary to what is required by the FAA for receipt of Federal grants.

The County’s intent in their proposed agreement was that, in recognition that the Airport may be required by the FAA to expand, a proposed board that represented the Town and County be created to discuss and resolve any potential issues.

Ralph Nicosia-Rusin is Knox County's FAA's Regional Planner. He explained the relationship of the Federal Government to the County, Town and Airport. The FAA does not control operation of the airport, but it does have a contractual relationship with legal and legislative requirements and obligations based on the original land obligation as an airport. FAA also has the grant program which creates a 20-year obligation to comply with the conditions upon receipt of a grant. It was Mr. Nicosia-Rusin's understanding that the key issue behind the original Agreement was when MBNA was developing the Airport, it caused a significant increase in business jet activity, which caused concern in the community and future airport planning. Mr. Nicosia-Rusin expressed respect for that concern, and wished to honor the community's desire to have input in the Airport's planning process, especially now with the funding the Airport has received under the CARES Act. When an Airport is created, the FAA tries to ensure certain powers such as taxation to fund deficits, bonding ability so they can fund capital improvements, and eminent domain to acquire any land that is necessary for the airport development that is required by FAA standards.

Decisions are made between the FAA and The County regarding the Airport. The FAA does not enter into contractual agreements with the Town, and the County has given the FAA contractual assurances which are expected to be met. Essentially, the agreement between the FAA and the County is, if you want the money, these are the criteria to follow to receive the funds as specified by Congress. For instance, the FAA requires that approaches be kept cleared; that's an obligation the Airport has, a 20 year-obligation from the time the funds were granted. If the Airport doesn't stay in compliance, it will lose its eligibility for Federal funding.

Gordon Page asked about the contractual agreement between the FAA and the County as it relates to complying with FAA standards. It was his understanding that the FAA has jurisdictional authority over how an Airport runs versus a question of grant funding that might come from the Government.

Mr. Ralph Nicosia-Rusin replied that the FAA has authority over "air space" not over "Airports." If there were a control tower, the FAA would control the flight operations in and out of the Airport, but it does not have any authority over airport operations. Where the FAA requires that approaches be kept clear, and the airport is obligated to do so for the life of any runway the FAA has improved. If an airport does not stay in compliance then it loses its Federal funding.

Stated again, the FAA has authority over air space, not over Airports. Mr. Nicosia-Rusin mentioned the discussion of extending the primary runway onto Dublin Road. That was a plan that was discussed only to consider all alternatives and practical solutions, recognizing during the discussion that relocating a Town road would not be practical.

The Owls Head Advisory Committee recommends keeping the operation as it's been for 20 years, between the Selectmen of the Town of Owls Head and the Commission. They do not recommend a new Board.

Administrator Hart described the proposed five-member board of one County Commissioner appointed by the County Commissioners, a Select Board Member appointed by the Town Select Board, one full-time County resident appointed by the Commissioners, one Town resident appointed by the Select Board and the Airport Manager, with the goal of equal representation. The intention was not to take anything away from the Selectmen and Commissioners, but to create a Committee that would make recommendations to both and would act on behalf of each. Ken Wexler, a member of the Owls Head Advisory Committee, expressed concern for equal representation for Owls Head.

Gordon Page asked if the Joint Board was intended to be "in addition to" or "to replace" one of the existing two organizations, APAC and OHAC?

Administrator Hart stated that the intent was not to replace either the Airport Advisory Committee or the Owls Head Advisory Committee. County Attorney, Jim Katsiaficas agreed that the Joint Board is not intended to take the place of the Airport Advisory Committee or OHAC. The Joint Board is simply to meet at least once a year to deal with the administration of the Interlocal Agreement only and issues arising under it.

Ken Wexler stated that five members of OHAC think the Town is losing a lot of ground from what we have currently, and it's just human nature that we want to try to keep as much as we have, although he expects a negotiating process.

Commissioner Meriwether stated that she thought the intent of the meeting and the proposed Interlocal Agreement is to improve the communication between Owls Head and the County. The proposed agreement is a good faith document that would create a board working together to constructively solve issues which might arise with the Interlocal Agreement.

Gordon Page commented on the makeup of the Board's fifth individual being jointly vetted by both the County Commissioners and the Select Board. The plan would be to move forward to benefit the County as it relates to the Airport service, to its Customers, and doesn't negatively impact the Town of Owls Head.

Dorothy Meriwether stated that the County made every effort to get this done prior to Owls Head's 2020 annual town meeting with the assumption that Owls Head is scheduled to hold the 2021 Owls Head Town meeting after the expiration of the current Interlocal Agreement. She asked about the timeline for enacting the agreement.

