

**Carroll County Commissioners' Meeting  
Minutes  
August 31, 2011**

**Commissioners Present:** David Sorenson, Dorothy Solomon, Asha Kenney.

**Public:** David Babson, Ed Comeau, Daymond Steer, Maureen Spencer, Kathleen Maloney

**Commissioner Solomon** called the meeting to order at 8:20 am. Commissioner Sorenson will be in shortly.

**Public Input**

**Representative Babson:** Is there is a way that we can establish whose watch/clock we are going to run by for the start of this meeting? When he arrived this morning, the clock down stairs showed one time, the office clock another time, and the clock here showed a different time.

**Commissioner Solomon:** Generally the Commissioners go by this clock.

**Kathleen Maloney:** Inquired if it was possible for Ed Comeau, who videos our meeting, be given permission to be enter the building at 7:45 a.m. rather than 8:00 a.m. to set up his equipment.

**Ed Comeau:** The Dispatcher let him in this morning, but requested authority from the Commissioners to allow him early entry into the building. He stated that he would like to enter the building at 7:45 a.m. to set up his video equipment for the meeting.

**Commissioner Solomon:** She will notify the Dispatcher who lets us in each morning.

**Minutes**

**Commissioner Solomon:** She has been talking with Commissioner Kenney regarding the August 17, 2011 minutes, and we find that we have a disagreement on those. The minutes that were passed out to the public have six pages, the original minutes were nine pages, and in cutting certain things she thinks that some things that needed to be there were left out. We are going to have to review the minutes, but it would take too much time to do that here, but there are things that should be left out, and she agrees to that. Certainly, nine pages is quite long, but there are things that should be in the minutes that were left out and in reading the minutes it doesn't make sense due to what it was referring to was left out.

**Commissioner Kenney:** Her minutes look fine. People complain to her that the minutes are too long, so she doesn't want to have the minutes nine to ten pages, so she reduced them.

**Representative Babson:** He has a problem with this. The minutes are the only legal record we have of our meetings. If they are long one week, so be it. If they are short one week so be it. He doesn't see any problem if they are 110 pages as long as they are accurate.

**Commissioner Solomon:** She agrees to a certain extent with him, but she thinks that the Commissioners will have to review this and bring in Sandy, who takes our minutes, so that everybody knows what we think are essential to be put in the minutes. There are things that don't necessarily need to be in the minutes for future information.

**Commissioner Kenney:** She does not think we need lengthy minutes anymore. We have also video for backup. It's okay if we have five to six pages. Commissioner Sorenson wants the minutes to be two pages, but we can't do that, but five to six pages are fine to her.

**Representative Babson:** What do we have for backup, Commissioner Kenney?

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## **Carroll County Commissioners' Meeting August 31, 2011 Page 2**

Commissioner Kenney: We have also the video done by Ed Comeau.

Representative Babson: You cannot go to court with that video. Minutes are the legal entity for the meeting.

Commissioner Kenney: It doesn't have to be ten or eleven pages.

Ed Comeau: We are going to spend approximately \$6,000.00 on a website and we are still arguing about minutes. It is important that the minutes are done by our rules, and long or not they need to be accurate and stored.

Commissioner Solomon: She believes that two weeks ago she made a comment that there should be at least a year's worth of minutes.

Maureen Spencer: Once again, the way you do the minutes, is you don't make any corrections to minutes; you don't cut and chop minutes. The secretary types the minutes, they are distributed at the meeting and corrections are made at the time of the meeting, in public. If you do it anywhere else, how do we know what is getting cut; how do we know what is going on?

Commissioner Kenney: Changes are made here in public. Things are not corrected. Corrections are done here. If things are double, she leaves it out to shorten it, or it is said five times at a meeting, she would reduce it so that we do not have nine to ten pages. But corrections, if we are going to correct the whole language, it will be in public.

Maureen Spencer: As Chairman of the Planning Board, she did not make any corrections. You cannot correct minutes if it is not in public. Talk to your attorney that is the way it is done.

