

**Carroll County Commissioners' Meeting  
Minutes  
September 7, 2011**

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

**Public:** David Babson, Chip Albee, Ed Comeau, Kathleen Maloney, Richard Check, Wilma Fogarty, Mark McConky, Steven Brown.

The meeting was called to order by Commissioner Sorensen at 8:17 a.m.

**Public Input**

**Mr. Albee:** After watching last week's meeting on YouTube, I felt the need to come to the meeting today to correct some things that may be in the public's mind now that they have seen that. Sleeping gas seemed to infiltrate into the room when talking about RSA 91-A. It got to the point that it appeared in everyone's mind that no minutes have been released in 11 years.

A point that the County Attorney was making that was you have to add additional staff, to get the data base put together in order to accommodate monitoring of these minutes. The few years that we did it, or were suppose to do it, Robin Reade had a pretty good handle on getting the minutes together, reviewing them and presenting them to the Commission and letting the Commission get them out.

He thinks that the County Attorney, as well, was struggling, coming out of the private sector, with the idea how this RSA 91-A operates because it differs from the private sector. Everything he was saying was correct, in the private sector. In the public sector, however, it is different; as Commissioners, you do not have contracts with builders, suppliers, attorneys, or anyone else. The citizens of Carroll County have those contracts, and the reason for the Right to Know Law, 91-A, is so that we who have those contracts can stay fully informed about how you, our agents, are operating within those contracts or dealing with people in law suits.

It is not a simple matter of saying that perhaps a company name may be smudged by some negotiating ploy, or some disagreement, that is not for you to say. The people who own that contract, the citizens, are the ones who make that determination. When a company or individual does business with a government entity, they give away their right because they are contracting with 40,000+ people of Carroll County. The only time that there is protection of an individual is that small area of worker's rights where you have to protect the worker's good name, even though they are government employees; but if anyone wanted to come in and find out what we are paying anyone in the county for any service or any job done, they can do that, because that sort of information is public information. He understands the attorney's struggle with this, but thinks that when you come out of the private sector and into the public sector you really have to have an "ah ha" moment where you understand that it's not your business, it's the people business that you're doing.

The last point on this is the one part that is not protected at all by 91-A, is the actions of any of the Commissioners. You cannot determine through whatever conversation, whatever negotiations whatever complaint or whatever issue came up, that for some reason a response by a Commissioner or a position by a Commissioner, is somehow protected by 91a, it is not. There is no protection whatsoever for Commissioners, or any elected official. There is no ability for any elected official to sue for liable. You can say whatever you want about any elected official, and there is nothing they can do about it. In addition, that public official's actions can be fully scrutinized. So if any part of what you are doing in your review of the 91-A minutes, is somehow premised upon the idea that we want to shelter some elected official or county official from public scrutiny, that goes against that particular law.

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He is still struggling with the idea that something changed, and all of a sudden we are looking at the Right to Know Law in some different way, so we cannot release any of the non-public minutes. He has watched the reasoning for going into non-public. There have not been that many employee grievances, but a significant number of contractual conversations, legal conversations, and other conversations. He is going to continue to beat the drum that you have to have some of those minutes come out into the public and see what happens.

Commissioner Sorensen: His comment would be that he agrees mostly with what Mr. Albee said, but as Commissioners, we need to protect the taxpayers in Carroll County. If we release something that somebody can come back at us for, that is going to affect the taxpayers, then we need to protect the taxpayers. We are elected officials, and elected by the taxpayers. He agrees to some extent what Mr. Albee said in his comments, but on the other hand, he has to listen to the County Attorney. That said, that is where I stand.

Mr. Albee replied that first; you may not want to get your advice from the County Attorney on 91-A. Whatever protections you might want to afford the taxpayers can easily be handled and still comport with 91-A. Hiding behind 91-A to avoid litigation is misapplying the law. There are very few cases, that he has been able to find, where a company or an individual has prevailed against a government entity for allowing information to go public. When you go into business with any public entity, you understand that your right to contractual privacy is limited.

