

D R A F T
Carroll County Commissioners' Meeting Minutes
January 18, 2012

Commissioners Present: David Sorenson, Dorothy Solomon, Asha Kenney

Public: Chip Albee, Ed Comeau, Barry Dodier, Steve Brown, Daymond Steer.

David Sorensen, Chairman, called the meeting to order at 8:32 am.

Public Input

Daymond: Do you know if Mr. O'Mara from Rockingham County has signed the agreement with the Sheriff's office to do the investigation outside the Jail. **Commissioner Sorensen:** I don't know, but I believe once he signs the agreement, he has 45 days to conduct the study.

Barry Dodier: I am here to see if Bonnette, Page and Stone were awarded the contract on the pellet boilers. I am here representing a company who is an authorized dealer on wood pellet boilers. I am inquiring whether that bid is still open or what have you because we would be interested in bidding on that. **Commissioner Solomon:** Do you sell the pellet boilers? **Mr. Dodier:** Yes. **Commissioner Solomon:** They have been purchased for over a year now. **Mr. Dodier:** We also install them. **Commissioner Solomon:** Installation is different. **Mr. Dodier:** I am representing First Response Plumbing and Heating out of Conway. I realize that BPS was the general contractor for the nursing home, but if the bid is still open, we could save the County money, because there would be no middleman.

Commissioner Sorensen: The bid was given to BPS. We have signed a contract with them. You may wish to see if you could be a subcontractor, just on the plumbing. Right now there is electrical, and plumbing, putting in a wall, double outside doors, tearing up asbestos in the floors.

Commissioner Solomon: Where did you learn about this, at this point and time. **Mr. Dodier:** Last week's Carroll County Independent. It stunned me that no other bids were put out there. **Commissioner Solomon:** You do not check the Dodge Report. **Mr. Dodier:** I am a partner with another gentleman and I have been trying to get him into that, but he doesn't adhere too well to the Dodge Report only because its money that does not always have a return on it. It stunned me that no other bids were accepted, and that BPS is persae a mason contractor. I won't submit a bid to them. I won't bid to a mason contracting for my trade. The cost \$375,000.00 is an outrageous price. Mr. Dodier went into details and specifics about the boilers he is authorized to sell. It is a two-day installation and you have your heat on. Bonnette, Paige and Stone are making lots of money on this job. It is an outrageous price.

Commissioner Kenney: I know. It doesn't take two or three months to hook-up.

Mr. Brown: I have all the specs, but they are at home. That is why I have called for an audit and I am going to get an audit one way or another, whether the Commissioners want to give it to me willingly, or I have to force it legally.

Mr. Dodier: Their pellet borders are not practical for home installation. They are expensive.

Mr. Dodier: Three to four month installation is sleeping on the job. You want to keep them awake. BPS is looking at about a six-digit profit. Unfortunately, you gave the bid to them, but you would do justice to the County taxpayers for them to sharpen their pencil.

Commissioner Kenney: I think it was not long enough; it was only a week out. If we had it longer we may have had more bids coming out.

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Commissioner Sorensen: It was out two weeks and then we extended it for one week because we only had one bid. We put it in the Dodge Report, and we asked anybody interested to give us a call and we will hold off awarding the contract.

Commissioner Sorensen: Most of the cost was in the mechanical end of it and electrical end of it to the tune of \$230,000.00.

Commissioner Kenney: Because they are hiring subcontractors, they are not doing it themselves.

Mr. Dodier: BPS does not do heat. The price is outrageous, and their time frame is outrageous.

Mr. Dodier: We have a website www.firstresponseplumbingandheating.com You can look up our background, etc. **Commissioner Sorensen:** You have not done commercial work. **Mr. Dodier:** I have done commercial for the past 18 years. **Commissioner Sorensen:** Do you have experience with the hook up of pellet boilers, commercially. **Mr. Dodier:** No, I have been doing steam, high-pressure steam systems. **Commissioner Sorensen:** So this is new for you. **Mr. Dodier:** Yes, The Austrian manufacturer will come to the United States and do whatever needs to be done to have a satisfactory job, be it hands-on instruction to install the boiler, etc.

Commissioner Sorensen: I am sorry I don't have all the details regarding the boiler. I didn't know you were coming in. Is that boiler manufacturer in the United States? **Mr. Dodier:** The boiler is manufactured in Austria. They are selective as to who sells their products. Maine Energy Systems is a green energy company.

