

Delegation Meeting Minutes June 16, 2014

Chair Worsman called the Belknap County Delegation meeting to order at 6:05 PM on the above date at 34 County Drive, Laconia, NH and recited the pledge of allegiance.

In Attendance: Representatives Burchell, Comtois, DiMartino, Fields, Fink, Flanders, Greemore, Gulick, Holmes, Huot, Luther, Raymond, Sylvia, Tilton, Vadney and Worsman.

Absent: Representative Arsenault.

Approval of minutes: M/Tilton, S/Greemore to accept Rep. Tilton's edits for the 04/28/14 Executive Committee minutes. Rep. Tilton then recapped the changes he made regarding Deeds and the legal issue. The Executive Committee unanimously accepted these changes. **Motion passes.** M/Sylvia, S/Holmes to approve the 05/27/14 minutes as submitted. Unanimous. **Motion passes.**

Jail Planning Committee Presentation: On behalf of the Jail Planning Committee, Superintendent Ward presented three requested items to be funded by a bond issue. The projects included \$1 million for a new HVAC system to address the facility's poor air quality, \$1.6 million for a temporary structure that would house 48 inmates, and \$360,000 toward a schematic design for a new jail. Supt. Ward started with the HVAC request and the several parts that deal with the issue. The handler was removed years ago. There is no air circulating in the Jail and there is a major issue with air quality. This was a major issue in the facilities analysis report. Currently there are three different sources of heat in the building. Some members asked if the duct work would be useable, it was determined that it may not be cost effective. The \$1 million dollar estimate comes from what the county paid for the courthouse HVAC system as it is a similar SF area comparison. Gordon Blais of Meredith said that they should heat the jail with wood fired heat, it's much cheaper. Dorothy Piccato of Gilford said it is difficult to teach and volunteer in the jail with the current poor air quality and odors. Barbara Comtois of Barnstead said the money the county spent to renovate the county complex should have been used to do this. Many members of the public spoke regarding their concerns, interest, ideas for or against this portion of the request. Next, Supt. Ward explained what the temporary housing unit was, and that it would hold 48 inmates. Supt. Ward also showed the audience where the unit would be placed. They could connect it to the existing building, and it could also connect to our systems (sewer, water, electric, etc.) Supt. Ward said that having this temporary housing would limit the county's liabilities and would help with spikes in population along with freeing up space for teaching and programming. When asked about staffing issues, the Superintendent said that it would be managed with the same amount of staff, just in different areas. Also, this facility would still be able to be used, without moving, if construction were to begin on a new facility.

Many members of the public spoke regarding their concerns, interest, ideas for or against this portion of the request. Brian Gallagher of Sanbornton questioned bonding a three year lease over a ten year period. The intent would be to roll it over into the bond for the new facility. Lastly was the discussion on the request for schematic design, architectural review and retiring of the space and program requirements. The Superintendent explained the David Bennett report and the Ricci Greene report and how they mesh into the next phase of the plan for schematic design. Rep. Burchell stated that the study of all components of the County criminal justice system, which was recommended by Bennett, had not been completed. Administrator Shackett provided handouts showing the 9 phase Facility Development

Plan that has been followed to date. A bond repayment schedule and the cost impact to each town were presented. Ricci Greene developed a functional report and schematic design which will more closely estimate prices and space requirements. It is the next legitimate step in the process. Mark Sisti of Gilmanton said the jail needs a HVAC system. The jail situation is despicable and the jail will be in trouble if they don't do something. Belknap County and Coos County are the only two jails in the State that have not improved their jails systems. It is only a matter of time before lawsuits come in. He recommends spending money on a new facility, not lawsuits. Dave Devoy of Sanbornton supports the bracelet system, programming and moving the woman prisoners to the Administration wing. Sheriff Craig Wiggin said that we need to do something before the Federal Government takes over the project. The costs would be astronomical and the jail would lose its day to day control of operations. Rep. Raymond stated that there is also a cost involved in doing nothing. Between lost energy costs, transports, recidivism and lawsuits, doing nothing is not cost effective.

Public Hearing: Chair Worsman opened the public hearing to accept input on the request. M/Huot, S/Luther to open the public hearing at 8:28 pm. Unanimous. **Motion passes.** Commissioner Ed Philpot stated that there is a consensus in the room on a lot of these issues and hopes that the one thing that begins to stem is a real dialogue between all parties. A lot of time and effort has been put into this and to find common ground and work together with constructive dialogue is welcoming. Mary Ellen Budman of Laconia teaches art in the Jail. There will be an art show soon, the third one of its kind and this has been very good for the inmates both male and female. Rep. Burchell thanked Commissioner Philpot for his sincere comments. Administrator Shackett asked that the Delegation please consider the bond for the \$2.96 million for these urgent jail needs. With no further public comment, chair closed the public hearing at 8:35 PM.

Members discussed dividing the vote. Chair Worsman said that the vote would be for all three together in the amount of \$2.96 million and could not be separated unless we seek legal counsel for its permissibility. Chair Worsman also said that 150 prisoners could be housed at Strafford County jail for a cost cheaper than the total current annual Jail operating budget and therefore could not support the bond request. Rep. Huot indicated the Delegation doesn't have authority to dictate where prisoners will go or for others to take them at a cost we dictate. There are statutory requirements and families would sue for sure if you take away their constitutional rights. Rep. Vadney indicated that since the vote can't be split, he would vote no. Rep. Tilton read portions of RSA 33.3 regarding the legal purposes of bonding. He pointed out that it is not legal to bond for ten years to provide a three year lease for temporary jail housing. It is also not legal to bond for design or preliminary planning for a facility except when it is part of a bond to complete the facility. The bond proposed by the Commissioners is not only poor fiscal management but it is illegal. Rep. Gulick indicated that bond counsel was consulted by the Commissioners and that they were not doing anything wrong with this bond request.

Rep. Luther said these inmates are fellow citizens when they are not incarcerated and shame on the Delegation if they don't do something now. Rep. Sylvia thanked the committee and announced he would vote no.

Vote on the proposed Bond: M/Huot, S/Gulick that the \$2.96 million dollar bond be approved, broken down as: \$1 million for a new HVAC system, \$1.6 million for a temporary structure that would house 48 inmates, and \$360,000 toward a schematic design for a new jail. Roll call was taken: Rep. Burchell-N; Rep. Comtois-N; Rep. DiMartino-Y; Rep. Fields-Y; Rep. Fink-N; Rep. Flanders-Y; Rep. Greemore-N; Rep. Gulick-Y; Rep. Holmes-N; Rep. Huot-Y; Rep. Luther-Y; Rep. Raymond-Y; Rep. Sylvia-N; Rep. Tilton-N; Rep. Vadney-N; Rep. Worsman-N. 9-N, 7 – Y. **Motion fails.** Delegation members thanked the Jail Planning Committee for their hard work and Superintendent Ward for his presentation.

Adjourn: Unanimous motion to adjourn at 9:05 pm.

Respectfully submitted,

Rep. Richard Burchell, Clerk