

MINUTES
Cheshire County Commissioners Meeting
Wednesday September 20, 2017 09:30AM
County Hall Building
Commissioners Conference Room
12 Court Street
Keene, NH 03431

Present: Commissioners Peter Graves, and Joseph Cartwright, and Commissioner Weed

Staff: Administrator Coates, Finance Director Trombly, Grants Manager Bansley, Maplewood Facilities Director Harrison, County Attorney McLaughlin, and Assistant County Administrator (ACA) Bouchard.

Guests: Patricia Martin

At 9:30AM the Chairman opened the meeting and recognized Maplewood Facilities Director Harrison who discussed Master Agenda Item #530: RFP for UTV for Maplewood Nursing Home
Action Expected: To receive the results of the RFP for the acquisition of the replacement ATV for the Nursing Home Facilities staff.

Harrison presented the results of his RFP request for the UTV and recommended the purchase of UTV of a Polaris Ranger UTV for \$10,298.00. Following discussion Commissioner Weed moved to authorize the purchase of the UTV from Pinnacleview Equipment of Walpole, NH and was seconded by Commissioner Cartwright. Upon vote the motion passed unanimously.

Master Agenda Item #526: Patricia Martin, Rindge was then taken-up for discussion and Ms. Martin was recognized by the Chairman to receive information on a public safety issue from a County constituent.

Martin explained her personal preference for not allowing open carry of weapons. She cited a recent instance of an incident of in Rindge that she felt should have been prosecuted at a higher level than the misdemeanor that was ultimately charged. Martin then read a prepared statement into the meeting record.

Dear Commissioners,

Thank you for granting my request to speak with you about my concerns regarding "Constitutional Carry" (2017 SB 12) and the prosecution of gun crimes.

I have never taken much interest in gun law. My public policy interests lie in advocacy for people with disabilities and for a clean energy economy. I have never testified against any gun legislation and don't belong to any advocacy organizations for or against guns. That may change in the future.

Frankly, if people are going to carry guns in public, I would rather that they are concealed. I'll admit that "open carry" intimidates me and sends a chill down my spine. I expect to see weapons in the hands of the military or law enforcement; not my neighbors. The sight of a person openly carrying a gun triggers alarms for me. I suspect that people carrying guns in full sight (especially long guns) know the reaction of fear and anxiety they cause in others.

Despite not liking guns, I'm a veteran of the USAF and the NH Air National Guard. The most lethal weapon I ever handled in the defense of my country was a soldering iron as an electronic technician on KC-135 tankers. Does the fact that I wasn't trained to shoot make me less of a veteran or patriot?

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I don't like guns, but as long as I don't have to see them and the gun owners are responsible, I agree that it's a basic right to own and carry them. I never thought much about people carrying concealed weapons prior to the passage of "Constitutional Carry." I knew that before Constitutional Carry, people who carried concealed weapons were screened by local police chiefs or select boards and that gave me some sense of security. Now that this protection has been undone, I feel more must be done on the side of deterrence when a gun owner does not act responsibly. It is my hope that the same people who advocated so strongly for Constitutional Carry will also advocate for stronger penalties for irresponsible gun use.

"Gun owners, of course, must always act responsibly -- but then lawful gun owners tend to act lawfully in the first place." ~Michael Walsh
[New Hampshire Adopts 'Constitutional Carry'](#)

And, in the formal record of a hearing on 1/10/17, one of the major points in favor of SB 12, "Those who are likely to carry out a crime are not likely to be dissuaded by a misdemeanor punishment" ~Senator Bradley
http://www.gencourt.state.nh.us/bill_status/HearingReport.aspx?id=62&sy=2017

Recently there was an instance of alleged criminal threatening with a handgun in Rindge, NH. The Cheshire County Attorney was unwilling to prosecute the case as criminal threatening. The reason given was that the case was "weak." Wouldn't you think that if the Town Prosecutor thought it should be a criminal threatening charge, the County Prosecutor would trust his judgement?

Since the accused denied the charge and was represented by a high-powered NRA attorney, our County Prosecutor wanted to "just let it go." Ultimately, the Town Prosecutor was allowed to proceed with a misdemeanor disorderly conduct charge.

I think the fact that the person accused of criminal threatening admitted to being engaged in a road rage incident and, while denying that he pointed a loaded weapon at 3 young people in a vehicle, claimed he'd pointed a black gloved hand at them, provides strong evidence of guilt. (Police recovered a loaded gun from his vehicle.)

Isn't it true that even if a person is only using a fake gun in a robbery, it's still considered felony armed robbery? Why are there greater penalties for threatening to take money from a bank than for intimidating people? If the person being robbed thinks it's a gun, the criminal is prosecuted for that crime.

"Stand your ground" law in New Hampshire would also indicate that if the young people in the other car were armed, they would be legally justified if they shot the person who they thought was pointing a gun at them while they were stuck at a light. What if they had panicked and pulled out into oncoming traffic endangering other lives? The person accused of brandishing the weapon is also a member of a citizen's militia group and I'm certain is well acquainted with gun law.

