

MINUTES
Cheshire County Commissioners Meeting
Wednesday, December 17, 2014 9:30AM
Maplewood Nursing Home
201 River Road
Westmoreland, NH 03467

PRESENT: Commissioners Pratt, Rogers, and Zerba

STAFF: Administrator Wozmak, Finance Director Trombly, MNH Administrator Kindopp, Gina Cutler, Occupational Therapy Director, Laurel Moody, Physical Therapy Director, and Caroline Renauld Speech Therapy Director, and Assistant County Administrator (ACA) Bouchard

GUESTS: Peter Graves and C. Weed, Commissioners Elect, Linda Mangones and Lola Grab, Keene Housing, Donald McCormick KEAP, Jack Dugan Monadnock Development Corporation, Duncan Watson, City of Keene, Dean Lizotte, CFO KEAP, and members of the public.

Chairman Pratt opened the meeting at 9:37AM and recognized Linda Mangones, CDGB Administrator Mangones presented an overview of the Keene Energy and Agriculture Project (KEAP). She discussed the scope of the project and the requirement for conducting the public hearings that follow:

The Chair opened the first public hearing for discussion of the proposed Community Development Block Grant (CDBG) application and the Cheshire County Housing and Community Development Plan (HCD) at 09:33

Linda Mangones, CDBG Grant Administrator, explained that the CDBG program is funded by the U. S. Department of Housing and Urban Development (HUD). It is administered in New Hampshire by the NH Community Development Finance Authority (CDFA) which awards CDBG funds to municipalities and counties in New Hampshire.

The County may apply for up to \$500,000.00 for Housing and Public Facilities projects each year, \$12,000.00 for Planning Grants, \$500,000.00 for Emergency Grants and up to \$500,000.00 for Economic Development Grants. All projects must meet the stated goal of having primary benefit for low and moderate-income persons.

Applications for Housing and Public Facilities Grants are due on the last Monday in January and July of each year. Applications for Economic Development are accepted throughout the year. Planning Grants are submitted in April and October.

The proposed Economic Development project is for \$500,000.00 for Keene Energy and Agriculture Project (KEAP). If successful, the County will grant \$475,000.00 to Monadnock Economic Development Corporation (MEDC) to loan to KEAP, and \$25,000.00 will be used for administration. KEAP will create twenty-five (25) full time equivalent jobs and meet the low-moderate income requirement.

Mrs. Mangones explained that the Housing and Community Development Plan is one that Cheshire County adopted most recently in March 2014 in support of a Housing Grant Application. This plan was updated by Southwest Region Planning Commission at that time.

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The proposed project conforms to the Cheshire County's HCD stated goals to support the development of a diversified economy, support the efforts of new quality businesses to open industrial facilities in Cheshire County, and to support the development of new industry sites and facilities within the County.

Handout copies of the Housing and Community Development Plan were available.

The Chair opened the floor to public comment.

Commissioner Zerba asked if applications are awarded based on scoring. Mrs. Mangones confirmed that applications must meet a minimum scoring to be awarded.

Hearing no further comment, the Chair closed the first Public Hearing on the Housing and Community Development Project at 09:37AM.

The Chair opened the second public hearing regarding the Residential Anti-Displacement and Relocation Assistance Plan (RARA) at 09:39AM

Mrs. Mangones explained that the RARA must be followed if there is any temporary or permanent displacement in a project. Any permanently displaced household or business in a project using federal funds must be found comparable housing in a comparable neighborhood at a comparable price.

The proposed project, KEAP, is located at the City of Keene landfill. It does not require any relocation of residents or businesses.

Should some unforeseen need arise, the County will certify that it will require the Subrecipient to comply with the Uniform Relocation Act and Section 1049D) of the Housing and Community Development Act of 1974, as amended.

Handout copies of the Resident Anti-Displacement and Relocation Assistance Plan (RARA) were available.

The Chair opened the floor to public comment.

Commissioner-Elect Weed requested the County Delegation receive information on the RARA plan. Jack Wozmak, County Administrator stated he will have a copy of the plan attached to the minutes. (See Appendix A)

Hearing no further comment, the Chair closed the second Public Hearing on the Residential Anti-Displacement and Relocation Assistance Plan at 09:40.

