

COÖS COUNTY
QUARTERLY DELEGATION MEETING
Monday, August 5, 2013 - 10:00 a.m.
Coös County Nursing Hospital - W. Stewartstown, NH

Present: Representatives Robert Théberge-Chair; Larry Rappaport-Vice Chair; Leon Rideout-Acting Clerk; Marcia Hammon, William Hatch and Herb Richardson. Also present: County Commissioner Rick Samson; County Administrator Jennifer Fish; Director of Finance Carrie Klebe; Superintendent Craig Hamelin; Nursing Hospital Administrator Laura Mills; Administrative Assistant Linda Harris; County Treasurer Fred King; members of the press and public.

Chairman Théberge requested all to stand for the Pledge of Allegiance. The roll was called by the Acting-Clerk, Representative Rideout. There were 6 members present. Representative Thomas was excused. Representatives Coulombe, Enman and Moynihan were absent.

Chairman Théberge requested a motion to adjourn the meeting of April 19, 2013. A motion was made by Rep. Hatch, seconded by Rep. Richardson to adjourn the meeting of April 19, 2013. The motion was unanimously approved by a voice vote.

Chairman Théberge called the meeting to order at 10:12 a.m.

Hearing of the Public:

- County Treasurer Fred King reported that he had attended the NHAC meeting in Concord on Friday, August 2. It was reported at the meeting that certain nursing homes are not being reimbursed by the State for services provided at the nursing homes. Mr. King reported that the Coös County Nursing Homes are not experiencing any issues. A committee has been created to look into these issues. Mr. King was selected to be on the committee. The final report will be due in November.
- Commissioner Rick Samson asked to read a letter to the Delegation. He added that no one had requested that he speak on the issue; this was of his own initiative. Commissioner Samson inquired if the Delegation would address the Millsfield tax issue during the meeting. Chairman Théberge replied that it was not on the agenda. The letter read as follows:

With respect to the current situation concerning the Coös 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 Coös 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 Coös 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 continued that the Senator and Representatives have received a request from the residents of Millsfield for answers to questions. An independent committee needs to handle the present situation of the appraised value of the Coös Wind Park, the way it was done and the lack of due diligence that was performed by some of the people involved in the original agreements. He asked that the Delegation to take the request under consideration and to act in a positive manner.

Chairman Théberge asked if the letter had been presented to the Commissioners. Mr. Samson replied that it had. Jennifer Fish added that all of Mr. Samson's questions were forwarded to Attorney Jonathan Frizzell. Mr. Samson stated that it had been 60 days since the first request. He offered to contact Mr. Frizzell directly however Commissioner Grenier commented that Mr. Frizzell should not be contacted by everybody with questions and someone would answer Mr. Samson's questions. Mr. Samson stated that the lack of cooperation from the other two Commissioners is disturbing. The information should be a matter of public record. Chairman Théberge stated that the meeting was not to attack Mr. Samson's colleagues. Mr. Samson replied he was not attacking them; he was requesting the Delegation's assistance to represent the constituents in Millsfield and District 3. Ms. Fish replied that Attorney Frizzell has been on vacation for the past two weeks. She will follow up with Attorney Frizzell as to the status of the inquiries and ask for a response by August 14. Rep. Richardson stated that he would like to hear from the other two Commissioners and the Delegation should not overstep their bounds. He did not want to get involved in arguments between the Commissioners. He suggested that a meeting be held between the Delegation and the Commissioners. Rep. Rideout stated that whether Mr. Samson was speaking as a private citizen or a County Commissioner, 60 days was a significant amount of time. Rep. Rappaport asked if the requests were made under RSA 91-A as there is a 30 day response period. Mr. Samson stated that he hoped that he did not infer that he was personally attacking the other two commissioners. He was acting on behalf of his constituents. He opposed the wind park as a private citizen and attended all of the meetings concerning the wind park. The independent committee needs to do due diligence on the wind park issue as it is not being addressed or resolved on the County level at this time. The letters received from the residents of Millsfield were received prior to the August meeting. He hoped that the wind park will be an item on the August and September agendas of the Commissioners' meetings so that the citizens of Millsfield may have a chance to discuss their issues with the Commissioners. He found it extremely difficult that the meeting was being held at the Mount Washington as it will make it extremely difficult for residents of Millsfield to attend.

