

KNOX COUNTY COMMISSION

Regular Meeting

Tuesday – September 13, 2022 – 2:00 P.M.

The regular meeting of the Knox County Commission was held on Tuesday, September 13, 2022, at 2:00 P.M., via ZOOM.

Commission members present were: Dorothy G. Meriwether and Commissioner District #1, Richard L. Parent, Jr., Commissioner District #2 and Sharyn L. Pohlman, Commissioner District #3 (*arrived at 3:37 p.m.*).

County staff present included: County Administrator Andrew Hart, Administrative Assistant Wendy Galvin, Sheriff Patrick Polky, Finance Director Kathy Robinson, Airport Manager Jeremy Shaw, IT Director Zach Greene and Communications Director Robert Coombs.

Others: Rockland Fire Chief Chris Whytock, Chief Tim Polky, Kellie Bowden, Audit Manager – James W. Wadman, CPA Accounting, James Katsiaficas, Knox County Attorney.

Absent: Prosecutorial Assistant/Investigator Shane Riley, Register of Deeds Madelene Cole, EMA Director Candice Richards, Jail Administrator Bob Wood, Register of Probate Elaine Hallett and District Attorney Natasha Irving.

Regular Meeting – Agenda

Tuesday – September 13, 2022 – 2:00 P.M.

Due to the prevalence of the COVID-19 Omicron variant in Knox County and the inherent risk to the health and safety of our employees and the public from it, the Chair of the Knox County Commissioners determines there is an emergency situation that requires the Knox County Commission to hold its public meetings remotely via Zoom video conference on an ongoing basis until further notice, as allowed under the Knox County Commission Remote Participation Policy and 1 M.R.S. Section 403-B.

I. 2:00 Meeting Called To Order

II. 2:01 Presentation

1. Presentation of the Knox County Audit for the Year Ending December 31, 2021.

III. 2:10 Public Comment - Public Comment during other portions of the meeting will only be granted by permission of the chair.

IV. 2:11 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 August 9, 2022.
 - iii. Monthly Written Departmental Reports.
 - iv. Warrants
 - v. Reserve Withdrawals.

V. 2:15 Action Items

1. Act to Award the Bid for Audit Services.
2. Act to Authorize the County Administrator to Sign the Purchase and Sales Agreement for the 32 Benner Lane Hangar Complex Owned by the Owls Head Transportation Museum in the Amount of \$750,000.

VI. 2:20 Discussion Items

1. Discussion With the Knox County Mutual Aid Association and Consideration of Funding Insurance and Maintenance Costs for the Training Facility Located in St. George.

VII. 2:30 Action Items

1. Act to Recommend Funding of the Knox County Mutual Aid Association Request for Insurance and Maintenance Costs for the Training Facility Located in St. George and to Specify the Source of Funding.

VIII. 2:35 Discussion Item

1. Update on the Correctional Facility HVAC Project.
2. Update on Other Projects.

3. Other Items.

IX. 2:40 Other Business**X. 2:45 Executive Session**

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

XI. 2:55 Action Items

1. Act to Approve and Authorize the Chair to Sign and Execute a New Hangar Lease at the Knox County Airport for Penobscot Island Air.

XII. Adjourn**I. Meeting Called to Order**

Commissioner Meriwether called the regular meeting of the Knox County Commission to order at 2:02 P.M.