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The Chair opened the third public hearing regarding the proposed project Keene Energy and Agriculture Project at 09:40AM.

If the proposed application is successful, the funds will be awarded to the County which will sub-grant the funds to the Monadnock Economic Development Corporation (MEDC). MEDC (the Subrecipient) will loan \$475,000.00 to KEAP to be used to build and equip a greenhouse agricultural facility on the City of Keene Landfill.

Mrs. Mangones introduced Mr. Don McCormick, President and Founder of the Local Farms Project which is undertaking the KEAP project, Mr. Dean Lizotte, Chief Financial Officer of KEAP, Mr. Duncan Watson, Assistant Public Works Director, and Mr. Jack Dugan, President Monadnock Economic Development Corporation.

Handout copies of the project were available.

Mr. McCormick explained the project. KEAP will build a one acre controlled environment greenhouse plus processing center on property owned by the City of Keene. The processing center will operate using free renewable heat and power resources provided on the gas collection of the City Landfill. Fresh greens and fish will be sold to New England markets year round.

The project will create new jobs and opportunities in training. Entry-level jobs will create opportunities for career training and development.

On the day prior to the meeting, the Keene Sentinel had published an article regarding a similar project which had failed in Brattleboro in 2013. The Commissioners had a number of questions regarding the article and the difference between the Brattleboro project and the Keene project. These questions were answered by Duncan Watson and Jack Dugan. The City of Keene has been working on the project for years, was well aware of what happened in Brattleboro, and has made sure that the structure of the Keene project is different so that those problems will not occur in the Keene project. The City is providing some of the funds for the KEAP project.

The Chair opened the floor to public comment.

Mr. Wes Cobb asked for information on the pay rates for he completed project. Mr. McCormick responded that entry level jobs will be \$25,000.00 per year, about \$12.50 per hour with benefits.

Mr. Cobb asked for the total amount of payroll. Mr. Lizotte responded that it is estimated to be in the \$850,000.00 range, but stressed that he was estimating that figure without having access to the financials.

Mr. Richard Paul, requested additional information on the structure of the loan and profit and the length of time for available fuel.

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Mr. McCormick responded that the loan was for ten (10) years and that a profit was anticipated in the second year. Regarding the fuel availability, there have been extensive tests of flow and quality.

Mr. Paul expressed his opinion that the project competes with local small farms and the County should not support the project. In support of his concern he offered a copy of an article from a publication of which he had been made recently aware.

Mr. Duncan Watson, City of Keene, stated that the City had vetted the project and was supportive of the project to be located on City property.

Mr. Robert Hof asked the location of the project at the landfill. Mr. Watson identified the proposed site, which is in a wooded area past the recycling areas.

Commissioner Pratt asked Mr. Dugan to speak to MEDC success and failures in projects. Mr. Dugan included Black Brook Industrial Park, the Railroad Yard in downtown Keene, and the Cheshire County Courthouse as recent projects.

Commissioner Pratt stated that he felt that there had been due diligence performed and had faith in MEDC to evaluate the project and was in support of the motion.

Hearing no further comment, the Chair closed third Public Hearing on the proposed application for Community Development Block Grant funds for the Keene Energy and Agriculture Project at 10:13AM

Commissioner Rogers then thanked the public for their comments and discussed why he thought that the project should move forward.

At 10:29AM Commissioner Rogers made a motion to approve and support the application for the Community Development Block Grant Funds and was seconded by Commissioner Zerba.

Motion to approve and support the County's grant application to the New Hampshire Community Development Finance Authority for \$500,000 in Community Development Block Grant funds to be used by Monadnock Economic Development Corporation (MEDC) for a loan to Keene Energy Agriculture Project (KEAP) for the purpose of establishing a greenhouse operation to be located at the City of Keene landfill; that the Commissioners reaffirm the Housing and Community Development Plan and adopt the Residential Anti-Displacement and Relocation Assistance Plan; that the County will accept the grant if it is approved and enter into a contract with the Community Development Finance Authority; and, further, that the Chairman of the Commissioners and/or the County Administrator is authorized to execute any documents which may be necessary for the project.