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In the end, the accused plead no contest to misdemeanor disorderly conduct and paid a fine. He still gets to carry a gun. He wasn't assigned to any anger management or gun safety training.

I can understand why the parents of the young victims may not have been enthusiastic about hiring their own attorney or filing a lawsuit. Who wants to spend time and money in court and possibly become the target of NRA activists or the local militia?

Most of the statements in favor of SB 12 argued that the existing system of issuing permits caused some people to feel that they were unlawfully denied a permit by local authorities and that challenging such denials was expensive. Penny Dean, an attorney practicing in ME, NH, and DC stated, "Senator Gannon asked how much it costs on average to challenge a denial. In general, between \$10,000 and \$50,000 to do it correctly, but it is not just the money, as some people are concerned about losing their jobs."

It seems to me that SB 12 has shifted the burden of disarming irresponsible gun owners from fellow gun owners and local law enforcement to the unsuspecting general public.

What are we to do?

I contend that if the State chooses to take away local control and the discretion of local authorities, it must find a remedy for situations in which guns wind up in the hands of the wrong people. As Senator Bradley noted, "Those who are likely to carry out a crime are not likely to be dissuaded by a misdemeanor punishment." Perhaps criminal threatening with a gun should be an automatic felony charge?

I am not satisfied that justice was done nor that the rights of the people of Cheshire County were adequately represented.

I'm here today to ask you to engage and to act on behalf of the unarmed citizens of Cheshire County. Failing that, I'm asking for your advice on how to proceed so that NH doesn't become the "Wild West," where everyone must arm themselves for protection because law enforcement fails to take gun crime seriously.

Thank you.

*Patricia Martin
17 Farrar Road
Rindge, NH 03461*

County Attorney McLaughlin reviewed the case and said that he respectfully disagreed and presented a detailed outline of the incident and explained the multiple reasons that the case was not pursued by the County Attorney's office and returned to the town prosecutor for adjudication processing.

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Administrator Coates reviewed the structure of the County and explained the interface that the County Attorney has with the County Administration and Commissioners and the lack of jurisdiction that are involved in this particular case.

Grants Manager Bansley was then recognized to discuss Master Agenda Item #527: Cost Allocation Plan and Indirect Cost Rate Policy. The purpose of the policy and the Commissioners are being asked to vote to approve and execute a Cost Allocation Plan and corresponding Indirect Cost Rate Policy for the County to meet the requirement of the Uniformed Grant Guidance and the request of CDBG to have a Cost Allocation Plan on file.

Following discussion Commissioner Weed moved to accept the policy as presented and was seconded by Commissioner Cartwright. Upon vote the motion passed unanimously.

Bansley then reviewed Master Agenda Item #528: CDBG Close-out Agreements for Microenterprise SFY17 (Program year 2016) and SCS/Westmill Senior Housing for the purpose of executing the close out agreements that certify that no costs have incurred after the grant end date, all procedures have been followed, all costs have been paid, and all laws have been complied with and it releases CDBG from liabilities associated with the grant contract.

Bansley presented the closeout agreements to the Commissioners for signatures. Commissioner Weed moved to close out the agreements and to sign the closeout agreement. Commissioner Cartwright seconded the motion and upon vote the motion passed unanimously.

Bansley then discussed Master Agenda Item: CDBG Microenterprise SFY18 subrecipient agreements and professional services agreement and asked the Commissioners to execute agreements to subgrant funds to subrecipients to provide training and technical assistance services to LMI microenterprises and to SWRPC for administer the grants.

Bansley then provided the close out documents for Microenterprise agreements. The Commissioners then signed the closeout documents for SFY 2017 and to open the SFY 2018 grants.

Commissioner Cartwright raised a question concerning the on-going tracking of compliance by the grant recipients over the life of the monitoring periods that can be for twenty (20) years or longer as in the case of the Westmill Senior Housing project. Administrator Coates said that he would contact Southwestern Community Services and ask one of the staff to provide a report to the Commissioners on the issue in the next few weeks.

Master Agenda Item #529: Grants – Semi-Annual Report – S. Bansley
Action Expected: To receive as informational the semi-annual report from the Grants Manager. Bansley reviewed the statistics and grants currently underway and provided the following documentation.

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Cheshire County Grants Department Semi-annual Report 9/20/17

Highlights

1. 35 grants with an award value of \$10.8 million at halfway point in 2017 (compare to 2016-year end: 41 grants, \$10.7 million)
2. 2017 Revenue of \$1.6 million halfway through year, includes \$63k admin
 - 2016 revenue of \$2.5 million includes \$80k in admin
 - 2015 revenue of \$1.2 million includes \$63k in admin

Challenges

1. SOC grant is very large and complicated. Expense reimbursements are numerous. We just got the hang of reporting, and SAMHSA changed the online platform. Our contract/financial contact is very difficult to get a hold of and replies are often delayed.
2. DFC/RCI is an intense grant to manage because the program manager needs guidance in understanding what allowable expenses are and what backup documentation is needed, as well as budget amendment and continuation application.
3. Cost allocation plan.