### **Department Reports**

#### **William DeWitte Farm**

Will: We are still doing work on the Pole barn. Yesterday he started cutting some second cut hay and will continue cutting today. Have been picking lots of vegetables out of the garden and we have been selling the vegetables. We had some overflow that we have been taking to the food bank. We are doing some painting on the old garage and now we are doing painting on the pig barn trying to keep some of the buildings we have on the farm in proper condition.

With regard to the Water Department, we have had to adjust some of our treatment, getting the tests done for the new building; they have had to sanitize in the new building in order to have it up to code so that it could come on line. He spoke with Chris this morning and they passed their tests.

We did preparation for the storm last week; checked the generators, etc, Met with the Sheriff's Department. They had a readiness prepared meeting which he attended, and shared some of the resources that we had at the farm if needed.

The company that we use to fill our generators was very attentive. They came on Friday, filled the generators, and called on Sunday to see if we needed to have our generators topped off. It was nice to hear that the company called us and would be here if needed to deliver the fuel for us.

Commissioner Solomon: Will, were there any problems incurred as a result of Irene?

### **Carroll County Commissioners' Meeting August 31, 2011 Page 3**

Will responded that there was no damage on the complex. He sent a crew around to pick up twigs, branches, etc, but nothing had been reported to him of any significance. Some water rush down to our sewer system washed out our road a little bit here and there, but nothing we can't fix with our tractor.

Commissioner Solomon: She was only inquiring because she was aware of an E-coli problem in Jackson.

Will: some systems draw their water from surface drinking water, and with that they can have some problems, but we have ground drinking water, and generally have fewer consequences.

#### **Jason Johnson HOC**

Jason: Current population is 50 in-house, 1 week-ender, 8 transfers, 3 electronic monitors, and 20 on pre-trial release for a total population of 82.

Jason: Strogens was in to do their inspection of the H-Vac and AC units. A couple of issues that they found were: motor pulleys need to be changed on three of the units; total cost including labor and freight is \$1015.30 with the 10% discount comes to \$913.70. On the outdoor condensing units, two condenser fans are needed and two contactors with auxiliary contacts, and one relay and capacitor need to be fixed. Freight and labor total comes to \$2044.83 with the 10% discount comes to \$1840.35. Total amount equals \$2958.53. In his equipment repair line, he currently has \$7,500.00 available and is requesting authorization to make these repairs.

Commissioner Kenney asked Jason what was the damage? Jason replied that it was on the outside; the condensing units have fans on the top and with snow and ice that come off the top, they have been damaged. Commissioner Kenney asked if there was any protection for them.

Jason stated that originally, we received estimates to remove them when we were in the building phase. They had done some excavation work and move that pad and move them away from the jail.

#### **Motion**

Commissioner Sorensen made a motion to have Jason take care of the roughly less than \$3,000.00 to have Strogen's make these repairs. Commissioner Solomon seconded the motion. All were in favor. Motion passed.

Commissioner Solomon: Jason, how are we going to avoid having this reoccur?

Jason replied that he thinks we would want to make some capital improvements and put some money in the budget to have those moved.

Representative Babson: Why isn't somebody responsible for this? He sat here six years ago after the first winter when they came down and took the units out and they were going to fix it, but they never fixed it. Why isn't somebody else responsible?

Commissioner Sorensen: Requested that Jason obtain an estimate as to what it would cost to move it out which includes the cement pad.

Commissioner Kenney: If we moved them, this problem wouldn't occur again.

Jason: We would move them off the building, away from the building probably about 10 ft.

## **Carroll County Commissioners' Meeting August 31, 2011 Page 4**

Commissioner Kenney: Asked Jason to give her the numbers again. Jason replied that the total amount to have the work done was \$2958.58.

Ed Comeau: Jason is the unit a separate unit, not attached to the building. If so is there a reason why in the winter time, couldn't you just cover it? Jason replied that it is a separate unit, but they need to be able to come on, if it gets to hot in the building, the actual air conditioners come on to cool the air going into the facility.

Jason: With regard to the red dodge that we got from the Sheriff's Department, we had to have the brakes repaired due to a problem and were informed that the frame had rotted and will not pass next year's inspection due in March. He wanted to bring this to the attention of the Commissioners. Discussion ensued.

