

Coös County Commissioners
Regular Meeting
The Mount Washington Hotel - Bretton Woods, NH
August 14, 2013

Present: Commissioners Tom Brady, Paul Grenier and Rick Samson; County Administrator Jennifer Fish; Director of Finance Carrie Klebe; Nursing Home Administrator Louise Belanger; Superintendent Craig Hamelin; Nursing Hospital Administrator Laura Mills; Administrative Assistant Linda Harris; Chief Deputy Keith Roberge; Deputy Mike Gentili; County Treasurer Fred King; Representative Robert Th  berge, Representative Marcia Hammon; Attorney Jonathan Frizzell; Planning Board Chair John Scarinza; members of the press and public.

Commissioner Brady opened the meeting at 10:05 a.m. Commissioner Brady thanked the Mount Washington Hotel for hosting the Commissioners' meeting.

1. A motion was made by Commissioner Grenier, seconded by Commissioner Samson to approve the agenda as written. All approved 3-0.
2. A motion was made by Commissioner Grenier, seconded by Commissioner Samson to enter into nonpublic session per RSA 91-A:3 II(e) at 10:05 a.m. All approved 3-0.

A motion was made by Commissioner Grenier, seconded by Commissioner Samson to come out of nonpublic session at 10:55 a.m. All approved 3-0.

3. A motion was made by Commissioner Grenier, seconded by Commissioner Samson to approve the minutes of the July 10, 2013 meeting. All approved 3-0.
4. The Board reviewed the Payrolls and Disbursements for the month of July 2013. A motion was made by Commissioner Grenier, seconded by Commissioner Samson to approve the Payrolls and Disbursements for the month of July 2013 and authorize the Treasurer during the month of August to meet all payroll obligations and pay all other obligations due during the month. All approved 3-0.

5. Hearing of the Public:

- a. Joan Sweeney, Millsfield property owner, expressed her concern regarding the wind park and the potential property taxes. The Sweeney's own 217 acres which have been in the family for years and they would like to keep it. Mrs. Sweeney questioned how the Board had the power to vote on a contract without considering the future tax impact. Commissioner Brady replied that the Board, at that time, went through an exhaustive legal process to protect the way of life for the people of Millsfield. Commissioner Grenier stated that there are enough reserves in Dixville and Millsfield's fund balance that there will be no taxes in 2013. It is hoped that the wind park will be reappraised. There is documentation in place, where the DRA has placed valuations up to two times more per kilowatt than other wind farms in the State. The State has set an ugly precedence in Millsfield. Commissioner Grenier stated that he is committed to protecting Millsfield's way of life. The Unincorporated Places provide free and open land that is important for the local economy and recreational use. Commissioner Brady also added that he has been to Concord several times to testify on Dixville and Millsfield's behalf.

Commissioner Grenier added that the County will continue to fight the DRA valuation with the Supreme Court appeal. The DRA set the valuation of the windpark at twice the value of the wind farm in Lempster per megawatt. In Lempster, the wind farm is appraised at \$34 million or \$1.2 million per megawatt. The valuation of the entire Granite Reliable Power wind park is \$240 million or \$2.4 million per megawatt.

Representative Th  berge reported that he and Senator Woodburn will be presenting legislation pertaining only to the Unincorporated Places to take care of this particular situation.

Commissioner Samson presented a letter to the Board which he had previously presented to the Delegation on August 5 which read as follows:

With respect to the current situation concerning the Co  s Wind Park, the PILOT AGREEMENT and the decommissioning agreement, I would respectfully request that the Delegation appoint a commission or committee comprised of the following:

- *At least one member of the delegation with no ties to either of the previously mentioned agreements;*
- *One member of the commissioners with no ties to either of the previously mentioned agreements;*
- *At least two people from Millsfield or one from Millsfield and one from Dixville;*
- *A lawyer and or a firm with expertise dealing with large scale projects of over \$200 million;*
- *A firm experienced in large scale energy projects with no ties to either of the two previously mentioned projects;*
- *An appraisal firm experienced in appraising of large scale energy projects also with no ties to the previously mentioned projects.*

At the June and July Co  s County Commissioners meetings, I requested, in writing, the answers to 10 questions concerning these agreements. As of today, I have yet to receive a response. As the duly elected Co  s County Commissioner of District Three, I find the lack of response to be very unprofessional and unacceptable, not only to myself but the residents of district three.

