

MINUTES  
Cheshire County Commissioners Meeting  
Wednesday August 9, 2017 09:30AM  
Department of Corrections  
825 River Road  
Keene, NH 03431

**PRESENT:** Commissioners Peter Graves, and Joseph Cartwright

**STAFF:** County Administrator Coates, Finance Director Trombly, Superintendent Van Wickler, Sheriff Eli Rivera, Human Resource Manager Jardine

**GUESTS:**

At 9:38AM the meeting opened and the Chairman Graves recognized Sheriff Eli Rivera.

**At 9:40 am Commissioner Graves made a motion to enter into a recess in order to enter into a non-meeting for the purpose of discussing collective bargaining. Seconded by Commissioner Cartwright.**

**The Commissioners discussed a collective bargaining issue with the Sheriff.**

**At 10:46 Commissioner Graves moved to re-enter public session and was seconded by Commissioner Cartwright.**

Commissioner Graves welcomed Human Resources Manager Jardine.

Discussion ensued about how things were going in her new role as HR Manager. Jardine indicated that things were going well and that she is scheduled to give her semi-annual report in the near future.

**At 10:54 Pursuant to RSA 91-A:3, II (c) Commissioner Cartwright made a motion to enter into non-public session to discuss a matter which, if discussed in public, would likely affect adversely the reputation of any person. Commissioner Graves seconded the motion.**

**The HR Manager presented a request for an unpaid leave of absence.**

**As a result of deliberations in non-public session the Commissioner voted 2-0 to authorize the request for a leave of absence for W.S.**

**At 10:55 AM Commissioner Graves moves to exit non-public and return to public session and was seconded by Commissioner Cartwright.**

**At 10:57 Pursuant to RSA 91-A:3, II (c) Commissioner Cartwright made a motion to enter into non-public session to discuss a matter which, if discussed in public, would likely affect adversely the reputation of any person. Commissioner Graves seconded the motion.**

**The HR Manager presented a request for an unpaid leave of absence.**

**As a result of deliberations in non-public session the Commissioner voted 2-0 to authorize the request for a leave of absence for T.B.**

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**At 10:57 AM Commissioner Graves moves to exit non-public and return to public session and was seconded by Commissioner Cartwright.**

**At 10:59 Pursuant to RSA 91-A:3, II (c) Commissioner Cartwright made a motion enter into nonpublic session to discuss a matter which, if discussed in public, would likely affect adversely the reputation of any person. Commissioner Graves seconded the motion.**

**The HR Manager presented a request for an unpaid leave of absence.**

**As a result of deliberations in non-public session the Commissioner voted 2-0 to deny the request for a leave of absence for D.S.**

**At 11:04 AM Commissioner Graves moves to exit non-public and return to public session and was seconded by Commissioner Cartwright.**

Commissioner Graves recognized Superintendent Van Wickler to receive his semi-annual report.

At this time, all Correctional Officer positions are filled. This is unusual as all other facilities are struggling with keeping their positions filled. Out of the 59 officers, 53 are certified. He is also pleased as he is seeing the rate of retention for these positions stabilizing which may have a correlation of doing the certification process in-house.

Commissioner Cartwright asked if there is a waiting list for new hires. Superintendent VanWickler indicated that there is a list of individuals in the queue that when vacancies arise those individuals are contacted to see if they are still looking for employment. Currently the only position vacant is the lobby receptionist and they will be interviewing shortly for this vacancy.

Transports and Federal Inmates are going back up. At one point, there was nearly 60 Federal Inmates. This level is too high to maintain so the cap established is to keep no higher than 50. Cartwright asked why the cap of 50 was established. VanWickler responded that this level provides the comfort level of knowing there will be room to house our own County inmates as it is never known how many inmates could be coming in at any moment.

Cartwright wanted to know how the schedule is created for Correctional Officers and if they worked different shifts. Superintendent indicated that based on the new union contract the shifts are now based on seniority. It used to be that new hires had to work swing shifts to get acclimated to all shifts. That worked well in the past but the contract now requires new hires to start on the 3<sup>rd</sup> shift. In order to move to another shift, they must wait for a position on another shift to open and apply for it.

Graves asked if all CO's have to adhere to the union contract. Superintendent explained that all

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CO's in the Union are covered by the contract however there are a few CO's that were here when the contract was voted in that had the option to not pay dues. All new CO's have to either pay union dues or agency fees.

Graves asked about the Federal Inmates. How does the classification happen with the short term Federal Inmates? Superintendent explained that there is no paperwork that comes with the Federal Inmates so the Classification Officer processes all of them through to determine proper classification.

Cartwright asked about the sealing of the driveway as it appeared to be in rough condition. Superintendent indicated that this is an item that is being requested in the 2018 budget. He also mentioned that there have been many equipment failures this year. The Commissioners should be anticipating that the 2018 budget will identify more funding for replacement of equipment that is getting to be end of life.

Cartwright asked if the transport van was here. Superintendent indicated that it is not yet. They check weekly and it should be ready soon.

County Administrator Coates was then recognized and provided the following Weekly Operations report:

Coates reminded the Commissioners that the Executive Committee will be meeting at 5:30pm on Monday August 14<sup>th</sup> with the Delegation meeting following at 7:00pm.

Coates informed them that he will be meeting with Molly Kelly in the near future to develop a speaker series surrounding civic engagement.