Commissioner Sorensen: The reason for it rotting was because it sat outside in the parking lot, wasn't used and it rusted. It is interesting that this happened. Representative McConky did not think we needed to have a garage for our buses and van. He hopes that he doesn't get a call from Rotary who paid for those buses because we can't put them under cover.

Jason: He had an inmate altercation in one of the day rooms where an inmate needed to be sent to the hospital. The Sheriff's Department was contacted to conduct a criminal investigation.

Jason: He would like to have RFP's put out for the Sally Port Doors and Security Sealants. The estimates received so far are \$10,000 for Sally Port Doors and \$12,000 to deal with three of the Day Rooms. He will still have \$18,000.00 left in maintenance line to deal with any issues that come.

Jason: reported on the Policy and Procedure Manual. He spoke with Attorney Lee and at this time, they are 70% complete? He has an appointment with them on September 7

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to discuss some minor changes and to review their progress. He would like to have that completed by October 1, 2011, but that may not be doable.

Commissioner Sorensen: The individual from the NIC who reviewed a portion of the policy manual gave Jason a lot of credit for putting it together, and as Jason said he made comments about further looking at an attorney to review portions of the manual, and other areas that can be corrected fairly easily. He said something about a policy manual for staff. Is this for inmates and staff or do we have two.

Jason: The policy manual will be a foundation for creating your employee handbook. It will technically be applicable for both. So you would use that as a foundation to create other documents.

Commissioner Sorensen: He recalls that there was a recommendation from a survey that was done, that we need a facility fence for security reasons. Can we get estimates so that we can put it in our budget for next year?

Jason reported that he has received an estimate from a Maine Company which was \$25,000.00. He is not sure what TDK will come in with.

Commissioner Solomon: Jason. do you keep on file what you report here? Jason: replied that he did and has meeting minutes back to 2008.

### **Sandi McKenzie - MVNH**

Our census today is 103. 9 Medicare Residents, 19 Private Pay, 75 Medicaid Residents. We did have 1 death and 1 admission over the past week

## **Carroll County Commissioners' Meeting August 31, 2011 Page 5**

Sandi: Temporary carpeting has been put down. Beds and mattresses were put together. The staffs at the DOC/Farm and volunteers were tremendous. Will and Jason need to be commended.

Commissioner Solomon: Sandi, just to clarify what you said two weeks ago with regard to the carpeting, that the carpeting that was rejected had never been installed. Sandi replied that is correct.

Mr. Litchko will be here today tagging in the offices furniture for placement in the new building.

Commissioner Sorensen: He referred to an article in today's paper by Representative McCarthy, which he believed, referenced Mr. Litchko as a new hire. Mr. Litchko is strictly a volunteer.

Sandi: He is a valuable member of our team. If we did not have Mr. Litchko's assistance, we would have to hire someone to do that, so that is a money saving kind of thing.

Commissioner Kenney: Sandi, was there a construction meeting, yesterday, 08/30/11?

Sandi: No there was not. She believes that Mr. Kimball sent out an email to everyone late one afternoon stating that there was not going to be a construction meeting as everyone was busy getting ready for the state/life safety inspection survey tomorrow.

Commissioner Sorensen: I came down for the meeting. I did not get power back until yesterday afternoon; he did not get the email, but it was not a problem as I had two other meetings.

### **Point of Order**

Commissioner Kenney: You mentioned two meetings, Mr. Chairman. Yesterday there was a non-public meeting here about the Jail. Was there another meeting?

Commissioner Sorensen: He met with the landscaper just prior to the non-public meeting to go over some information that she had and some prices.

Commissioner Kenney: So you met with Commissioner Solomon and Carol Jowdy. Why she was not informed? How do you have a non-public meeting and the Commissioner is not informed?

Commissioner Sorensen: It was not a non-public meeting. The landscaper called me, she wanted to go over some figures, but he does not have them because they were not firm. He was to meet with her at her request. There were no decisions made.

Commissioner Kenney: This was a non-public meeting. Why wasn't she notified? She needs to be notified. How do you have a meeting in non-public and the Commissioner is not informed. Why did she not receive an email or a phone call? She needs to be notified; Jowdy has a contract for about \$225,000.