Mr. Albee: Maine Energy Systems was one of the bidders when we were looking at what boilers to get. I don't believe Maine Energy System, at that point and time qualified as an American made product, so we wouldn't have been able to buy it anyway. The second part of it, it is not so much the installation cost. If we were to hire just a plumbing contractor to install the boilers, we may find ourselves in the same situation we were in with the Jail where we had no over site of any competence and ended up with aluminum wiring throughout and had to be removed.

I think they are correct in asking for an audit but I doubt there would be a six-figure profit margin in any of these fields. The other portion of this has been the David Bacon Act, and because of the grant money coming from the Federal government to buy the boilers, the installation has to adhere to the wage scale with the northern New England Union scale base. That jacked the price up.

Public Input

Steve Brown: Jac Cuddy, Eggs and Issues last week, I asked why only two Commissioners were invited. You told me that was Jac Cuddy's decision, call Jac Cuddy. Guess What, I called Mr. Cuddy. He refuted that Mr. Chairman, he not only refuted it, he said that was an inaccurate statement because that was open to everyone, including all the Delegation. Transparency, Mr. Chairman. it was open to everyone.

Commissioner Solomon: Excuse me. Tone down your voice. **Mr. Brown:** Excuse me! I am speaking. You know what, considering I have lost 30% of my hearing, too bad. Why, Mr. Chairman.

Commissioner Sorensen: I was invited. I said two Commissioners were going. **Commissioner Kenney:** No, you said invited.

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Mr. Brown: Why did you say, two Commissioners were invited? **Commissioner Sorensen:** Okay. **Mr. Brown:** No, Commissioner it is not okay. You specifically said two Commissioners were invited. **Commissioner Sorensen:** Were three Commissioners invited?

Mr. Brown: And the whole Delegation was invited. but you specifically stated two Commissioners were invited. There was no invite; it was an open forum for everyone. **Commissioner Sorensen:** Only the four Representatives from that area were there. Check with Jac Cuddy. **Commissioner Kenney:** It was open to everyone. **Mr. Bown:** It was open to everyone; you never said it was open to everyone. **Commissioner Kenney:** You said that.

Mr. Brown: You're not being transparent, and when you are not being transparent, this is why these questions come up. Watch the video Mr. Chairman, you specifically used the word "invited". Watch it! you said that. **Commissioner Sorensen:** I am not disputing that, two Commissioners were invited.

Commissioner Kenney: The Chairman said at a meeting that only two Commissioners were invited. Jac Cuddy called me. I talked with him and he said that was not true, he would never exclude me. He said that was Sorensen's decision. **Commissioner Sorensen:** Wait a minute! Wait a minute, I never said that.

Mr. Brown: Jac Cuddy told me the email went to Commissioner Solomon. **Commissioner Solomon:** What email? **Mr. Brown:** Excuse me - the email from the Committee. **Commissioner Solomon:** Oh. **Mr. Brown:** Oh, now you remember. Do I have to get a 91-a to get that email, because you don't have it anymore. **Mr. Brown:** I will get it from Jac Cuddy. **Commissioner Solomon:** The email merely listed who was coming. It did not ask me to invite anybody. **Mr. Brown:** Oh, you took it upon yourself not to invite Commissioner Kenney? Did you invite Commissioner Albee? **Mr. Albee:** I am not a Commissioner. **Mr. Brown:** You're not. Are you sure? **Commissioner Kenney:** He is a former Commissioner.

Commissioner Solomon: Mr. Brown, Excuse me. Mr. Brown (as she banged on the table) Mr. Brown you are being irrational and unreasonable. **Mr. Brown:** You want to start slamming stuff, Commissioner Solomon. I can play that game too. You're the one being unreasonable. **Commissioner Kenney:** Let's move on to something else. **Commissioner Solomon:** No, I will not. Let me tell you one thing. **Mr. Brown:** No, I will give you a 91-a for the email. These are our tax dollars that you are playing with here. **Commissioner Sorensen:** Would someone get the Sheriff's Department? **Commissioner Solomon:** I would like to make one statement, "I received information from the Economic Council because I am a member".

Mr. Albee: Concerning Monday's meeting, is there no longer a Building Committee? I remember you put together a Building Committee on the old nursing home. **Commissioner Sorensen:** Apparently it changed. Representative Mark McConky is the Chairman of that Building Committee. The list that I got had pretty much the same members that I put on that Committee. All the Representatives on there were the same. **Mr. Albee:** In the email I got, it did not appear that there were any members of the public on there. However, I believe it is open to the public? **Commissioner Kenney:** The members are Representative McConky, Chairman of that sub committee, Betsy Patten, Harry Merrow, Laurie Pettengill, and Frank McCarthy. Requesting other attendees- Steve Schmidt, Karen Umberger, Sandi McKenzie, Carroll County Commissions, BPS and EGA. It is open to public. :

Commissioner Kenney: They sent an email. Okay I will check it out.