Gordon Page replied that the target date is the last Monday in August, 2020. He noted there was interest in ensuring that the Town has an opportunity to vote on any Agreement at the Annual Town Meeting. In the absence of that, if the Town Select Board has not come up with some conclusions at that point to present to the town meeting, they can schedule a special town meeting sometime after that.

Jim Katsiaficas explained that if June 1, 2021 comes and goes, the existing Agreement automatically renews. It could be replaced by a successor Agreement if the Town meeting approves it, and then County Commissioners approve it. If the Town meeting were to vote down a new Agreement, the County and the Town would be bound by this existing agreement for the next 20 years. So that's why there's a drop-dead date for the County that if something isn't in place before March 1, 2021, a successor Agreement that we can all agree upon, if it isn't in place and approved by the voters and the County Commissioners, the County may have to terminate by sending notice of termination 90 days prior to expiration of the current document; otherwise, the County is not protecting itself against having the agreement renew for another 20 years and the risk is that the parties can't agree to adopt a replacement Agreement and this existing one winds up carrying over for the next 20 years.

Linda Post stated that Owls Head doesn't have to vote on the agreement at the annual Town meeting, but could hold a special Town meeting in January/February. We can still go forward with it. We don't have to have it put on the agenda for this Town meeting on August 31.

Gordon Page stated that Owls Head doesn't need to approve the agreement by August of 2020 this year, but rather wish to ensure enough time to confer with the Town Attorney and to identify any of the issues that might exist in the current recommendation from the County from the Selectmen perspective. There is no question that the Board of Selectmen wants to be cooperative and collegial with the Commissioners and with the County, but the wish ample time to consider it carefully.

Gordon Page stated that all parties should have a firm decision and recommendation to get back to the County prior to the March date of 2021.

Jim Katsiaficas said, we've been talking about a Joint Board, and the 3-2 vote, and I understand there's sensitivity on that. Let's remember that the Selectmen and the County Commissioners currently only seek agreement on administrative matters for the agreement. The joint board is only to act on administration of the current Agreement. It is not for the decisions on whether boundaries get expanded or whether aggregation easements are granted or whether anything happens outside of the Airport. The existing Agreement bars that completely, but we have to be real we must be able to create aviation easements outside of the boundaries of the Airport if the FAA required it in the runway safety program, we need to have that flexibility going forward. The proposed agreement provides for consultation with the Town and the FAA. The joint board is only for the administration of the Interlocal Agreement.. So I just want to be clear as you know, there's a distinction here.

Ralph Nicosia-Rusin noted that this Agreement is representative of an important trust between the Town and County developed. It does not increase the ability of the Town to be consulted or to control what happens on the Airport. The Agreement does not grant any authority, beyond any already existing contractual obligations of the County. The Agreement does not empower the Town to control decisions of whether or not the Airport needs to buy land in the Town, but the Town does have control through other processes such as DEP and eminent domain to protect the public. Mr. Nicosia-Rusin, as a representative of the FAA, supports the proposed Agreement as a statement of trust and commitment, but he notes that it doesn't present any legal protections that do not already exist, and it cannot expand any legal protections.

Jeremy Shaw noted the target was March 1, 2021 as the 90-day cut off. The Commissioners meeting prior to that, February 9, is when the Agreement should be approved. It has to be approved by the APAC prior to the Commissioners' meeting. The County must send it for legal review after changes proposed by Owls Head, and it has to be reviewed by the FAA. There are many steps before completion. Commissioner Meriwether asked for clarification about the role of the Owls Head Advisory Committee. She wished to confirm that their role is advisory to the Owls Head Selectboard only. She asked about the extent to which County representatives should be consulting with the Select Board of Owls Head or OHAC. Selectboard members Gordon Page, Linda Post and Ken Wexler of OHAC agreed that OHAC responsibility is advisory to the Select Board, and decisions are made between representatives of the County and the Select Board.

IV. Consent Items

1. Approve Consent Items as Presented:

- i. Agenda – Non-Agenda Items Only Permitted if Emergency in Nature.
- ii. Minutes of Special Commission Meeting of May 27, 2020.
- iii. Minutes of Special Commission Meeting of June 4, 2020.
- iv. Minutes of Regular Commission Meeting of June 9, 2020.
- v. Minutes of Special Commission Meeting of June 15, 2020.
- vi. Monthly Written Departmental Reports.
- vii. Reserve Withdrawals.