II. Presentations:

1. Presentation of the Knox County Audit for the Year Ending December 31, 2021.

III. Public Comment – Public Comment during other portions of the meeting will be granted by permission of the Chair.

- Lauren Dillard, Resident from the Town of Owls Head spoke: I am concerned about spending \$3 million on expanding the Owls Head Airport. She asks why now? I personally heard in February Chair Meriwether voice objections to this purchase. She read a quote from Commissioner Meriwether: “I said the County had no intentions of expanding the Airport property line. This would in fact do that.” In Owls Heads 2021 Annual Report the Airport Manager wrote on behalf of the Knox County family, “We are 100 % satisfied with the size of our Airport.” This purchase would retract all these assurances that had been publically given to us. And why now? Today is just fifteen (15) days after Owls Head objecting to uncontrolled growth at the Airport imposed a moratorium once again. The timing of today’s vote is stunning. In the famous from On the Waterfront, Marlon Brando’s character confronts his brother who sold him out. He said, “You was my brother Charlie, you should have looked out for me a little bit.” You are our County, our big brother as government hierarchy’s go. Your Charter tells you to quote, “Implement programs and services on behalf of municipalities.” So it’s your sworn obligation to look out for us. Furthermore, your Charter also confers the duty and responsibility, “To ensure open communications for disseminating information to the Public.” So, seize a precious opportunity today, table your vote on the purchase, and commit to holding a Public Hearing on the topic. Transparently discuss in the open with your constituents my opening questions, why would you buy this property and why now?

IV. Consent Items: *The notes for this section are more specific to explain what is needed from the Commission for wording of the motion and the vote needed. This is needed; once again, now that we are meeting virtually, and will be required monthly going forward until such time we meet in person once again and then can sign the Warrant and Reserve Authorizations.*

1. Approve Consent Items as Presented:
 - i. Agenda - Non Agenda Items Only Permitted if Emergency in Nature.
 - ii. Minutes of Regular Commission Meeting of August 9, 2022.
 - iii. Monthly Written Departmental Reports
 - iv. Warrants
 - v. Reserve Withdrawals

- *A motion was made by Commissioner Parent to approve the consent items 1-3. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

#1 **Warrant Authorization for August 2022 in the amount of \$1,893,529.91.**

Please find enclosed all of the background for this Warrant Authorization. The motion would be to approve the Warrant Authorization for August 2022 in the amount of \$1,893,529.91.

- *A motion was made by Commissioner Parent to Approve the Warrant Authorization for August 2022 in the amount of \$1,893,529.91. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

#2. **Reserve Withdrawal for August 2022 in the amount of \$88,154.00.**

Please find enclosed all of the background for this Reserve Withdrawal. The motion would be to approve the Reserve Withdrawal for August in the amount of \$88,154.00.

- *A motion was made by Commissioner Parent to Approve the Reserve Withdrawal for August 2022 in the amount of \$88,154.00. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

V. Action Items1. **Act to Award the Bid for Audit Services**

Jim Wadman, CPA who had done the Knox County Audit for at least 15-16 years notified two (2) months ago, that they would not be doing our audit going forward. They have completed the audit for Year Ending 12/31/2021. Therefore, we placed the audit services out to bid. We sent the RFP out to seven (7) audit companies. The bids are due back on Monday September 12th at 2:00 PM. Kathy Robinson, Finance Director will review the bids received, and will have a recommendation at the meeting on Tuesday September 13th.

- *A motion was withdrawn by Commissioner Parent to Act to Award the Bid for Audit Services. The motion was withdrawn by Commissioner Meriwether A vote was taken with all in favor.*
- *A motion was made by Commissioner Parent to Table Act to Award the Bid for Audit Services. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

2. **Act to Authorize the County Administrator to Sign the Purchase and Sales Agreement for the 32 Benner Lane Hangar Complex Owned by the Owls Head Transportation Museum in the Amount of \$750,00.00**

This item was placed on the June 14, 2022, but was not acted on by the Commission, as the FAA required us to have the review appraisal and environmental assessment completed. These have both been completed and reviewed by legal counsel. Jeremy and Administrator Hart are asking the Commission to authorize Administrator Hart, as the County Administrator to sign the P & S Agreement with the Owls Head Transportation Museum. The County has completed its legal review of the appraisal, review appraisal, and environmental assessment. Please refer to the Purchase and Sales Agreement, along with a Post-Closing Occupancy Agreement. The review appraisal was provided for review. Administrator Hart did not include the environmental assessment as it is 1,254 pages long. As indicated above they were reviewed by legal counsel and Jim Katsiaficas was ok with both, and were provided to the FAA for their review as well.

- Commissioner Parent asked why are we doing this. Why are we acquiring these? Is the Airport not making enough money to support itself, I thought it was.
- Airport Manager Shaw responded by saying, these hangars are within the perimeter of the Airports fence. They are aircraft hangars and we are not bulldozing houses. The Airport is limited to the area in which we can generate revenue from hangars. If we ever lost the funding to the Airport, these hangars are revenue forever. For the sale of the hangars we

recoup all the money from the purchase price. This would be steady revenue for the County. This accomplishes a lot of things but most importantly sustainability.