County Treasurer Fred King stated that the County Commissioners did due diligence in preparing the PILOT agreement by requesting assistance from the State. The Director of Property Appraisal attended the meeting and provided a figure of \$113 million. The payment in lieu of tax was negotiated based on that figure. The same person has reappraised wind park and valued at \$241 million. It will raise the value of the two communities dramatically. Mr. King's personal opinion was that the issue will only be resolved legislatively. The bill should indicate that during the period of the payment in lieu of tax (ten years) the value of \$113 million should be placed on the wind farm.

As County Treasurer, this year the communities will be okay as one payment in lieu of tax has been received and another is expected in December. Payments received from the land use change tax were also received. These funds will help during the current tax year.

Chairman Théberge stated that he and Senator Woodburn will be presenting legislation pertaining to the Unincorporated Places that through the duration of the current payment in lieu of tax that the value placed on the wind farm should remain the same. He also reported that the Governor met with Commissioner Brady, Attorney Frizzell, County Treasurer King and himself to discuss the DRA issue. The Director did not attend the meeting. His perception is that everyone should be made to pay taxes. The DRA does not understand the unincorporated places. The Governor stated that she would meet with the Director of the DRA and Attorney Frizzell. During the meeting she also suggested putting in legislation on the issue.

Chairman Théberge added that another option to resolve the issue would be if Millsfield residents decided to incorporate, the current agreement may become null and void.

Mr. Samson reported that the Commissioners met with the DRA and the BTLA. The DRA stated that the meeting held in 2007 to discuss the wind park was an educational meeting only. In his opinion, outside experts should be enlisted. When negotiating the agreement did anybody negotiating for the County have experience in negotiating a \$220 million contract? An expert should have been hired at a cost but it may have saved the County in the long run.

Mr. Samson asked if the Delegation would be addressing the Millsfield issues. Chairman Théberge replied that the item was not on the agenda. He added that the residents of Millsfield will be okay this year however the future tax rate may be quite high. It is a serious issue which needs to be addressed.

Paula Sweatt, Millsfield resident, thanked the Delegation for acknowledging that they represent the people of Millsfield. For the residents of Millsfield becoming incorporated is not an answer. She thanked the Delegation for recognizing that there could be a major issue in the future. She asked that everyone work together. Chairman Théberge stated that the residents of Millsfield have requested information under the right to know law from the County. He added that the residents from Millsfield may also request information from the DRA. Legal counsel advised the County that neither the Commissioners nor the Delegation are considered an injured party but the citizens of Millsfield are considered injured parties and may request further information from DRA which the County cannot.

Rep. Rideout suggested that pressure be placed on the Governor and the DRA in the form of a letter writing campaign. In Chairman Théberge's opinion, the DRA and the BTLA are in cahoots. The Governor seems to understand the unincorporated places.

Rep. Hatch stated that the Delegation should shy away from comments about the DRA until the DRA's positions are understood. The County officials should take the time to meet with the DRA and ask how they came to those conclusions. Chairman Théberge stated that the DRA was asked and they flatly refused. Mr. Samson stated that Commissioner Brady asked Director Hamilton how the DRA arrived to the valuation of the wind park. Mr. Hamilton replied that he was not at liberty to disclose the information nor did he have to disclose the information on how they came to the

conclusion. Mr. King added that the County's expert witness was not allowed to testify at the BTLA hearing.

Edith Tucker, The Coös County Democrat, asked how this would affect the other communities of Coös County. The County has not calculated the impact of the DRA valuation. Ms. Tucker stated that the BTLA hearing is available for purchase. Chairman Théberge asked that Ms. Fish obtain a copy of the transcript. Mr. King asked if a decision had been made in regards to the appeal. Ms. Fish announced that the appeal was denied and she had not received a copy of the transcript. She will verify the availability of the transcript.

Rep. Richardson noted that several Delegation members were unaware of the issue until today's meeting. He suggested that an informational meeting between the Commissioners and the Delegation is in order as it seems that the Commissioners are at odds on issues. In regards to the letter provided by Mr. Samson as a private citizen, the letter was signed as Commissioner of District 3. The letter was signed as Commissioner then it will be viewed as being received from a Commissioner.