Coates presented the Commissioners with the 2018 budget letter to accompany the 2018 Budget packets that will be distributed this week. The letter was signed by Commissioner Graves for distribution.

Cartwright asked about the IT Data position that was requested. Coates indicated that as this would not be ready for the Delegation meeting on Monday so will be presented through the 2018 budget process.

Coates informed the Commissioners that The Putnam Foundation came to County Hall this past Monday to tour the building.

Coates then gave an update on the salary and wage process. He informed the Commissioners that the team working on this has finished the classification process. Coates will update the Department Heads so they are aware of what has occurred with this stage. The next part of the process will be to analyze the wages utilizing data from the study performed by Don Jacobs and

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getting more data from other applicable employers.

Coates indicated that he has been informed by Executive Council member, Andrew Volinsky that the Executive Council will be holding their meeting in Keene on August 23<sup>rd</sup>. The Commissioners will be receiving invitations to this meeting.

Coates updated the Commissioners that Eversource has started the work at the Latchis parking lot that will result in some upgrades that will benefit us.

He then brought up the CDBG Grant that we have been seeking to offset the bonding needs for the Nursing Home Project. He presented feedback from CDFA and the response from Engelberth.

The following is feedback that was received from Meena Gyawali from CDFA in response to questions she posed to HUD staff:

The Construction Manager will only be allowed to supervise the project; no construction work can be done by the construction manager's company.

- All of the construction work will be required to be publically bid; no work, no matter how small, can't avoid this requirement.
- All of the construction work, no matter how small, will be subject to the Davis Bacon Wage Rates (see attached) and related labor laws.
- If the Construction Manager wants to use prequalified subcontractor lists, they will need to open up those lists to conform to the CDBG public bidding requirements. This means that an RFQ for the prequalified list would need to be put in the paper. The RFQ can only include requirements for this specific project (i.e.; it can't include requirements that are not part of this project in an effort to disqualify certain applicants). CDFA will need to review the RFQ before it is sent out. A justification will need to be provided for any company that is denied a place on the prequalified list. The prequalified list would provide sealed bids for the work.
- If a subtrade is less than \$100,000 in aggregate value for the project (such as all the electrical work), it can be subject to the County's rules for payment and performance bonds. If the subtrade is over \$100,000 in value, they must provide payment and performance bonds.

CDFA stressed that utilizing a CDBG for a project of this size will greatly increase the project's level of complexity due to the CDBG's federal requirements, and create a significant burden in terms of cost to administer the project, since there are no other federal funds in the project triggering these requirements.

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Based on this feedback, Construction Manager Chris Yandow from Engelberth responded as follows:

1. CDFA admits the requirements “*will greatly increase the project’s level of complexity ..... and create a significant burden*”.
2. The requirements create additional costs and schedule implications that become onerous for the project’s schedule and budget to absorb.
3. The requirements force the project team to manage a subcontractor solicitation process without any means of controlling irresponsible low bidding. Using the wrong subcontractor can cripple the project’s schedule.
4. Costs increases are summarized as follows:
  - a. Davis Bacon rates – ADD \$228,000 (assume half the subs raise their labor rates by 5%)
  - b. Payment and Performance bonds for work packages greater than \$100,000 – our suggested limits are \$500,000. Lower tier subcontractors typically do not have the ability to provide bonding and when they do, their rates are higher. ADD \$170,000 for additional bonding of 20 subcontractor work packages valued at \$6,817,000 at a 2.5% bond rate expense.
  - c. Engelberth Construction would require additional staffing, either onsite, or in the office, to manage the administrative and compliance aspects of the requirements – ADD \$212,000 to reinsert a Clerk position back into our GCs.

After reviewing the feedback from both CDFA and Engleberth, County Administrator Coates recommends that the County not continue to pursue the CDBG funds for this project.

Commissioner Graves and Cartwright both supported this recommendation.

Coates then discussed the meeting he had with Stuart Adams regarding building fixes at the farm and the trade for the generator. Chris indicated that it would need to come in the form of at least \$1,000 in cash and physical invoices from contractors showing that he paid for work performed on the buildings equal to at least another \$1,000. Commissioner Graves supports this agreement but doesn’t want to see the County putting any further funds into the farm facilities and feels the Adams as tenants should do future repairs. Graves feels that we have no use for the buildings so if they want to use them then they should fix them.

**Commissioner Graves made a motion to authorize selling the generator to Stuart Adams for \$2,000 supporting the recommended terms. Seconded by Commissioner Cartwright. Upon vote the motion passed unanimously.**

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**The Weekly Manifest was then reviewed and Commissioner Cartwright had a few questions that will be looked into. He then moved to accept the Manifest as presented and was seconded by Commissioner Graves. Upon vote the motion passed unanimously.**

**The minutes of August 2, 2017 were then reviewed and Commissioner Cartwright moved to accept the minutes as amended and was seconded by Commissioner Graves. Upon vote the motion passed unanimously.**

The Commissioners then reviewed the weekly Census.

The Commissioners calendar was then reviewed.

**At 12:13PM there being no further business to discuss, Commissioner Cartwright moved to adjourn the meeting. The motion to adjourn was then seconded by Commissioner Graves and upon vote the motion passed unanimously.**

Respectfully Submitted,  
S. Trombly – Clerk Pro Tempore