She is a Commissioner here. She needs to be notified, non-public or public meetings, or whatever is going on in the Complex. If this is the way the Chairman is conducting business here, she thinks it is wrong. She comes here for a non-public meeting and she sees two Commissioners here with Carol Jowdy she doesn't know what secret meeting the Commissioners had?

Commissioner Sorensen: It was not a secret meeting. Commissioner Solomon came in early for the non-public meeting that you were notified about.

**. Carroll County Commissioners' Meeting August 31, 2011 Page 6**

Sandi: Our survey has been rescheduled for September 1, 2011. It has postponed the residents' walk through. We are going to start on Friday. The residents and their families have been notified.

We have a vocalist from the Moultonborough area, and Rev. Randy Dales, All Saints Episcopal Church, will give the invocation at the ribbon cutting ceremony.

Damon Steer: Asked Sandi to talk about the hurricane.

Sandi: When she heard through the news media about the potential hurricane, she revisited the emergency preparedness plan. We talk about what we have for food available, we look at nursing staff, we took in all of the outside furniture, and we kept close tabs on that. The residents did well.

Sandi: Pat LaBranch, who has been with us for 11 years, is retiring. We are having a little social for her this afternoon.

Commissioner Kenney: Sandi, how you plan for staffing during an emergency.

Sandi: We look at what we have for staffing; we had a staff member from the Conway area that couldn't get home as all the roads were closed. One employee ended up staying. We need to look at where people live and if they may need to be called. She and the DON are on high alert, 24/7

Commission Sorensen: There was a campus wide meeting with maintenance held to address emergency preparedness. That meeting was organized by Dave Meyers.

Damon Steer: asked about the meeting with the landscaper.

Commissioner Sorensen: She called me and asked to meet. The meeting he had with the landscaper ran over, and had to cut it short because he had to attend the scheduled non-public meeting regarding the jail.

Commissioner Kenney: It was a non-public meeting and it was posted. This meeting with the Chairman and Commissioner Solomon was not posted, not as public or non-public.

Commissioner Solomon: She said it was not a meeting. She tends to come in early as she does not like to be rushed. Yesterday she heard that the landscaper was here, so she attended. There was nothing nefarious going on.

Commissioner Sorensen: As far as being notified of meetings on reviewing your expense account, you have been to meetings that you were requested to attend, but no one else knew about it until he reviewed her expense account.

Commissioner Kenney: You need to come up with the facts. Was it about the local workshop in Wolfeboro where everyone was invited, you need to tell me. This is getting ridiculous.

**Kathy Garry Business Office**

Kathy: We received an email yesterday from Arthur Grady, one of the teachers from Moultonborough Academy who requested to visit in September. She asked him to give her other dates that he and the students could come to the Complex. Going forward, should we be letting the other school districts know? It has been a traditional event, and usually they come in the spring, but last year they came in the fall.

## **Carroll County Commissioners' Meeting August 31, 2011 Page 7**

Commissioner Kenney: What are you talking about with the students?

Kathy: The students come for a tour of the nursing home, the farm, the registry of deeds; they go into dispatch, etc. They get an education about County government. Kingswood and Kennett have also come to the complex in the past.

Commissioner Solomon: Looking at her personal calendar, would it be possible to put this off until October.

Kathy: That's what her suggestion would be. Generally the Commissioners meet with them.

Commissioner Sorensen: Could we schedule them after October 10

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Kathy: You received correspondence from Tri-County Cap regarding their housing preservation grant. She called Phil Gizer back. He said that they were well underway with this project. If the Commissioners wanted to send a letter in support of what they do, that would be fine. They wanted the local government leaders aware of what they were trying to do.

Kathy: The Ribbon Cutting ceremony is getting organized. Sandi is working on a program and Kathy assumes that the three Commissioners would like to speak. Sandi is organizing tours of the new nursing home.

Kathy: She believes that everyone received an email from the Association of Counties regarding awards that are presented at the conference. The Commissioners will need to nominate someone. The email was sent out to all the Department Heads to make their nominations. Robin will follow-up with that.

Representative Babson: How is the new clock system working? Are we still running a dual system?