Commissioner Sorensen: He has not seen anything within 91-A, any wording of private versus public as far as what can be released and what cannot be released. Mr. Albee replied that every action that is perpetrated or held within this setting is public. There are no private contracts or private agreements. There is no reason for that law to get into the private versus public discussion.

Kathleen Maloney: In reference to minutes, non-public, public and 91-A. She had gone to the Selectmen's Institute, 2008 where she found information about public minutes and it explains the statutory exemptions for keeping non-public minutes. That meeting with Carol Jowdy was a meeting where there was a quorum of the board. She shared her information on public minutes with the Commissioners.

Commissioner Sorensen: For clarification of the meeting with Carol Jowdy, I was the contact and was meeting with her. I did not post that because only I was the only one scheduled to meet with her. What happened was Commissioner Solomon came in early for the posted meeting that followed.

For a detailed response by Kathleen Maloney, refer to [www.governmentoversite.com](http://www.governmentoversite.com),

Commissioner Sorensen stated that if Commissioner Solomon walked in after it started; there was no way it could be posted 24 hours in advance.

Commissioner Kenney: You said that she came in, and after that, Commissioner Solomon came in, so you were two together. She talked with Carol Jowdy, who told her that she had a meeting at 10 a.m., was a few minutes late, and when she came in there were two Commissioners there, she had a meeting with two Commissioners. That is what she told me.

Representative Babson: He thinks this is a lot to do about nothing. Yes, the law says it is a meeting. They are running a \$23,000,000 business. There just is not enough time with what is going on here to do it perfect. There has been a huge change in the way this Commission has been run in the last four years, to their benefit. He thinks that they have done a very good job. What time was the non-public session posted for?

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Commissioner Sorensen replied that the non-posted meeting was at 11 am and Carol Jowdy came shortly after 10 am. Representative Babson: He cannot get all excited about this, but he would hope that on the following Wednesday there might be some discussion of what went on in that meeting.

Commissioner Kenney: She remembers that we had a conference call and spoke with Carol Jowdy; she was not coming in for non-public; she was going to send in the numbers. She thinks that anytime there is a meeting, even if one or two Commissioners cannot make it or whatever, we should notify the Commissioners by email or phone call to say there is going to be a meeting.

Representative Babson: He tried to get into the computer to read the minutes and was unable to.

Stephanie Milbury: When it pops up like that, it is that the frame may not fit the size of the document, and the pops up and directs you to go to another website to obtain that information.

Commissioner Solomon: She believes that once we go to our new website, this problem will no longer occur.

#### **Mikey McIver Carroll County Coordinating Council**

Mr. McIver is representing Carroll County Regional Coordinating Council. He is an employee of Coordinated Transportation Solutions out of Connecticut. His company was chosen as the Mobility Manager of the Carroll County RCC development process. RCC's have been ongoing nearly ten years in this state. The initial effort goes back to HHS and DOT. In 2004 the state created the Coordinating Council. Carroll County for a number of reasons did not follow through in creating a regional coordinating council in 2006-2007. It was an ongoing effort among different government providers. Carroll County got involved in a contract issue with the DOT regarding a fixed route service for Carroll County, and is trying to get it resolved by the DOT. (for a detailed presentation, please refer to [www.governmentoversite.com](http://www.governmentoversite.com)) The Commissioners thanked Mr. McIver for his presentation.

#### **Motion**

Commissioner Kenney requested that the public minutes of 8/31/11 be tabled until next week., She received a copy of the minutes, where she had questions and said a couple of things; then she gets another set of minutes and it is taken all out, and says refer to ([www.governmentoversite.com](http://www.governmentoversite.com)). She does not know why what she said was taken out.