Thank you for receiving and promptly responding to my requests.

Commissioner Samson stated that the request was made so outside eyes could look at the agreement. He was not insinuating or placing the blame on anybody that negotiated the contract. It was a learning process for everybody who negotiated the contract. One of Commissioner Samson's concerns was that the contract was negotiated with Attorney Douglas Patch, who is a former chair of the Public Utilities Commission and head lobbyist for a law firm out of Concord for Trans-Can. It appears that the Commissioners negotiated in good faith however, it appears to him that Granite Reliable, Noble and Brookfield did not negotiate in good faith. For the record, the Board understands the problem and is looking into alternatives and the appeal has been filed. Hopefully, in the future the public will be made well aware of what the Board is doing and how the issue is being resolved. As a Commissioner, he is concerned that Unincorporated Places money is being used to defend an agreement that was not negotiated in good faith.

Commissioner Brady asked to set the record straight; it was not that the other side did not negotiate in good faith. The problem is not with Noble or Brookfield. The problem is with the State of NH DRA for not sticking to an agreement. It has nothing to do with how the PILOT agreement was negotiated.

- b. Paula Sweatt, resident of Millsfield, stated that she and two other year-round residents from Millsfield would like to be consider for the vacant seat on the Planning Board.
6. Report of the County Administrator Jennifer Fish. The written report that was submitted to the Board in advance of the meeting was as follows:
- a. Primex³ is offering the County an opportunity to participate in the Contribution Assurance Program (CAP) for the next three years. The CAP is offered to members that have demonstrated a commitment to the Primex³ pool and creates a limit on the Workers' Compensation contributions. By accepting this offer the County would have a maximum guarantee of 8% increase for the next three years. Jennifer asked the Board to consider the offer of the CAP program for the years 2014, 2015, and 2016 from Primex³.

Commissioner Grenier requested that Rick Alpers from Primex³ be invited to the September Commissioners' meeting. He asked for a comparison of the workers' compensation rates over the last seven years for all County Departments.

- b. Coös County Delegation Farm Sub-Committee will be holding public informational meetings regarding the barn and house in September. The meetings are scheduled as follows:
 - September 11 in Stewartstown at 6:30 pm (Stewartstown School)
 - September 18 in Lancaster at 6:30 pm (Lancaster Town Hall)
 - September 25 in Berlin at 6:30 pm (TBD)
- c. The next meeting of the Coös County Planning Board will be August 27 at 6:00 pm in Lancaster.
- d. Nominations are now being accepted for the 2013 NHAC County Government Awards. Each year the New Hampshire Association of Counties honors individuals for their service to county government and the citizens of their communities. Individuals are nominated by their peers and are selected by the NHAC Awards Committee. If anyone is interested in nominating someone please contact Jennifer for a nomination packet. All nominations need to be returned to Jennifer by August 30. The winners will be announced at the 2013 NHAC conference on Monday, October 29.
- e. Jennifer received a request from Howie Wemyss of the Mt. Washington Auto Road to host a special fundraising event on September 7. A motion was made by Commissioner Grenier, seconded by Commissioner Samson to authorize the Mt. Washington Auto Road a one day liquor license for the special function on September 7. All approved 3-0. The Board signed the letter.
- f. The CDBG application for Brookside Housing Project will be presented to the Governor and Council on September 4.

7. Report of the Superintendent of Corrections Craig Hamelin. The written report that was submitted to the Board in advance of the meeting was as follows:

TOTAL IN FACILITY	37
HOUSE OF CORRECTIONS	22
PRETRIAL	15
NH STATE PRISON INMATES	2
ELECTRONIC MONITORING PROGRAM	0
WORK RELEASE PROGRAM	0
OTHER COUNTY INMATES	1
HELD AT OTHER FACILITIES	15
HOC= HOUSE OF CORRECTIONS PT= PRETRIAL	BELKNAP DOC: 1 HOC MALE GRAFTON DOC: 1 HOC MALE, 2 HOC FEMALE, 2 PT FEMALE HILLSBOROUGH DOC: 1 HOC FEMALE NH STATE PRISON: 1 HOC MALE, 6 PT MALE, 1 HOC FEMALE
AVERAGE DAILY POPULATION JULY	33
MALE DAYS SERVED IN FACILITY JULY	1037
FEMALE DAYS SERVED JULY	151 (14 females)
TOTAL INMATES ADMITTED JULY	34
TOTAL INMATES RELEASED JULY	36