Kathy: Yes, The managers are still being educated on the system. Everyone has to be fully trained. Further discussion ensued.

Representative Babson: Commissioner Sorensen, you said that the non-public meeting you all attended was posted, where was it posted?

Commissioner Sorensen: He probably should have said it was an emergency meeting called by our County Attorney. They called me from the office. It was regarding contract negotiations, so that it would have been non-public anyway. He thinks it was on Friday that he was notified.

Representative Babson: That leads to a further discussion whether Commissioner Solomon likes to arrive early so that she doesn't miss anything, and you are in there, two out of three constitutes a public meeting by law. He understands that, and it is one of the problems you have, all being housed in the same room. He doesn't know how you get around this unless you let the public know when you come to the meeting on Wednesday, what was discussed. He doesn't believe that he would have known that the landscaper was here if Commissioner Kenney had not felt that she was left out.

You seem to do most of the talking in these meetings, as Commissioner Solomon and Commissioner Kenney very rarely say anything. To run this facility you have to be meeting somewhere and discussing something or else you're making all the decisions on Wednesday morning, and he knows that is not happening.



## **Carroll County Commissioners' Meeting August 31, 2011 Page 8**

Commissioner Sorensen: If you have some things that you think he is making decisions on, then bring it up. He gives everyone the opportunity to ask questions in between speakers rather than at the beginning and at the end, but have those also.

Commissioner Solomon: Commissioner Sorensen is the Chairman, and therefore he would be the one to articulate what is going on. She sees nothing wrong with that.

Commissioner Sorensen: When bids come in, they are presented by the Department Heads, discussed in public, and then voted on. All the subcontractors came in with recommendations and information that was presented at the public meetings.

Commissioner Sorensen: He has no reason to hide anything, nothing is decided down stairs, and all the decisions are made here.

### **Thomas Dewhurst County Attorney**

Commissioner Sorensen: He heard that Attorney Dewhurst wanted non-public, but asked if he could talk about the Right to Know Law as to how we would let out the non-public minutes of previous meetings. Can you talk about that in regular public session?

Attorney Dewhurst: He would have to know specifically what you would want to review and then we would have to follow the statutes.

Commissioner Kenney: She thinks the question is about non-public meetings and what we can release and what we cannot release.

Commissioner Sorensen: In the past, about every four months, six months, a lot of the action has been taken in the non-public session. The question is should that be released or not. Would it be damaging to the individual or company, if they were released six months later?

Attorney Dewhurst: People go into non-public meetings for various reasons; there are exceptions or delineations under the statutes to do so. When you go in and then those matters are either discussed or elaborated on, and then things change, the matter would have to be re-reviewed for all the content and particular parts that may be protected or not protected under the statute, and then a decision would have to be made in non-public, by the Commissioners, to release or not to release those portions. Things may come out of those discussions that may then suggest matters that should be discussed in public or be released to the public, and that would be on a case by case basis. He does not think there is a generic guideline that could be used in public to decide what should be or should not. If it is a concern of the general public or a concern of the Commissioners' Board, that these just are reviewed and a decision made. There are parts of the Right To Know Law that protect the reputation of a particular agency dealing with a municipal body, and then there are requirements to disclose settlement amounts without detail based on settlement discussion that are either protected or non-protected in those types of meeting. It is not clear-cut, is the answer. (please refer to [www.governmentoversite.com](http://www.governmentoversite.com) for further details)

Ed Comeau: A while back we had a problem with the evidence yard. Is there an update to that?

Commissioner Sorensen: The Delegation did not approve any money to move forward with it.

## **Carroll County Commissioners' Meeting August 31, 2011 Page 9**

Attorney Dewhurst: He has done everything to move them, but has not had any success. He meets regularly with the agencies involved, state, county, local. Orders have been passed along to move them, but the Sheriff's Department is managing them, without much success.

### **Kathy Vizard Clerk Hales Location**

Hales Location has an unreserved fund balance of almost \$500,000.00. The Department of Revenue recommends that their unreserved fund balance to be between 17% and 22% of their budget, so that it actually should be \$40,000.00. They would like to fix their roads. They don't have a line item for highways and streets. Currently their Association takes care of plowing and whatever. They said they have been using capitol funds to do that. They would like to add in a line for highways and streets to reseal all of their roads and use some of the unreserved fund balance to offset it when the tax rate is set.