Commissioner Kenney made a motion to approve the non-public minutes of 8/31/11 as amended and keep them sealed. Commissioner Sorensen seconded the motion. All were in favor. The motion was passed.

Non-public meeting minutes of 7/27/11 will be reviewed next week.

Commissioner Kenney made a motion to approve the public minutes of 8/17/11 as amended. Commissioner Sorensen seconded the motion. All were in favor. Motion passed.

#### **Department Reports**

##### **Jason Johnson - HOC**

Jason: Current population is 53 in-house; 1 weekender, 7 transfers, 3 electric monitoring, 22 on pretrial release for a total population of 86.

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Jason: He would like to receive feedback from the Commissioners' perspective on the presentation that we had with the physician and the physician assistant.

Commissioner Kenney: Do you think they could come out and give a presentation so that it would be on camera? Jason: replied that they were here and gave a presentation.

Representative Babson: Reported on the subcommittee meeting. The budget seems to be in line. The two men answered all our questions. He is not sure how the rest of the sub-committee felt about it. He feels prepared to discuss some issues before the Delegation.

Commissioner Sorensen: Have you put together an analysis as to what our present cost is versus what they are planning to charge for their services.

Jason: It is up in the air. They talk about negotiating costs with pharmaceutical companies to bring prices down. That is yet to be determined. They talk about bringing more coverage to the facility and not having to send inmates out to have certain services done. Without them being able to be a position to do that, he really cannot answer that. With respect to the budget to bring them in, I do have the funds.

Commissioner Kenney: Is there no one, a nurse that knows the formulary that can write a prescription.

Jason: No, physicians have to be the one to prescribe the medication. Commissioner Kenney: Can we use the physician at the nursing home? Jason he is not practicing at the facility. Commissioner Kenney: we just need the generic, as that is what we need, as it is cheaper. Can we not just have a nurse or person to do that? Jason: Nurses cannot write prescriptions. Commissioner Kenney: But a nurse practitioner can do that. Therefore, we cannot have a nurse practitioner just learn the formula and do that. Jason: The nurse practitioner that we have is leaving the facility, and that is why he is looking to bring someone in. Further discussion ensued. (refer to [www.governmentoversite.com](http://www.governmentoversite.com))

Commissioner Sorensen: We need to come up with some recommendations for the convention to be held in October. Jason has already nominated someone who capable and qualified to receive an award.

### **Kathy Garry Business Office**

Kathy Garry: She stated that she had a memo from Carol Jowdy, which we discussed. She asked Commissioner Sorensen if any decisions were made. Commissioner Sorensen replied that there were no decisions made.

The Ribbon Cutting is Saturday, September 10, 2011 at 10 a.m. Sand is working on the program for speakers. We have our Three Commissioners and she spoke with Representative Patten who will also speak. Reverend Dales will also be there.

Kathy: Robin Reade does not have anything for non-public. Kathy will take the non-public minutes

### **Public Input**

Representative Babson: Commissioner Solomon, you made the statement that there are 750 homes in Carroll County without cars; does the report state how many are in rural homes and in Conway or somewhere that they may not need cars.

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Commissioner Solomon: Report breaks down Carroll County by town and shows how many households there are and how many are without vehicles. The largest one is Conway with 3783 households and 299 without vehicles.

Mr. Albee: He knows that the Commissioners are talking about plans for the old nursing home.

Commissioner Sorensen: We have a meeting with BPS, Cooperative Extension and maintenance about what they need for their space. The meeting is scheduled for September 19, 2011 at 9 am in this room.

Mr. Albee: Maybe we should explore putting Cooperative Extension in the back of the space. It would avail the kitchen to be used for other space and would open up the front of the building for other renters

Mr. Albee: He was contacted by an individual who is interested in one of the wings to go forward with a non-profit day care center. Would you entertain the idea of renting a wing?

Commissioner Sorensen: He thought that when giving that presentation we would have a private agency running a for-profit day care.