At the conclusion of the motion the Chair called for a vote and the motion passed unanimously.

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Finance Director Trombly then presented 2014 budget rollover requests for a total of \$278,940.19 broken down as follows;

12/17/2014	Cheshire County 2014 Capital Rollovers		
Department	Project/Description	Rollover Amt.	Description
Sheriffs	Technology Upgrade (Pervasive, IMC, laptops, etc...)	\$3,575.00	Waiting for IMC server upgrade to be up and running to implement anything new
MNH Facilities	Replace four dryers	\$60,000.00	No bids received yet
MNH Facilities	Laundry Make up Air Unit	\$6,500.00	To be included in Dryer Replacement work
MNH Facilities	Replace hot water heating loop pumps	\$29,500.00	not enough time to get contract signed by year end
MNH Facilities	Tub Room Flooring	\$3,430.73	In process but not finalized
Water Treatment Plant	Treated Water Pump	\$2,350.00	Roll Over
Court House	Court House Space Upgrades	\$133,584.46	Owners Contingency not contracted
Maplewood Admin	NH Feasibility Study	\$40,000.00	Maplewood Study Funds
	Total Rollovers	\$278,940.19	

Following review and questions by the Commissioners, Commissioner Rogers moved to approve the rollover of \$278,940.19 from the 2014 budget to the 2015 budget year. Commissioner Zerba seconded the motion and upon vote the motion passed unanimously.

Action Item #156: Administrator Kindopp was then recognized and introduced Kerri Dutton, a consultant from Harmony Healthcare and MNH staff members, Gina Cutler, Occupational Therapy Director, Laurel Moody, Physical Therapy Director, and Caroline Renauld Speech Therapy Director.

Kindopp said that the purpose of her attendance was to address a review of an audit by Harmony Healthcare International concerning proper utilization of Medicare codes for resident care. This issue was brought forth during one of the public input sessions and was investigated by Administrator Kindopp and the Therapy department's managers.

Dutton said that she had examined the billing for the departments for the previous two (2) months and found no discrepancies or lost opportunities for additional billing. She said that as a consultant her role is to review all medical records and stay abreast of Medicare changes in order to advise clients where they are neglecting to submit proper billing for services delivered to residents.

Director Renauld said that she had done a 100% audit on the same previous two (2) month period and did find any instances where under or over billing had occurred.

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Likewise a 100% audit review of P/T and O/T Medicare billing was undertaken and no deviations from proper billing practice were found.

Action Item #151: Discuss entering into a 2 year CAP agreement for Workers Comp & P&L for years 2016 & 2017 was then brought forth for discussion.

Director Trombly presented a recap of the insurance costs from Primes for Workers Compensation and Property and Casualty for the years 2010 to 2014. The numbers show that based on past performance the County has paid a total \$719,773.00 for Property and Liability insurance and \$1,114,776 for Workers Compensation insurance for a total of \$1,834,549.00 however a total of \$406,870.00 of Holiday Credits (costs that the County did not have to pay due to the County and pool loss experiences during the period) was credited against those costs resulting in a net cost of \$1,427,679.00 over the four (4) year period. Administrator Wozmak noted that if the County were not in a self-insurance pool with Primex at least that amount of money, and most likely a much greater amount, would have been paid out to a commercial insurance carrier.

Director Trombly pointed out that because no CAP plan was offered in 2015 the overall cost of insurance will rise approximately seventeen percent (17%) in 2015.

The language for the CAP(s) are as follows;

RESOLVED: To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex3) to enter into its Property & Liability Contribution Assurance Program (CAP) as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex3 risk management Pool membership during the term of the Property & Liability Contribution Assurance Program (CAP). The coverage provided by Primex3 in each year of membership shall be as then set forth in the Coverage Documents of Primex3.

I attest that the foregoing is a true copy of the Resolution of the Governing Board of the Cheshire County adopted on December 17, 2014.

RESOLVED: To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex3) to enter into its Workers' Compensation Contribution Assurance Program (CAP) as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex3 risk management pool membership during the term of the Workers' Compensation Contribution Assurance Program (CAP). The coverage provided by Primex3 in each year of membership shall be as then set forth in the Coverage Documents of Primex3.