- Commissioner Meriwether asked Airport Manager Shaw to explain the issue of the clarification of the runway issue you had with a boundary line.
- Airport Manager Shaw stated there is a setback issue. On the master plan the County signed, there is two areas for hangar development. One hangar development is hangar phase I & II just south of the terminal. The other area is adjacent to the Benner Lane property. The property line with the setback goes from Benner Lane into the Airport property which makes a little triangle. That triangle kind of truncates the remaining spot the Airport where a hangar can be built because of that twenty-five (25) foot setback. Once that boundary line disappears then that additional development in the future can happen. There is no planned development on the Benner Lane property but fulfilling the master plan with those two (2) hangar areas will alleviate that problem.
- Commissioner Meriwether asked so that will allow two (2) more hangers to be built.
- Airport Manager Shaw stated that is correct.
- James Katsiaficas said that he did not believe that the Town is required to approve the purchase of the real estate.
- Commissioner Parent asked why that is.
- Jim Katsiaficas stated this is simply a private matter between the County and the Transportation Museum. They are seeking to sell the property to someone in order to help finance its Museum expansion.
- Commissioner Parent said well then this increases the size of the foot print of the Airport.
- Jim Katsiaficas stated well you are and your aren't. As Jeremy explained, this is within the perimeter fence. This is within the perimeter fence of the Airport and at the same time the County and the Airport are looking to give land, to convey land, to sell land to the Town of Owls Head in the form of the cemetery. Jeremy has talked about other parcels that can be given back to the Town that can be put to good use. So is it an expansion of the Airport to acquire existing hangars that are within the Airport perimeter fence? There is nothing that prohibits an expansion of the physical location of the Airport anyway at this point. There is desire on the part of the County to work with the Town to give the Town additional land, at the same time that it is acquiring this land within the perimeter fence of the Airport from the Transportation Museum. It is policy decision for the Commissioners but the Town does not have any review authority over your purchase of this property.
- Commissioner Parent stated he understands the perimeter fence includes this property but the Deeds do not. The Deed is to Owls Head Transportation Museum, and so therefore is a separate parcel from what the Airport currently owns. So the perimeter fence is really not a legal boundary.
- Jim Katsiaficas stated it is not a legal boundary of the ownership of Knox County that is correct. That is why you would need to buy it.
- Commissioner Parent stated so therefore, I would think the Town would have some requirement to oversee the acquisition and allow it. That's just my opinion.
- Jim Katsiaficas stated if the County wanted to purchase any land that was for sale within the Town of Owls Head I don't think the Town of Owls Head has any veto authority over that or any regulatory authority over that. If you want to do something with that land that requires a permit then yes the Town then has jurisdiction. Jim asked Jeremy if they had a copy of the master plan available from 1996, the Kelsey and Edwards plan.
- Airport Manager Shaw said I'm sure it's available. The 2015 master plan is on the County's website.
- Jim Katsiaficas asked if it shows the parcel within the bounds of the Airport.
- Airport Manager Shaw stated he's not sure. He knows the Airport layout plan does not include the property. This property right now is tax exempt for the Museum, and if the Commissioners were to approve this all the property taxes from the hangars would go to the Town of Owls Head. This would actually increase the Town of Owls Heads tax base.

We have spent \$30,000, at the request of the Commissioners to do an environmental assessments to do surveys and review appraisals.