- a. The construction of the secure inmate/public visitation area has not started yet. The contractor states that he is behind this summer and anticipates starting in approximately two weeks.
- b. Superintendent Hamelin requested authorization to expend funds from the Inmate Trust Fund to purchase:
 - 3 LED televisions for housing area replacement for approximately \$600; and
 - 1 Commercial Table Tennis table to replace existing for \$770.

A motion was made by Commissioner Grenier, seconded by Commissioner Samson to authorize the purchase of three (3) LED televisions for the housing area for approximately \$600 and one (1) Commercial Table Tennis table for \$770 from the Inmate Trust Fund. All approved 3-0.

8. Report of the West Stewartstown Nursing Hospital Administrator Laura Mills. The written report that was submitted to the Board in advance of the meeting was as follows:
- a. Census: The census was 73. The occupancy for the month of July was 81.5%. In July, there were two (2) admissions and one (1) death. There is one planned admission and a planned discharge. Of the 73 residents, twelve (12) are Private Pay and eight (8) residents are Vermont Medicaid. The Totals for 2013: Fourteen (14) admissions, four (4) discharges and fifteen (15) deaths.
 - b. Air Conditioning: The air conditioning unit for the three sun porches on the northwest corner of the building and the Health Information office on the 4th floor has been installed. Both residents and staff are pleased.
 - c. Survey: The survey window opened May 28. Grafton County was surveyed the week of August 5. Laura stated that the Nursing Hospital is usually either just before Grafton or just after, so Laura expects the surveyors any day.

- d. Family Picnic: The Annual Family Picnic was a great success. The best estimate was that over 320 people (including residents, staff and visitors) were fed.

- e. Nursing Hours at DOC:

2012	MINUTES	Hours	2013	Minutes	Hours
January	2,206	37	January	267	4
February	2,168	36	February	534	9
March	2,801	47	March	632	11
April	2,454	41	April	846	14
May	2,180	36	May	670	11
June	2,811	47	June	361	6
July	988	16	July	383	6

- f. Laura had an issue for non-public, Section 91-A:3 II (a).
- g. Laura reported that historically snow plowing for the complex has not gone out to bid. Recently, members of the community have inquired if snow plowing bids would be accepted. The Board agreed with the request. Commissioner Grenier asked that the language in the bid documents be consistent and requested copies of the bonding insurance. Sealed bids will be available at the September meeting.
9. Report of the Berlin Nursing Home Administrator Louise Belanger. The written report that was submitted to the Board in advance of the meeting was as follows:
- a. Census: The current census was 97. Fourteen (14) residents were Private Pay and two (2) residents were pending Medicaid. The average daily census for July was 95.7; there were four (4) admissions in July and three (3) deaths. The year to date average daily census was 97.9, year to date admissions thirteen (13) and deaths twelve (12).
- b. Survey: The Nursing Home's survey window opened on July 31.
- c. LP Gas: Requests for LP Gas bids were sent out in July. Louise presented the sealed bids to the Board. Bids were received with no stipulations from:

Amerigas: 1.71 per gallon
CN Brown: 1.689 per gallon

A motion was made by Commissioner Grenier, seconded by Commissioner Samson to award the LP gas contract to CN Brown with a guaranteed price of \$1.689 per gallon. All approved 3-0.

- d. Annual Family Picnic: The annual family picnic is scheduled for Friday, August 16. This year's theme is "Baseball". Staff will once again use the White Mountains Community College parking lot between the hours of 6:00 AM and 4:00 PM for parking of their vehicles. A Facility Use Agreement was obtained between White Mountain Community College and Coös

County Nursing Home. The Nursing Home is very fortunate to have the use of the college parking lot.