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Mr. Dodier: I would like to comment on Mr. Albee's comment on a plumbing contractor and having the job done properly, and referencing the jail and the aluminum wiring. I don't know whom you are going to have overseeing, as clerk of the works, it may be BPS, but my own personal feeling is that they don't know anymore than the people in this room. They know as much about heat as BPS. My own personal feeling is that if you are not in the trade, and you do not know what the trade is, it is the blind leading the blind.

Mr. Albee: We just deal in empirical facts. We have a company, that who in the last two years has brought us a public building, two million dollars under budget, which has a heating system and electricity. I appreciate that your skills are far greater than mine are; I certainly did not mean to make a comment that would put you in the same class as those people who put aluminum wiring into the jail. I was more directing my comments at over site. BPS did oversee the building of the large nursing home, brought it in under two million dollars. I was just dealing from that playing field and thinking that is not a bad result from that contract, and there is better than an even shot that there will be a good result from this contract.

Mr. Dodier: BPS has the contract and now they are going to turn around and give it to Denron who did the nursing home. **Mr. Albee:** I am sure they will.

Mr. Brown: I would like to know what the connection with BPS is, and why Mr. Albee keeps pushing BPS. There is a connection there. **Mr. Albee:** If you want to slander people, go ahead. I would like to know what your connection with reality is.

Commissioner Sorensen: Mr. Brown, hold it right there. Public input is done for you. You had your chance, and you have spoken longer than anyone else has. We need to be fair to everyone else.

Daymond Steer: Commissioner Kenney did you get any advance notice or indication that you were invited to Eggs and Issues?

Commissioner Kenney: No, but when the Chairman said only two Commissioners were invited, I contacted Jac Cuddy and he told me I was not excluded. **Commissioner Sorensen:** I did not mean to exclude the third Commissioner. All I said was that two people were invited. My understanding was that it was in held up in the North Country, only four Representatives from the North Country and the two Commissioners were there. If it were held down south, I would guess that Commissioner Kenney would be invited. I don't get involved in that.

Daymond Steer; Did you not attend because you were not invited, or did you have other commitments or didn't know about it?

Commissioner Kenney: My plan was to attend, but that morning it was snowing and I decided not to go. I was going because he said I was welcome and I was invited.

Minutes

Commissioner Kenney: I have minutes from 1/11/12. I got a note that she was going to be a little late. I quickly looked through it, but I would like to table the minutes until next week because I got it a little late. I have non-public minutes, but I need to print them out. I can go downstairs in awhile, print them out and bring them upstairs.

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Department Reports

Jason Johnson

HOC

Current population is 46 in-house, 1 weekender, 9 transfers, 4 electronic monitor, and 16 on pre-trial release for a total population of 76. Report is herewith attached.

Recreation Fence

I received a quote for \$6,400.00 to address the needs of the main yard. I would like to have that approved so that I can get that work underway.

The new Sallie port doors were installed last week.

I have a draft copy of the Annual Report; the only thing I am missing is the Crime Data for 2011. I hope to have that by the end of the week. I would like to give you the annual report for your review, as there are other items that we included like different number and types of transports, and the various incidents that happened with the facility. It is lengthy as far as number of pages. I will get that to you today.

Commissioner Solomon: Did the fence go out for bid? **Jason:** I contacted the same company that did the loading area. They did work with us before.

Commissioner Sorensen: The estimate was over \$5,000.00, so you will have to put that out to bid. You will need to contact three companies, put it in the paper and on the bulletin board downstairs. We will have to hold that up until we get all the bids.

Sandi McKenzie

MVC

Current Census: 103. There are 22 Private Pay Residents, 7 Medicare Residents, 7 Pending Medicaid Residents and 67 Medicaid Residents.

Sandi: Talking about "pending of Medicaid" there is a bill, in the House that is being looked at having to do with the amount of time the Medicaid application should stay into that system. The County nursing homes are pushing that once the Medicaid application is complete, there should be a set amount of time. I think the way the bill reads it should be 45 days from the date of submission. As you are aware, we do have Medicaid residents that are pending for a long time.