Commissioner Sorensen: The County Commissioners are responsible for certain items like fire, schools, taxes, ambulance; we are not responsible for lights, water or roads. The Association is responsible for those. One of the problems we have with Hale's Locations budget is that if we have two students that just came in, that is \$40,000.00 of their total budget; if we have two more students come in we will be hurting. We have to reduce that down to something that is a little more reasonable than \$40,000.00. The legality is that they are responsible for it; they pay dues to the Association. Kathy said they only pay \$1.58 per thousand.

Kathy: The accumulating amount occurs when they don't spend their entire appropriated budget it goes into the unreserved fund balance, it doesn't necessarily mean that they have that in cash, it becomes a virtual account. This year we have appropriate \$40,000 for the two current students, and possibly two more students coming which will total \$60,000 and that line will be overspent. . Her suggestion is to use possibly some of the UFB to offset the over spending amount for this year.

Attorney Dewhurst: Because of the uniqueness of the difference between the towns and unincorporated township. He thinks it would be reviewed by staff and then sees what we can do.

Kathy: She has put in a call into Marie Clark, Department of Review, but she is on vacation.

Commissioner Kenney: What is the \$500,000 account?

Kathy: It is a virtual account. It is not actually a cash account. If they have appropriated \$100,000 for their budget and only spent \$80,000, then \$20,000 goes into the UFB, and after years and years it has built up the balance.

Attorney Dewhurst: We would have to have clarification to move forward.

Discussion ensued. Can we add that highway and street line, when it is their responsibility?

Kathy: The Association secretary has her office in the garage next door to my office and Kathy would like to have her share her office space. During the summer time it is fine when the garage doors are open, there are a lot of chemicals in there that really get to her in the winter. She has developed cancer and does not know if that is related. Discussion ensued regarding permission from the Selectmen to allow the Association secretary to share her office. The Commissioners did not object to this request.

### **Motion**

Commissioner Kenney made a motion to approve the non-public minutes of August 10, 2011 and keep them sealed. Commissioner Sorensen seconded the motion. All were in favor. Motion passed.

## **Carroll County Commissioners' Meeting August 31, 2011 Page 10**

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Commissioner Sorensen: He received a communication from the Sheriff's Department regarding his authorization for installation of safety features in selected vehicles. (to review contents, please refer to [www.governmentoversite.com](http://www.governmentoversite.com))

### **County Budget Policy**

Commissioner Sorensen presented the County Budget Policy which has been sent out to all department heads with no response.

1. Department heads and elected officials that anticipate overspending a line item by \$1,000.00 must be approved by the Commissioners. The cost of an item within the line item cannot be spread over several line items to absorb the cost, unless approved by the Commissioners.
2. No elected or appointed county officer shall pay or agree to pay or incur any liability for payment of any sum of money for which the County Convention has made no specific appropriation after budget approval.
3. If an amount appropriated for a specific purpose will not be used in whole or in part for such purpose, the County Commissioners may use such amounts to augment other appropriations.
4. No revenue will be spent, except grants received for a particular purpose.

Attorney Dewhurst: The only other issue that would come up with #4 would be if the Sheriff's Department or our office received any portion of monies returned on drug money. In the application that we have to file with the Federal agency, you have to specify what it is to be used for. He doesn't think that the Commission would object to what you put down.

### **Motion**

Commissioner Solomon made a motion that we accept these four additions to our County Budget Policy. Commissioner Kenney seconded the motion. All were in favor. Motion passed.

Commissioner Kenney made a motion to go into non-public session for legal consultation. Commissioner Sorensen seconded the motion. Roll call vote was taken: Commissioner Kenney, yes, Commissioner Solomon, yes. Commissioner Sorensen, yes. All were in favor.

The meeting was adjourned at 11:12 a.m.

Respectfully submitted,

Sandra R. Twyon Recording Secretary

***Corrected Carroll County Meeting Minutes for 8/31/11***