- e. Medication Nursing Assistant Training Classes: Classes will be held at the Nursing Home beginning in August and ending in October. The Clinical Career Training will be providing the education to approximately 4-6 Licensed Nurses' Aides, two of which are employees of Coös County Nursing Home (these numbers may change). The classes will be held Tuesdays and Thursdays from 4:00 p.m. to 9:30 p.m.
- f. Mike Holt and David Leblanc from the Maintenance Department have completed and passed their New Hampshire underground storage tank test. The test was completed in Concord and is based on the technical standards and maintenance of underground storage tanks.
- g. Louise presented a budget transfer:

To:	Specials: AC Units	\$3,400
From:	Fuel	\$3,400

10. Report of the Director of Finance Carrie Klebe. Ms. Klebe did not submit a report to the Board.

11. Other Business:

- a. Decommissioning Agreement Follow Up: Attorney Jonathan Frizzell presented to the Commissioners the information requested by Commissioner Samson in regards to the decommissioning escrow fund agreement. *A copy of the seven page memo is on file.*

In a brief overview, Attorney Frizzell stated that the Decommissioning Agreement was dated April 10, 2009. The law firm of Waystack Frizzell was not retained with respect to the Decommissioning Agreement. The firm was not consulted with respect to its form or its content, nor did they negotiate any aspects of that particular agreement. The firm's involvement began on July 18, 2011. When he was presented the decommissioning agreement it looked presentable to him. He was contacted by former County Administrator Sue Collins for assistance with regards to the financial assurance component of the Decommissioning Agreement.

He apologized for not answering Commissioner Samson's questions promptly; however, his energies have been directed towards arguing with the DRA and making sure that all deadlines have been met because this part of his representation is very important and taken seriously. He will not apologize to the fact that his focus has been to do whatever he can for the residents of Dixville and Millsfield relative to the tax issue. He has been arguing with the attorney from the DRA, making sure that the County's appeal to the Supreme Court was filed in a timely manner, and had discussions with the Governor and Rep. Thérberge.

Commissioner Samson thanked Attorney Frizzell for his response. He did not realize that Attorney Frizzell was not part of the original agreement. The reason that he has raised the issue is that he still does not believe that the Decommissioning Agreement is anywhere near sufficient.

Commissioner Brady asked if the agreement was legally binding with two signatures. Attorney Frizzell stated that the decommissioning agreement has been in effect since 2009. The escrow agreement has been signed by two Commissioners. It is still legally binding; however, he would prefer all three signatures. He will need to report to Brookfield at some point that only two Commissioners have signed the agreement.

Commissioner Brady stated that he had authorized Commissioner Samson's request in order to assist in his understanding of the agreement and to possibly sign the agreement. He added that Attorney Frizzell has answered Commissioner Samson's questions. If Commissioner Samson agrees to sign the escrow agreement, he may do so. He will not authorize any further spending of County funds on the issue without a Commission vote. The subject is now considered old business and will not be discussed further at future meetings.

- b. County Website - Request for Proposals: Jennifer presented to the Board three sealed RFPs. Three bids were received from:

- Virtual Towns & Schools, Maynard, MA;
- Sunny Valley Creations, Columbia, NH; and
- Mainstay Technologies, Belmont/Manchester, NH

Commissioner Grenier asked that the information be reviewed by the County's IT person. He would like to be assured that the bids meet the County's needs. Commissioner Brady and Samson agreed. A motion was made by Commissioner Grenier, seconded by Commissioner Samson to allow Coös County's IT person to review the bids and make a recommendation to the Board. All approved 3-0.

- c. Fuel Oil/LP Bids: The Board opened and read the bids listed below:

#2 Fuel Oil - (Pre-Buy)	W. Stewartstown Bulk Deliveries 36,000 Gallons	Berlin Bulk Deliveries 37,500 Gallons	Terms
Lewis Oil/Styles	3.2600	3.2600	Pre-Buy
P&L Cote Inc.	3.0990	3.0990	Pre-Buy
C.N. Brown	3.2190	3.1927	Pre-Buy
C.N. Brown	3.2290	3.2077	Net 10 days

#2 Fuel Oil - Pedal Truck	W. Stewartstown 1,700 gallons	Terms
C.N. Brown	3.2661	Pre-buy
C.N. Brown	3.2961	Net 10 days
C. Bean	3.2990	Pre-buy
C. Bean	3.3990	Net 10 days

LP Gas (Net Terms)	W. Stewartstown 21,000 Gallons	Terms
C.N. Brown	1.7490	Net 15 days

A motion was made by Commissioner Grenier, seconded by Commissioner Samson to award the bids as follows:

- P&L Cote, Inc. #2 Fuel Oil, Pre-Buy, both facilities at \$3.099/gallon;
- CN Brown Pedal Truck, Pre-Buy, West Stewartstown at \$3.2661/gallon
- CN Brown LP Gas, Net Terms, West Stewartstown at \$1.749/gallon

The motion was approved by roll call vote 3-0.