Successes

1. Wrote personal record number of grant applications this year: 16!
 - a. Seven awarded (DOT, drug court state, DV prosecutor, PHN, SOC NHCF mini grant, VOCA, and MVP's NHCF), plus 4 more that I didn't write (CDBG Micro, GMMRC, Highway Safety E-tic, NHCF windows)
 - b. Seven pending (LCHIP cupola, trails grant, bulletproof vests, JAG17, Cogswell, Johnson, and Weber), plus one more is pending that I didn't write (Highway Safety STEP)
 - c. Two not awarded (L5, NHCF employment portal), plus 1 more I didn't write (Opioid Reduction)
2. Drug court federal grants ended and state grant began; transition successful.
3. Public Health and DOT grants both ended old contracts and began new contracts (under new federal grant guidance), at the same time, and both launched smoothly.
4. Revised subcontract template with new information learned at NGMA conference on how to structure grant subcontracts. This added clarity to how billing occurs and ultimately creates an easier process.

Two (2) non-public session to review petitions for Family Medical Leave Act (FMLA) requests.

Coates was recognized and said that Director Trombly asked to review the current health insurance status and discussed the current claim rate and costs for the year and said that a number of large claims have had a major impact on the fund reserves this year and total fund reserves are much lower than she feels comfortable with, especially if the claims remain high through the end of the year.

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An extended discussion began about the County health insurance and alternatives to consider that may better meet the needs of the staff while potentially keeping costs down.

At 11:17AM Commissioner Weed moved to enter a non-meeting to discuss a matter with the legal counsel and was seconded by Commissioner Cartwright. Upon vote the motion passed unanimously.

At 11:41AM Commissioner Weed moved to exit the non-meeting and was seconded by returned to public session.

Coates then resumed the Weekly Operations report and said that the demolition of Old Jail and the “Daycare” house is proceeding and it is expected that multiple bids will be received to complete the work.

Coates discussed personnel changes at the State that will possibly affect the discussion around the managed care conversation that is on-going with the County’s.

Regional Development Alliance – Coates discussed a meeting that was recently held with the United Way to find ways to develop funding sources to bring economic development issues to the forefront in the County. More information will be forthcoming in the next few weeks.

Coates stated that Nursing Home Administrator Kindopp and Maplewood Bruce Harrison met with Harry Nelson regarding the recent fire alarm at the nursing home and the proper procedures that need to be followed when communicating with the Southwest Mutual Aid fire dispatch center in Keene.

Blood Farm sale – Coates reported that a strong closed-up smell and rodents, and bats have been noticed in the house lately. A discussion of possible alternatives to selling the property began and the administrator and assistant administrator will follow-up.

Old Business:

A discussion of the status of the Maplewood reconstruction project began and Coates said that he will coordinate with Steve Horton the Owners Representative, and the architect and construction management team to present at an upcoming Commissioner’s meeting.

Commissioner Weed then reported out on the study committee examining the state managed care options and said that the biggest problem to moving forward is the lack of case management that requires currently missing infrastructure and supporting systems. He also said that the need is great for more providers for service delivery in addition to the case management component that is missing. Some new models that utilize Medicaid funding to deliver services to seniors are being looked at as being done in other states.

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Trombly then said that the conversation to the new Kronos payroll system is now complete after approximately 18 months of effort and thanked Misty Hall, the Assistant Finance Director and the IT staff for pushing the project to completion.

At 12:36PM Pursuant to RSA 91-A:3, II (a) Commissioner Weed moved to enter non-public session and was seconded by Commissioner Cartwright to discuss *the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.* Upon vote the motion passed unanimously.

As a result of deliberations in non-public session the Commissioners voted to extend an unpaid four week FMLA leave for an LPN who is requesting a return date of October 19, 2017. Following discussion, the Commissioners approved the additional FMLA time.

At 12:42AM the Commissioners voted unanimously to return to public session.

At 12:42PM Pursuant to RSA 91-A:3, II (a) Commissioner Cartwright moved to enter non-public session and was seconded by Commissioner Graves to discuss *the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.* Upon vote the motion passed unanimously.

As a result of deliberations in non-public session six (6) weeks of unpaid leave were approved by the Commissioners.

At 12:48PM the Commissioners voted unanimously to return to public session.

The County Census was then reviewed.

The Weekly Manifest was then reviewed and Commissioner Cartwright moved to accept the Manifest as presented and was seconded by Commissioner Weed. Upon vote the motion passed unanimously.

The minutes of September 13, 2017 were then reviewed and Commissioner Weed moved to accept the minutes as presented and was seconded by Commissioner Cartwright. Upon vote the motion passed unanimously.

The Commissioners calendar was then reviewed.

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At 12:59PM there being no further business to discuss, Commissioner Cartwright moved to adjourn the meeting. The motion to adjourn was then seconded by Commissioner Weed and upon vote the motion passed unanimously.

Respectfully Submitted,
C. Weed