I attest that the foregoing is a true copy of the Resolution of the Governing Board of the Cheshire County adopted on December 17, 2014.

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Following further discussion Commissioner Rogers moved to authorize the Finance Director to submit the Primex CAP document which will limit any insurance cost increases to a maximum of 10% for Workers Compensation costs and 9% for Property and Liability costs for the years 2016 and 2017. Commissioner Zerba seconded the motion and upon vote the motion passed unanimously. The Clerk, Commissioner Zerba, then signed the CAP for submission.

Administrator Wozmak then presented the Department of Corrections quarterly report for the Commissioners review as the DOC Superintendent was unavailable due to attendance at a meeting out of the state. The report follows:

Department of Corrections Quarterly Commissioners Briefing as Directed by the Board:

17 December 2014

1. Problems / opportunities

- A. The NHAC Correctional Officers Certification Board has denied Cheshire County's request to certify two officers through our in house training program. This is the first time that this has occurred.
- B. I have appealed this decision to the Commissioners Council in accordance with the new bylaws and I am waiting to hear of an appeal date. There is no time limit in the bylaws for which such hearing is to occur.
- C. As a side note, based on current numbers, 37 of our officers were certified by way of our in house program. 8 Have been certified by the NHAC Academy and we have 12 uncertified officers. The NHAC runs two academies per year and we can only send two to each one meaning that without our in service training certification option we can only certify four officers per year. It is very apparent that those who are certified by way of the in-house certification program have greater longevity and therefore are a better investment.
- D. On December 15 our correctional staff put out a fire that was started in the laundry room by oily kitchen rags which overheated in the dryer. The fire department was not needed. No injuries and no property loss other than the rags in question.
- E. R.N. Van Wickler will be testifying before Gov. Patrick (MA) and Council on 17 Dec. regarding the Pardon of Thomas Schoolcraft.

2. General status of workload.

- A. Scheduling issues are burdensome due to FMLA, military mobilization and employee turnover issues.
- B. We have had consistent numbers of Federal offenders throughout the year and should exceed our revenue expectations for this FY.

3. Expense Tracking. - Overtime has been excessive. A few reasons are;

- A. In March the Noro virus (confirmed by NH Health Dept.) hit us very hard resulting in lock down for a couple of weeks and several ill employees for the same time period.

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- B. We employ six military reserve veterans. Every weekend that they drill triggers overtime x6. Same when they go away for annual training. A couple of them have temporary deployments.
- C. Military deployments occur during prime vacation request time – June through August. Vacations are approved far in advance and honored.
- D. There have been several FMLA issues in 2014, many that were long enough to trigger extensive overtime, but not long enough to replace the FTE.
- To remedy the situation:
- A. I have eliminated fixed days off for the assistant supervisors making them available to cover shifts on a more flexible basis
- B. We are looking at different shift scheduling templates.
- C. We have tried to operate with fewer staff rather than call in for overtime. This was very stressful for staff and considered a risk to safety and security so we stopped operating at dangerously low staffing levels.
- D. We have had to start denying requests for vacation and Holidays, which I frown on as it impacts staff morale.

4. Personnel

- A. We just started three new officers on 8 December bringing us to 100% staff. They will not be ready to function alone, however, for about 4 – 6 weeks.
- B. We have one officer on military duty for 30 days. He is due back 23 Dec.
- C. Our new LADAC plan is working out remarkably well. To revisit, we are utilizing the money for one FTE to compensate up to four LADAC qualified people. One is our 30 hour employee and the other three are paid interns.

Vacancies – 0

Uncertified Officers: ~ 12.

5. Additional Resources Required;

- A. We have been diagnosing operational efficiency problems with the Geo thermal system. This calibration is taking place and will hopefully be rectified by the end of the year. This will result in greater operational efficiency, but will also show increased spending in our Maintenance “outside services” line.
- B. We had a gas leak in one of our three underground fuel tanks. It is now repaired.

6. Changes; None

7. Etc.; we have been trying to get our own radio frequency for about 10 years from the FCC. We understand recently that this may happen soon! We have been operating on an available frequency that was issued to the Sheriff’s department many years ago that was abandoned and unused.