12. Unincorporated Places:

- Applications for Reimbursement to Towns and Cities - Federal and State Forest Lands:* The Board signed the applications for the Unincorporated Places with Federal and State Forest Lands.
- Current Use Updates:* Linda Harris reported that she is in the process of preparing for an Assessment Review of the Unincorporated Places by the Department of Revenue. This Assessment Review occurs every five years which coincides with the revaluation. One of the areas focused upon is the maintenance of the current use files. Several applications were mailed to landowners with current use for name and/or stewardship updates. The following applications were presented for the Board's approval:

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| • Cambridge - Yankee Forest, LLC | Stewardship Update; |
| • Dixville - Properties, Inc. | Transfer of ownership; |
| • Millsfield - Lori Bach | Transfer of ownership; |
| • Millsfield - Christopher Williford | Transfer of ownership; and |
| • Wentworth Location - Jacques & Alice Raymond | Transfer of ownership. |

The Board approved and signed all of the applications.

- Planning Board Appointments:* Commissioner Brady stated that Mr. Scarinza was invited to the meeting to further discuss Planning Board appointments. At the August 5 meeting, the Delegation's vote of the Planning Board Nominations was tied 3-3. The Chair requested nominations for discussion.

Commissioner Grenier stated that he reviewed the makeup of the current Planning Board. The Planning Board was never intended to be a political board. It was always intended to be a body that regulates the lands for the benefit the entire County. The By-laws ask for a geographical balance of the Planning Board. Currently, when the "ex-officio" members are removed, the Board is made up as follows: six members from District 3; two members from District 2; and one member from District 1. In his opinion, it is not a geographical balance. Appointments should not be based on a political move but by geographical location. The Planning Board is important to the entire county. Commissioner Grenier presented three names for consideration in form of a motion. A motion was made by Commissioner Grenier, seconded by Commissioner Brady to nominate the following individuals as voting members of the Planning Board: Fred King of Colebrook and Scott Rineer of Errol and as alternate members: Mark Frank of Lancaster and Thomas McCue of Berlin. That would leave one empty seat. Commissioner Samson stated that it has been stated in the past that the Planning Board should be geographically balanced. He pointed out that a great majority of the Unincorporated Places is in District 3. In regards to the appointment process, Scott Rineer works for Wagner Forest. He asked if the Planning Board faces future issues in regards to the Wagner Lands, their wind park and Northern Pass, Mr. Rineer would have to recuse himself

when issues pertaining Wagner Forest are discussed. Commissioner Samson did not support Mr. Rineer being moved from an alternate to a voting member. He continued that there are three voting members from Colebrook and no representation from Millsfield which is faced with the majority of the decisions that will be made concerning the current wind park and possible wind parks and Northern Pass. According to the bylaws it should be geographically distributed and after Commissioner Grenier's nominations there would be one open seat. Commissioner Samson contended that there is a possibility for two opened seats: Mr. Frizzell's seat and Mr. King's seat which are three year appointments. Several Millsfield residents and other constituents in District 3 have supported Commissioner Samson in his quest to have someone from Millsfield added to the Board as a voting member. It would be a seat and not a member therefore when that seat is vacant by the member another resident could fill the seat.

He continued that when Commissioner Brady is absent from a Planning Board meeting, the Commissioners have no say or vote on the Planning Board. The bylaws state that the Chair of the Commission or the designee should be present. Commissioner Brady was not present at the last meeting when the Balsams permit was approved. In his opinion, he or Commissioner Grenier should replace Commissioner Brady when he cannot attend a Planning Board meeting.

Commissioner Grenier restated the motion to nominate the following individuals as voting members of the Planning Board: Fred King of Colebrook and Scott Rineer of Errol (District 3) and as alternate members: Mark Frank of Lancaster (District 2) and Thomas McCue of Berlin (District 1). The motion passed 2-1.