- Commissioner Parent said I know you've done your due diligence I regards to purchasing. I would like to be a friendly neighbor to all the Towns within the County including Owls Head, and I think this is not a friendly token. This is agitating more than pleasing them.
- Airport Manager Shaw stated that the cemetery property is two (2) acres and this property is under two (2) acres. We are already looking at assisting the Town with more property.....
- Commissioner Parent stated he knows this but.....
- Commissioner Meriwether shares his concerns, but stated Lauren makes some good arguments. She has always had no intention of enlarging or expanding the Airport. She feels the effort that is being made and if you consider the actual acreage of the Airport we are basically swapping, so it is not increasing the actual acreage. She understands the concerns of the citizens about increased traffic and increased hangars, but despite the perception of some residents of Owls Head, she knows for a fact that Knox County has a strong desire to maintain good relations with Owls Head. It has been difficult and challenging. We have bent over backwards to try and cooperate. If one could accept that assurance then one could also say that if we owned these hangars then we would have more control over what happens to them. We would be more available for a discussion from the residents than if it goes out on the open market. She is not comfortable with just two (2) Commissioners trying to make this decision, and so she may ask to table the item because she feels this is a vote all three (3) Commissioners need to make. Commissioner Meriwether wants to honor the verbal promises to Owls Head.
- Commissioner Parent said if we table it at least until next meeting then it would give until the next meeting to give opportunity to speak with people from Owls Head. He wants to see how they actually feel.
- Airport Manager stated the last appraisal was done last year, and may need to get a new one. We want to do what's right.
- Jim Katsiaficas stated the environmental statement show there were no recognized environmental issues on the site. There is a phantom 1,000 underground storage tank that was in some assessors records that is undated going way back. No one has ever seen this registered with the State or anywhere else. It is a question of policy and what you would like to do. The Museum would like to do something sooner rather than later as it is part of their Capital campaign. This has been discussed for at least seven (7) or eight (8) months.
- Commissioner Meriwether does feel that because this is a controversial issue she feels this vote should be acted on by all three (3) Commissioners.

- *A motion was made by Commissioner Parent to Act and Authorize the County Administrator to Sign the Purchase and Sales Agreement for the 32 Benner Lange Hangar Complex Owned by the Owls Head Transportation Museum in the Amount of \$750,000.00 The motion was seconded by Commissioner Meriwether. (At this time no final vote was taken.*

- *The motion was Withdrawn by Commissioner Parent to Act and Authorize the County Administrator to Sign the Purchase and Sales Agreement for the 32 Benner Lange Hangar Complex Owned by the Owls Head Transportation Museum in the Amount of \$750,000.00 until the October Commission Meeting. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

- *A motion was by Commissioner Meriwether to Table the Act and Authorize the County Administrator to Sign the Purchase and Sales Agreement for the 32 Benner Lange Hangar Complex Owned by the Owls Head Transportation Museum in the Amount of \$750,000.00 until the October Commission Meeting. The motion was seconded by Commissioner Parent. A vote was taken with all in favor.*

VI. Discussion Items**1. Discussion With the Knox County Mutual Aid Association and Considerations of Funding Insurance and Maintenance Costs for the Training Facility Located in St. George.**

We briefly discussed this at the August 9, 2022 Meeting and it was agreed to have Chief Chris Whytock attend this meeting and provide an explanation and information in addition to the later that he provided. I have enclosed the letter that Chief Whytock provided to me as well. I have also included a draft MOU that the St. George Volunteer Firefighters and Ambulance Association's attorney James Wickenden had drafted as a potential sample MOU if this did in fact move forward. Chief Whytock and others will be present on the Zoom. This would need to be further reviewed and possible changes made and would have to come back to the Commission pending proceeding forward with this.