Mr. Samson stated that he is not at odds with the other two Commissioners. He answers to his constituents first and to the County second. All that he asks is that everyone tries to get along and cooperate. He will not compromise his values, his position and his integrity as a person or a Commissioner. He addressed the Delegation as a private citizen but the questions submitted to the Delegation were as a County Commissioner. There have been several changes in the County's Administration. It is very obvious that the taxpayers and residents of Coös County feel they have not been governed the way that it should. He respects the members of the Delegation, Commissioners, employees and taxpayers of the County. Everyone needs to work together.

Rep. Richardson stated that he is very dedicated and represents the County not just his district.

Review & Approval of Minutes:

Chairman Théberge asked if any changes or corrections needed to be made to the minutes of the April 19 and June 5, 2013 meetings. A motion was made by Representative Hatch, seconded by Representative Richardson to approve the minutes of the April 19 and June 5, 2013 meetings. The minutes were unanimously approved by a voice vote.

Chairman Théberge noted that meetings may be held in Concord to discuss issues. The Delegation does not get paid mileage or a stipend for meetings held in Concord.

Review & Approval of the Second Quarter Financial Statements:

The Coös County expenditures and revenues for the second quarter were reviewed. Rep. Rideout questioned why the revenues were only at 37.49%. Chairman Théberge replied that the County taxes are only paid in December. A motion was made by Representative Hatch, seconded by Representative Richardson to approve the Coös County second quarter expenditures and revenues. The motion was approved by roll call vote 6-0.

The Unincorporated Places expenditures and revenues were reviewed. Rep. Hammon questioned the Dixville and Millsfield revenues as the figures were over percentage. Ms. Klebe explained that the outstanding Granite Reliable Power PILT payment was received in January for Dixville and Millsfield.

A motion was made by Representative Hatch, seconded by Representative Richardson to approve the Unincorporated Places second quarter expenditures and revenues. The motion was approved by roll call vote 6-0.

Old Business:

- County Website Update: Ms. Fish reported that a Request for Proposal was published in the local newspapers with a sealed bid deadline of August 9. All bids will be opened at the Commissioners' August 14 meeting.
- Subcommittee Report on the County House and Farm: Rep. Rideout reported that the subcommittee met in Lancaster. The subcommittee agreed that the timeframe to make a decision on the two properties was too short and extended the timeframe until the summer of 2014. The subcommittee will continue to until that time. Public Hearings have been set throughout the County in order to meet with the residents of the County. All meetings will be held at 6:30 p.m.
 - September 11, Stewartstown School
 - September 18, Lancaster Town Hall
 - September 25, Coös County Nursing Home, Berlin

Rep. Rideout reported on the barn tour which was held on July 17. The consensus was that the barn is in great shape and structurally sound.

Chairman Th  berge inquired from Superintendent Hamelin on the status of the cleaning of the barn. Superintendent Hamelin replied that the outside area of the barn is mowed and trimmed. Mr. Santamaria leases the barn. The lease states that a 24 hour notice must be given to Mr. Santamaria prior to entering the building. Chairman Th  berge asked Ms. Fish to provide a copy of the barn lease and certificate of insurance to the Delegation by email.

New Business:

- Confirmation of the Co  s County Planning Board Appointments Regular Members: Jonathan Frizzell and Fred King; Alternates: Scott Rineer, James Brady and Lindsey Gray.

Rep. Rappaport stated that he opposed the appointments as Dixville and Millsfield were not represented and the members were not geographically disbursed. A list of the Planning Board members was provided. Upon review by the Delegation, it was noted by Rep. Richardson that the Planning Board was well disbursed. A motion was made by Rep. Hatch, seconded by Rep. Richardson to approve the Co  s County Planning Appointments. The motion failed 3-3. Rep. Richardson stated that the appointments were to be returned to the Commissioners. Chairman Th  berge stated he would notify the Chair of the Planning Board John Scarinza.

- Members of the Delegation provided legislation updates.

Rep. Richardson informed the public that if they want a bill introduced the individual must contact a Delegation member. That is the Delegation's job.

Chairman Th  berge stated that there was no need for a non-public session.

With no other business to discuss, a motion was made by Representative Richardson, seconded by Representative Rideout, to adjourn the meeting at 12:15 p.m. All approved by voice vote.

Respectfully submitted,

Representative Leon Rideout, Acting Clerk