Mr. Scarinza stated that the next Planning Board meeting has been scheduled for Tuesday, August 27 at 6 p.m. in Lancaster.

Rep. Théberge stated that a special Delegation meeting has been set for Tuesday, August 27 at 10 a.m. in Lancaster in order to approve the Planning Board nominations prior to the meeting Tuesday evening. He also added that the Delegation's rationale concerning Attorney Frizzell's seat on the Planning Board was that he represents the County on several issues and his firm also represents the owners of the Balsams. Several members considered this a conflict of interest.

Mr. Scarinza reported that he is still working on setting up a Board of Adjustments. Recently, he has asked board members from other towns for guidance. He will return to the Board of Commissioners at a future date with recommendations for the Board of Adjustments. Mr. Scarinza also asked if the Board had any recommendations for the Board of Adjustments. Commissioner Grenier suggested contacting Pauline Laflamme who works for the City of Berlin. She would be a valuable resource in devising bylaws, etc. for the proposed Board of Adjustments.

Commissioner Samson asked if the Board would consider giving the residents of Millsfield a seat on the Planning Board. Commissioner Brady stated that it was not a matter of giving a seat but whether it is voted on. A motion was made by Commissioner Samson to make the alternate seat available to the residents of Millsfield. If the name that is placed as an alternate

cannot attend a meeting, another Millsfield resident may be able to take their place. There was no second to the motion. The motion failed.

13. Other Public Input:

- a. Mr. Fred King announced that the North Country Council was recommending the firm HDR Engineering to perform the economic study of federal land ownership in Coös County at a cost of \$44,650. He indicated that \$23,000 of federal funds have been dedicated through grants. US Fish & Wildlife Refuge Manager Paul Casey had requested a copy of the study prior to the contract being signed. Mr. King stated that Mr. Casey may see the contract once funds have been provided by the Refuge. Mr. King has also requested that the Trust for Public Lands contribute to the cost of the study. The next step will be to forward a letter to the US Fish & Wildlife Service to solicit funds. A motion was made by Commissioner Grenier, seconded by Commissioner Brady to accept and award the bid for the economic study to HDR Engineering. Commissioner Brady asked if a copy of the proposal would be forwarded to Paul Casey of the US Fish & Wildlife Service. Mr. King replied that the letter, from the Commissioners, requesting funds will be sent to the Massachusetts office. All approved 3-0.
- b. Representative Théberge thanked the Commissioners for moving forward on hiring a company for the development of a new county website. He was glad that the proposals will be reviewed for the scope of work and not just based on a price. He was hopeful that the Commissioners would provide an update at the Delegation's next quarterly meeting.
- c. Commissioner Samson asked if County Forester Brendon Prusik could attend the next Commissioners' meeting and make an informal presentation on possible long range sustainable land management use of the County lands.

Commissioner Samson acknowledged the work done by Outside Cpl. Rick Dube and the inmates around the barn. He added that trench work is needed around areas of the barn. He will bring a request for proposal at the next meeting.

- d. Edith Tucker, Coös County Democrat, stated that Attorney Frizzell had provided the County Administrator with a copy of the BTLA hearing. She asked if the document could be made available through the County's website. Attorney Frizzell stated that a disk is available of the hearing which would make easier access on the website.
 - e. John Scarinza thanked Jonathan Frizzell, Jim Brady and Lindsey Gray for their years of service on the Planning Board. He also thanked Attorney Frizzell for his legal expertise.
14. A motion was made by Commissioner Grenier, seconded by Commissioner Samson to enter into non-public session per RSA 91-A:3 II (a) (c) at 12:05 p.m. All approved 3-0.

A motion was made by Commissioner Grenier, seconded by Commissioner Samson to come out of non-public session at 1:45 p.m. All approved 3-0.

The next regular monthly meeting will be held Wednesday, September 11, 2013, at 9:00 a.m. at The North Country Resource Center in Lancaster, NH.

A motion was made by Commissioner Grenier, seconded by Commissioner Samson to adjourn the meeting at 1:45 p.m. All approved 3-0.

Respectfully submitted,

Rick Samson, Clerk