- Fire Chief Whytock spoke: We reached out to Administrator Hart about a Training facility in St. George. The structure has since been completed. We tried ARPA funds but those were not able to be used for projects that were already built. This building would be for Knox County not just St. George. We started looking at insurances and what it will cost to maintain the building on an annual basis. We are looking for \$9,000 from the County. We got an insurance quote for \$5,000 annually for the building and we are estimating an additional \$4,000 to be used for upkeep once the building is used monthly. The building itself is masonry, but the burn rooms that we would conduct live burns in have paginate boards and because of the intense heat they will endure they tend to decay after a while. Any department in Knox County that wants to come down and train in it they can. They will have to go through a little bit of training in order how to build up burns in the building. We are working on a monthly schedule for all the Towns where apparatuses will be available there so they don't have to bring anything. We are looking for input from the County and for some financial support. We would love for Commissioners to come and check things out.
- Chief Tim Polky – we do intend on making this a County facility, not just a ST. George facility as this would be a valuable place to train.
- Fire Chief Whytock – The State has proactively put some money together to establish training facilities in the State of Maine and he has been involved with this. Hoping to get an MOU with the State to allow them to start doing trainings. That may help with some reimbursement.
- Commissioner Meriwether stated this request will need to be discussed by the Budget Committee, correct?
- Administrator Hart stated we had a deadline for the ARPA funds request, they were behind that deadline, and that was part of the reason why this didn't go through ARPA. The Commissioners and Budget Committee will have a chance to make a decision on whether or not to fund this project. This meeting today doesn't approve the funding; it just approves moving it forward.
- Commissioner Meriwether asked how KCMAA is funded.
- Chief Whytock said that each Town pays an Association fee of \$95.00 per year.
- Commissioner Meriwether stated in your letter is sounds like your primary mission is to provide training.
- Chief Whytock – The mutual association was what other counties called the Fire Chief's Association for the respective Counties. The organization is the leadership of each fire department. Our mission is maintaining relationship, maintain Interlocal Agreements and about 15-20 years ago we would get together every three (3) months for training.
- Commissioner Meriwether asked if are there are any members of the organization outside of Knox County?
- Chief Whytock stated yes. Right now there is Waldobro Fire Department and Lincolnville who attend currently.
- Commissioner Meriwether asked if this will be an ongoing expense.
- Administrator Hart stated yes.

VII. Action Items:

1. **Act to Recommend Funding of the Knox County Mutual Aid Association Request for Insurance and Maintenance Costs for the Training Facility Located in St. George and to Specify the Source of Funding.**

This action item was on the Agenda, because of the Commission agrees with the previous Discussion Item and considers funding the insurance and maintenance costs, then the Commission would need to vote to recommend the funding and specify the source of the funding, so that this may be placed within the 2023 proposed Knox County Budget.

- *A motion was made by Commissioner Parent to Act to Recommend Funding of the Knox County Mutual Aid Association Request in the amount of \$9,000 for Insurance and Maintenance Costs for the Training Facility Located in St. George and to Specify the Source of Funding to Come Out of the Miscellaneous Line. The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

VIII. Discussion Items:

1. **Update on the Correctional Facility HVAC Project.**

Finishing Phase 3 – Have moved into Phase 4 which is funded by ARPA funding. Siemens has removed some existing piping and pneumatic valves, and placed some new isolation valves and new AG panel and disconnected the condensing unit.

Repointing and brick work will be done at the Correctional facilities which will be completed by Knowles Industrial Services. This was approved by funding through the State. This will begin first week of September last week of October. The paving is slated to begin the end of September.

2. **Other Items**

We are continuing Union Negotiations.

We have locked in LP gas with Maritime Energy last week. LP gas is \$1.86, and heating fuel was locked in at \$3.75 this year.

X. 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 Parent to go into Executive Session for Consultations With Legal Counsel Pursuant to 1 M.R.S.A. §405(6)(E). The motion was seconded by Commissioner Meriwether. A vote was taken with all in favor.*

The executive session convened at 3:22 P.M.

The executive session concluded at 5:04 P.M.

XI. Action Items

2. **Act to Approve and Authorize the Chair to Sign and Execute a New Hangar Lease at the Knox County Airport for Penobscot Island Air.**

Hangar #57 is located on the new hangar taxilane, at the Knox County Airport. This lease is the second of 23 new leases in the new hangar area recently permitted by the Town of Owls Head after an 18 month delay. This lease will be for one of the 3 planned 80'x80' hangars. Penobscot Island Air is an existing hangar owner, long time business partner, and the addition of this hangar adds no additional aircraft or noise to the airport or neighboring community.

- *A motion was made by Commissioner Parent to Act to Approve and Authorize the Chair to Sign and Execute a New Hangar Lease at the Knox County Airport for Penobscot Island Air. The motion was seconded by Commissioner Meriwether A vote was taken with all in favor.*

Adjourn

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

The regular meeting adjourned at 5:08 P.M.

Respectfully submitted,

Wendy Galvin
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on October 11, 2022.