- *A motion was made by Commissioner Meriwether to approve the Consent Items as presented. The motion was seconded by Commissioner Pohlman. A vote was taken with all in favor.*

V. Action Items

1. **Act to Approve the Inmate Boarding Agreement Between Knox County and Waldo County and to Authorize the Chair to Sign for the Period October 1, 2020 to September 30, 2023.**

A draft agreement has been attached that is being reviewed by legal counsel and if there are any changes, they will be provided prior to the meeting on Tuesday.

- This is a proposed Agreement. The Sheriff has spoken with Waldo County's Sheriff Jeff Trafton. Waldo County Sheriff Trafton is meeting with his Commissioners today regarding the Agreement.
 - Sheriff stated this Agreement helps us move forward, it's a win-win. The Agreement not only benefits Knox County but Waldo County as well.
 - Waldo County will be paying Knox County \$350k for the first year, then a percentage increase like a cost of living increase for year 2 and for year 3.
 - This Inmate Boarding Agreement will replace the one Waldo County has with Somerset County.
- A motion was made by Commissioner Parent to Act to Approve the Inmate Boarding Agreement Between Knox County and Waldo County and to Authorize the Chair to Sign for the Period October 1, 2020 to September 30, 2023. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

2. **Act to Approve a Date & Time for the 2021 Budget Review with the Commission.**

The Commission met with Department Managers to review the 2020 Budget draft last year on Friday, September 27, 2019 at 9:00 A.M. Administrator Hart is proposing that the Commission meet to review the 2021 Budget draft with the Department Managers on Friday, October 2, 2020. Kathy and Administrator Hart are scheduled to meet with Department Managers for an initial review of the 2021 Budget the week of September 14-18, 2020.

- *A motion was made by Commissioner Meriwether to Act to Approve a Date & Time for the 2021 Budget Review with the Commission. The motion was seconded by Commissioner Parent. A vote was taken with all in favor.*

3. **Act to Approve the 2021 Budget Process Calendar.**

The first draft of the budget schedule was patterned after the schedule for the 2021 Budget process. I will also be discussing with the Commission the scheduling of reviewing program grant Budget requests as part of the 2021 Budget process. Administrator Hart has included the proposed 2021 Budget Review Sessions Schedule as this document is still being finalized.

- *A motion was made by Commissioner Parent to Act to Approve the 2021 Budget Process Calendar. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

4. **Act to Approve the List of Program Grants to be Invited to Request Funding in the County's 2021 Budget.**

The Commission decided in 2016 to only send invitations to the Mid-Coast Regional Planning Commission, MCEDD, the Knox-Lincoln Soil & Water, and Knox-Lincoln Counties Extension Service for the 2017 Budget process (*invitations were not sent to Time & Tide RC&D or Restorative Justice, same as the year prior*). The Commission will need to decide which organizations will receive invitations for the 2021 Budget process. For the 2020 Budget, the Commission voted to send invitations to the following:

- a) Knox Lincoln Soil & Water Conservation District (KLSWCD)
- b) Mid-Coast Regional Planning Commission (MCRPC)
- c) MidCoast Economic Development District (MCEDD)
- d) Knox Lincoln Counties Extension Service (KLCES)
- e) Restorative Justice Project

Knox County only funded KLSWCD, MCEDD, KLCES, and the Restorative Justice Project in the 2020 Budget. MCRPC withdrew their request as they voted to dissolve their corporation.

- *A motion was made by Commissioner Parent to Act to Approve the List of Program Grants to be Invited to Request Funding in the County's 2021 Budget. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

VI. Discussion Items

1. Update on the KCPSB Floor Repair Project.

- The Sheriff, Jim Hagan and Administrator Hart met with Will Gartley from Gartley & Dorskey and one of their Engineers from their office at the Public Safety Building. They completed a site walk. The same day they met to look at the Crew House at the Airport and had a follow up meeting about plans for the drainage improvements at the Public Safety Building. They have agreed on a process to move forward. Gartley & Dorskey will finalize the plans and put the bid specs together and will bid it out on behalf of the County. They will select Contractors to send this out to and get it out sometime next week. Something will be brought to the Commissioners at the next meeting to be approved so we can move forward.

2. Update on the Jail HVAC Project.

- A lot of Preventative Maintenance is being done with Siemens on the HVAC Project. A bunch of replacements have been done such as belt replacements, cleaning of the roof top units and cleaning of the air handler units that have not been replaced. We have been doing other repairs such as the expansion tank and other smaller items being done. We had the underground oil tank inspection done by SMART & Son from Lewiston. Finally the County received a letter of approval from the DEP approving our extension of the warranty for ten (10) years. Now we are approved until July 9th, 2030. Next year we have an annual inspection which is a \$500 fee, and then we go to a tri-annual test. In 2030 we will have to remove the oil tank for replacement.
- We know we have some things to complete but we need some type of funding.