R.N. Van Wickler
Superintendent

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The Commissioners reviewed and accepted the report and agreed to follow-up with the Superintendent at subsequent meetings if needed.

Director Trombly then presented the MS-46 document (County Proposed Budget Form) that each County must submit to the State each year. **Following review of the document Commissioner Zerba moved to sign and submit the document. Commissioner Rogers seconded the motion and upon vote the motion passed unanimously.**

County Administrator Wozmak who provided the Commissioners with a Weekly Operations update and said that an employee in the Facilities department would be retiring in 2015 and a replacement will be sought in the March 2015 timeframe.

The Master Item list was then reviewed with no changes.

The Elected Officials and Staff swearing in ceremony scheduled for January 7th was then discussed and it was learned that neither Judge Kissinger nor Burke may be available for the 3:00 – 3:30 time frame proposed. Commissioner Rogers offered to contact other judges in the area to see if they are available and Administrator Wozmak will follow-up with Judges Kissinger and Burke concerning their ability to modify their schedule for the event.

Administrator Wozmak then presented a request to authorize an hourly rate of \$20.67 for M. D. who is being hired under a grant for the System of Care program. The funder has provided the funds for the position and the salary will not have an impact on the County payroll.

Following a brief discussion Commissioner Rogers moved to authorize the hiring of M. D. at \$20.67 per hour based on her experience, training and education for the period of continuing grant funding. Commissioner Zerba seconded the motion and upon vote the motion passed unanimously.

The Weekly Census was then reviewed and the drop in Federal inmates being held was noted.

Commissioner Zerba moved to accept the Weekly Manifest and was seconded by Commissioner Rogers. Upon vote the motion passed unanimously.

The minutes of December 10, 2014 were then reviewed and Commissioner Zerba moved to accept the minutes as presented. Commissioner Rogers seconded the motion but it was then noted that segment of the meeting had not been recorded. An updated set of minutes for the December 10th meeting will be submitted at the next Commissioners meeting.

The Commissioners Calendar was then reviewed and no changes were made.

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An issue regarding the lack of insurance coverage by Primex for all County Commissioners who may be sued personally under the State Right to Know Law was discussed. Commissioner Rogers expressed strong concern that all Commissioners were open to personal liability because of the lack of a “requirement to defend” coverage from Primex.

Administrator Wozmak will investigate what options may be available for coverage.

At 11:43AM there being no further business to discuss, **Commissioner Rogers moved to adjourn the meeting. The motion seconded by Commissioner Zerba and upon vote the motion passed unanimously.**

Respectfully Submitted,

R. Zerba, Clerk

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Appendix A

**RESIDENTIAL ANTIDISPLACEMENT
AND
RELOCATION ASSISTANCE PLAN**

Cheshire County, New Hampshire

Every effort will be made to minimize temporary or permanent displacement of an individual due to a project undertaken by the Town.

However, if the situation should arise, Cheshire County will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntary and permanently displaced.

If the property is acquired, converted, or demolished and will not be used for low/moderate income housing under 104 (d) of the Housing and Community Development Act of 1974, as amended, the Residential Anti-Displacement and Relocation Assistance Plan shall provide:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and approximate number of dwelling units by number of bedrooms that will be demolished is converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion of the demolition or conversion;
- e. The general location on a map and approximate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and sufficient compensation to ensure that, for at least five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent. Such compensation shall be either:

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- (i) A lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above or;
 - (ii) A Section 8 certificate or voucher for rental assistance provided through the local public housing authority.
- i. The right to elect, as an alternative to the benefits in subparagraph 2. above, to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and
- j. The right of appeal to the director of OEP where a claim for assistance under subparagraph 2. above, is denied by the grantee. The director's decision shall be final unless a court determines the decision was arbitrary and capricious. Appeals procedures to be followed (49CFR24-10)
- k. Subparagraph (2) a. through g. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

Cheshire County anticipates no displacement or relocation activities will be necessitated by this project. Should some unforeseen need arise, the County certifies that it will comply with the Uniform Relocation Act and Section 104 (d) of the Housing and Community Development Act of 1974, as amended.

John Pratt, Chairman, Cheshire County Commissioners