There are five students from the Governor Wentworth Regional School District who came yesterday. They are being oriented and will start on the households next week. We have five students coming Wednesdays and another group will be here Thursday. They are working to get their LNA license. They will be working under the supervision of their instructor doing activities of daily living. They are only here for two to two and half hours, but that is great exposure for them. There may be a student working in our Rehab Department every Wednesday. That has not been finalized, but an instructor approached me yesterday.

Reporting: Reasonable Suspicion of a Crime in a Federally Funded Long-Term Care Facility (LTC) Section 1150B of the Social Security Act

There is now focus on crimes that could be committed in a long-term care facility. They are focusing on federally funded nursing homes. Now that we have obtained more than \$10,000.00 of Federal funds.

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we have to abide by the rules they have written. We are looking for determination of the rules as they are somewhat convoluted. By stating to the Commissioners that we have taken in \$10,000.00, I have met some intent of the law. Please refer to attached report.

For Clarification:

The Building Subcommittee Meeting is on Monday at 10.00 am having to do with the old nursing home with a tour at 9:30 am. **Commissioner Sorenson:** Please make sure Bob Murray is available for the meeting on Monday and the tour of the old nursing home.

The following week there is a Delegation Meeting on Monday, December 30. Is there a schedule? **Commissioner Sorensen:** They are working on a schedule. From what I understand, it will be smaller departments on Monday, Registry of Deeds, Commissioners' Office etc on the first day. If that changes, I will let you know.

Sandi: A month or so ago I talked about Pharmacies and their increased rates. I have received a response from the RFP from Omnicare, Kinney Drug/Health Direct and Pharm America. I will bring that information with me next week for review. **Commissioner Sorenson:** Is there anyway we can tie that in with the Jail?

Sandi: I can talk with Jason. The regulations for the nursing home are quite different from the regulations for the Department of Corrections. . My concern is that if someone is in the immediate area and we need drugs, we will not have to run to the nearest pharmacy. I believe this is an area that we will be looking at every year because of cost and availability. I will speak to Jason.

Commissioner Solomon: Has anything further been done regarding the Veteran's Contract. **Sandi:** I have placed a call and am waiting for them to call back. I can follow-up again. I actually had a meeting with a woman who would be one of the surveyors of our long-term care facility. She seemed very interested and she was going to get back to me.

Commissioner Sorensen: Tri-County CAP Transit is requesting \$15,000.00 from the County to support the new fixed route bus system. In the past, they requested \$1,000.00. They did not use that money. They did not request money last year. They went to individual towns and to the counties, so it was double taxing to the taxpayers. Bev Raymond appeared before the subcommittee and apparently asked her to go through the Commissioners to put it in the budget, so we will put it in the budget and the Delegation can act on it.

Commissioner Sorensen: For the subcommittee meeting next week for the old nursing home, we have many questions that the Chairman of the subcommittee is asking. I have asked Bob Murray to go through and get the square footage on the questions that were asked. Mr. Albee since you were on committee for the pellet boilers, I would request that you help us as much as possible.

Commissioner Sorensen: We have three non-public meetings that we are going to be looking at. We will release that next week.

Daymond: Are the Commissioners prepared to release the name of the attorney. **Commissioner Sorensen:** Yes, Daniel Schwartz, Esq. out of Portsmouth.

Daymond: Any word on my Right to Know Law and the Hummers?

Commissioner Sorensen: Are we ready to release any non-public meetings?

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Commissioner Kenney: We need to vote to unseal them first. I have September 14, but we have jail issues in it to. Maybe we should redact it, take the names out. We will try it next week, Daymond.

Commissioner Sorensen: I will say that we have not signed a contract with the attorney. That is why I did not release his name earlier. He is sending the contract to us.

Public Input

Mr. Brown: Attorney Dewhurst, I requested, of the Commissioners, to have an audit done on the pellet boiler bidding process. Can you enlighten us on anything as far as an audit goes? Does that fall under your prevue?

Attorney Dewhurst: The audit provisions are done by an independent set of auditors that are hired by the County to do annual audits. **Mr. Brown:** What about an audit for this bidding process. We just had a gentleman in here and we are being screwed. How do I go about forcing the Commissioners legally to due an audit? **Attorney Dewhurst:** You would have to request an audit and submit it to the Commissioners to see what they want to do.