Mr. Albee: The Delegation was not interested in the Commissioners being involved. If the Commissioners were approached by a non-profit, are you willing to entertain renting a wing out?

Commissioner Solomon: She thinks that Cooperative Extension is now interested in using the front of the building as is without any major changes rather than having renovations.

Steve Brown: Can anyone explain why anyone would even conceive of tearing down one square foot of the nursing home? This building has been bought and paid for. Why would the county not just mothball 100%? No one knows what the county will need 20 years down the road. We do not have to renovate anything today. All he heard at the Delegation Meeting back on 8/22/11 was that we are going to spend \$300,000 or \$500,000, on renovations, then go to the Cooperative Extension, and say can you afford this? Steve Brown: We should not be expanding County government at this time, but we should not be tearing down feasible space that we have already bought and paid for.

Commissioner Sorensen: Mr. Brown, may I suggest that you speak with Commissioner Kenney who represents your town of Wakefield. .

Commissioner Sorensen: Informed Representative McConky, who just came into the meeting, that Mr. Brown is from Wakefield and he is saying that we shouldn't be tearing down any part of the old nursing home since it has already be paid for; it should just be mothballed. Would you like to respond?

Representative McConky: I welcome the gentleman's comments, but his opinion is not the opinion of the Delegation at this time. Steve Brown: Therein lays the problem. Further discussion ensued.

Representative Babson: Would it be proper to ask Deputy Santuccio about the town lot? Deputy, How many cases have we lost because of poor security on the lot? How many of the cars that are out there have had the cases settled?

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Deputy Santuccio: He is not aware of the results of cases that are a question to refer to the County Attorney. State Police are working on removing some cars. There are cars that cannot be moved and some that can, but the latter requires getting the insurance companies involved. Further discussion ensued.

Representative McConky: He was somewhat disturbed to listen last week where the Commissioner was pointing out rusted frames on trucks that were given to the County, where Commissioner Sorensen made the statement that perhaps Representative McCone should be here to hear this conversation and if he would be willing to speak to the Rotarians on why he did not want to spend the tax payers money to House these vehicles. He would like to address some issues: He had made mention to Will about the large building that we have on the farm. There is plenty of room to park those vehicles. Detailed discussion ensued.

Representative McConky asked that the Commissioners look further into what is available on the complex, evaluating what we have before going out and spending more of the tax payers money`.

Ed Comeau: He asked the Commissioners what RCC was asking the Commissioners for.

Commissioner Sorensen: Mr. McIver came in for an informational presentation only. The transit system in Carroll County is limited because we are rural.

Commissioner Kenney: Requested that we document on the agenda why we are going into non-public

Commissioner Sorensen: Would like approval of the contract from Belknap Landscaping for \$5,625.00. (refer to [www.governmentoversite.com](http://www.governmentoversite.com)) for more in-depth report. He cannot see spending that amount of money for what he would provide.

Kathleen Maloney: She stated that a woman spoke at a garden event and was excellent. She suggested that the Commissioners get in touch with her contact to see if she is able to cut down the cost.

Representative McConky: He suggested that Commissioner Sorensen contact the Cooperative Extension, as they could be invaluable in deciding what should be here for trees. He would be willing to volunteer the vehicles, and personnel to do the excavating to do those planting. We need to get the Cooperative Extension to see if they would be willing to do that.

Representative Babson: He would like to refer back to the Landscaper when he was here and our liability. He thinks that Representative McConky is a far better deal and a generous one.

Motion Commissioner Kenney made a motion to go into non-public session for personnel. Commissioner Sorensen seconded the motion. Roll call vote was taken: Commissioner Solomon yes, Commissioner Sorensen yes, Commissioner Kenney yes. Motion carried

The public meeting was adjourned at 10: 34 am.

Respectfully submitted,

Sandra R. Twyon Recording Secretary

***Corrected Carroll County Meeting Minutes of 9/7/11***