3. Update on the Airport HVAC Project.

- We do have funding for the HVAC Project due to the CARES Act once we get past the October 2020 dates. We are hoping to get to this in the first quarter of 2021.
- Airport Manager Shaw, Administrator Hart, Sheriff Carroll and Jim Hagan met at the Airport with Will from Gartley & Dorskey regarding the Crew House. We knew it was in bad shape but need a professional engineer's letterhead verifying that it needed to be taken down. We will put out a bid on a stick built and manufactured home to go on that site. Once we get the bids back we will put that out for approval from the Commissioners.
- We are moving forward with the drainage investigation is almost completed and moving forward well. The security system we are doing that with the vendor Cincinatti Time and the Crew House. Then we have the Solar Project. We did receive another email from Revision Energy that said we are still in the queue. We remain at QP2 and at this point there is no change in the status. They will keep us posted as to a specific time; they think we'll clear QP2 sometime in August.
- Airport Manager Shaw stated that back in our early discussions we identified that there were fifteen (15) megawatts available on the Park Street substation. Once that substation filled up we wouldn't be able to do a Solar Project at the Airport. So right now there was one (1) five (5) megawatt Solar developer ahead of us in that position. So they are in position one (1), so they are doing the impact study on Q position one (1). Once that is processed then they will process us. Right now we are the only two parties interested on that substation. Right now, our position in line is making sure that we have the spot for when our consultant is selected. Then we will be able to move forward with a request for qualifications for a Solar developer and the process can move forward.

4. Update on the Lasell Island.

- No further response.

5. Other

- The Salvation Army in Rockland reached out to EMA, and asked them to help out with the logistics of a food distribution that would take place on Friday, July 24th, 2020 at the Ocean Side High School. The food came in a refrigerated truck from the Maine Farmers Exchange and was made available due to a Federal grant which was intended to help feed the Public during the COVID-19 pandemic. Each box of food contained 6 lbs. of mashed potato, 5 lb. bag of Aroostook County potatoes, half gallon of 2% milk and a 2.5 lb. block of sharp cheddar cheese. This event is scheduled to start at 10:00 A.M. and there are no income requirements. There are 1,320 boxes to be given away, so all are welcome until food runs out. Volunteers from Salvation Army, Camden Rotary, retired Coast Guard, some Ocean Side Staff and EMA employees were present to help at the event.
- EMA is looking to put in their Disaster Declaration paperwork for the first operational period. There are a lot of expenses to review before this is all forwarded. We are working hard to make sure this is right the first time so we do not get thrown into a review pile. This review is for January 20th – May 30th.

VII. Other Business

- Finance Director Robinson stated the Audit is complete and will be emailed to Commission.
- Commissioner Pohlman wanted to thank Candice on all the work she's done with the Newsletter.
- Administrator Hart stated due to being in Contact Negotiations with both Unions he wants cancel the Executive Session.
- Administrator Hart gave out hand out of the Budget process from start to finish. The first date is for the Department Managers to get their Budget requests in to the Finance office, Budget Review with Administrator Hart and Finance Director Robinson will be held in the middle of September, then the meeting with discussion with the Commission and Department Managers, October 22nd will be the Public Hearing and then lay out the remaining meetings and finalize with the Public Hearing on December 10th. This is subject to change for various reasons.
- Commissioner Pohlman would also like to add in a quarterly informational update meeting prior to the start of the official Budget Review sessions. This is where the Commission met with the Budget Committee and talked about major expenditures that were anticipated in the coming Budget year. Everyone was able to ask questions and this prepared us all for the formal Budget Reviews. Commissioner Pohlman would like to add an informational update meeting if everyone approves/agrees.
- Commissioner Meriwether stated that we have been having them all along. What will be different is the way we have the meeting this year.
- Administrator Hart thought we could set one of these meetings up around the end of July to mid-August.
- Communication Director stated that they have been doing well. Their call volume is up and they are able to keep up. There were a few big calls, more severe calls that came in over the past week. Did hire their last full time open position, so the only position open is the Deputy Director slot. Communications is getting close to being full staff.

VIII. Executive Session**1. Convene in Executive Session for Consultations with Legal Counsel Pursuant to 1 M.R.S.A. §405(6)(E).**

- *A motion was made by Commissioner Pohlman to cancel the Executive Session. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

IX. Adjourn

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

The regular meeting adjourned at 4:32 P.M.

Respectfully submitted,

Wendy Galvin
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on September 8, 2020.