Commissioner Sorensen: Mr. Brown, are you looking for an audit for the process used to install the pellet boilers? **Mr. Brown:** I am calling for an audit of the entire pellet boiler process from day one. How many Grants for the pellet boilers. **Commissioner Sorensen:** We had two Federal Grants, one for the pellet boilers and one for the piping. Refer to www.governmentoversite.com

Mr. Albee: Let me clarify the two grants. We did contact Senator Shaheen's office when the cost of the piping came in lower than our expectation, and we wanted to use part of that money for the boilers, which came in a little higher than \$200,000. Since we are on **You Tube**, I want to assure the public that if as Mr. Brown states, I was in the business of somehow colluding the County, we would not have saved two million dollars on the project. The slander that seems to be bouncing around here is a little outrageous. The only reason BPS comes into the conversation at all is that you awarded them the bid. If you had not awarded them the bid, we may be having a conversation about the qualifications of whomever you awarded the bid to.

Whether Mr. Dodier or anyone else in the public thinks we are being screwed is a little premature. I think you need to work with the process and remain civil. This whole notion of lack of transparency et.al and then to accuse the Commissioners of misspending money and in the same breath, one citizen requiring the Commission to expend County taxpayers money to satisfy one particular person's curiosity about a particular process. As a taxpayer, as a citizen of Carroll County, before you spend a nickel on an additional audit, I want to know how much and what it is for. All the information is in the public domain right now. It is a matter of going to Business Office and getting a copy, There is nothing that would require a 91-a petition, because none of this information is non-public, none of this information is out of the public domain.

Perhaps the easier way to do this is to post the process on the website. Have the Attorney General come in and see if there is some sort of violation, and then have an investigation. Until the law has been broken, I don't want to start spending a lot of money to satisfy someone's curiosity.

Mr. Brown: Once again, we have the Democratic point of view from Commissioner Albee, which retorts the other two Democratic Commissioners. **Commissioner Sorensen:** Are you talking about political parties? **Mr. Brown:** Well I think the Democratic Party is a Party. **Commissioner Sorensen:** But you are talking about the Democratic Party. **Mr. Brown:** .That is his democratic point of view.

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Commissioner Sorensen: I am a Republican, Commissioner Kenney is a Republican, and Commissioner Solomon is a Democrat. I thought you were saying that two Commissioners were Democrats. **Mr. Brown:** Wait a minute, I know I lost part of my hearing, but did I just hear Chairman Sorensen say he was a Republican, but yet you also finish each other's sentences, how can you say you are a Republican. Oh, I see, you declare yourself a Republican, as a Democrat you will most likely be elected as a Republican. **Commissioner Sorensen:** Let's stop the conversation.

Ed Comeau: What was the meeting you had – Eggs and Issues? During that meeting was there a discussion about the bidding process. There seems to be a problem of communication between the Commissioners Office and the public. This conversation shouldn't happen. The public should automatically know and be able to refer to something that shows the process for bidding. Does that exist? Is there a procedure that you follow?

Commissioner Solomon: Any project over \$5,000.00 must go out for bids. That is our procedure.

Commissioner Sorensen: The Delegation had to approve the building of the new nursing home. We send it out for bids and had four or five companies that bid on it. We interviewed them.

Ed Comeau: My question is – is there a written procedure. If all of you are changed over, does the next set of Commissioners have something to reference - a step-by-step process of what they need to do to put out a bid. **Commissioner Sorensen:** I don't believe there is step-by-step process. Anything over \$5,000.00 has to go out for bid. There are certain things we have to do like sending those bids out to three sources, interviewing those who respond and recommend to the Delegation.

Ed Comeau: The issue seems to be again, the public seems to have questions and there is nothing for them to refer back to. If this were a company, you would have a written procedure on how you bid. If you lose your job, and someone comes in, they will be able to refer to a procedure and not relearn the process. If you had better communication with taxpayers I do not think, the question would occur. The procedure with minute taking should be a set procedure; we should not have to spend an hour talking about minutes. We have spent a lot of time talking about the bidding process. My suggestion is to come up with a procedure so that there is never any question like this again.

Point of Order

Mr. Brown: I asked Kathy Garry if there was a procedure for the bidding. She said there is and she is looking for it. I went through the minutes and there are large amounts of questions that I asked at the last meeting that are not in there. **Commissioner Kenney:** We will review those minutes at the next meeting.

Motion

Commissioner Solomon made a motion to go into non-public session, at 9:38 am for personnel and litigation. Commissioner Sorensen seconded the motion. All agree. Motion passed. Roll Call: Commissioner Solomon – yes, Commissioner Sorensen – yes. Commissioner Kenney, yes.

The meeting was adjourned at 9:40 am.

Respectfully submitted,

Sandra Twyon
Recording Secretary